

# H.B. 360

## WATER AND IRRIGATION REVISIONS

Senator **Mark B. Madsen** proposes the following amendments:

1. *Page 3, Lines 77 through 85:*

77            (iii) Beginning on May 5, 2008, if a person described in Subsection (2)(b)(i) files and  
78 receives approval on successive, overlapping nonuse applications, nonuse of the water right  
79 subject to the applications is not counted toward a seven-year period described in Subsection  
80 (2)(a) during the period of time beginning on the day on which the person files the first  
81 application and ending on the day on which the last application expires without being renewed.

82            ~~{ (iv) Approval of a nonuse application does not protect a water right that is already~~  
83 ~~subject to forfeiture under Subsection (2)(a) for full or partial nonuse of the water right. }~~

(iv) (A) If a nonuse application is filed, a person may not file an action alleging abandonment or  
forfeiture of a water right subject to the application unless the state engineer denies the nonuse  
application.

(B) A water right under an approved nonuse application is not subject to a claim of abandonment or  
forfeiture for a period of nonuse that occurred before the day on which the applicant filed the nonuse  
application.

84            ~~(b) (i)~~ (v) A nonuse application may be filed on all or a portion of the water right,  
85 including water rights held by a water company.