

646 Subsection 73-3-8(6)(c).

647 ~~[(b)]~~ (6) A change of an approved application to appropriate water does not:
 648 ~~[(i)]~~ (a) affect the priority of the original application to appropriate water; or
 649 ~~[(ii)]~~ (b) extend the time period within which the construction of work is to begin or be
 650 completed.

651 ~~[(9)]~~ (7) Any person who ~~[changes or who attempts to change a point of diversion;~~
 652 ~~place of use, or purpose of use, either permanently or temporarily, without first applying to the~~
 653 ~~state engineer in the manner provided in this section]~~ makes a permanent or temporary change
 654 without first filing and obtaining approval of a change application providing for such change:

655 (a) obtains no ~~§~~→ [additional water] ←~~§~~ right by the change;
 656 (b) is guilty of ~~[a crime]~~ an offense punishable under Section 73-2-27 if the change ~~[or~~
 657 ~~attempted change]~~ is made knowingly or intentionally; and
 658 ~~[(c) is guilty of a separately punishable offense for each day of the unlawful change.]~~
 659 (c) shall comply with the change application process.

660 ~~[(10)]~~ (8) (a) This section does not apply to the replacement of an existing well by a
 661 new well drilled within a radius of 150 feet from the point of diversion of the existing well.

662 (b) Any replacement well must be drilled in accordance with the requirements of
 663 Section 73-3-28."; and

664 (2) modify Section 73-3-8 to read:

665 **"73-3-8 Approval or rejection of application -- Requirements for approval --**
 666 **Application for specified period of time -- Filing of royalty contract for removal of salt or**
 667 **minerals.**

668 (1) (a) It shall be the duty of the state engineer to approve an application if there is
 669 reason to believe that:

670 (i) for an application to appropriate, there is unappropriated water in the proposed
 671 source;

672 (ii) the proposed use will not impair existing rights or interfere with the more
 673 beneficial use of the water;

674 (iii) the proposed plan;

675 (A) is physically and economically feasible, unless the application is filed by the
 676 United States Bureau of Reclamation[;]; and

770 records, if the owner has not protested the change application.

771 (f) The state engineer is not required to include all rights the state engineer believes
772 may be impaired by the proposed change in the written notice described in Subsection
773 (6)(d)(ii).

774 (g) The owner of a right who receives the written notice described in Subsection
775 (6)(d)(ii) may not become a party to the administrative proceeding if the owner has not filed a
776 timely protest.

777 (h) If a change applicant, all protestants, and all persons identified by the state engineer
778 under Subsection ~~§~~→ (6)(d)(ii) or ←~~§~~ (6)(e)(ii) come to a written agreement regarding how the
778a issue of quantity
779 impairment shall be mitigated, the state engineer may incorporate the terms of the agreement
780 into a change application approval."