

2nd Sub. H.B. 43

WATER RIGHTS - CHANGE APPLICATION AMENDMENTS

Representative **Kay L. McIff** proposes the following amendments:

1. *Page 12, Lines 341 through 344:*

341 (b) "Water company" means, except as described in Subsection (1)(c), any company,
342 operating for profit or not for profit, [~~in which~~] where a shareholder has the right to receive a
343 proportionate share, based on that shareholder's ownership interest, of water rights delivered by the
344 company.

2. *Page 12, Lines 354 through 356:*

354 (2) (a) A shareholder who seeks to file a change application under Section 73-3-3 to
355 make a change to some or all of the water rights represented by the shareholder's shares in a water
356 company shall:

3. *Page 15, Lines 429 through 435:*

429 (5) (a) If the water company declines to consent to the proposed change application,
430 stating its reasons. {~~or the water company consents to the proposed change subject to conditions~~
431 ~~to which the shareholder does not agree, the shareholder may:~~
432 ~~—(i)—~~ the shareholder may file an action in district court, seeking court review of the
reasonableness of the
433 conditions imposed for giving consent or the reasons stated for declining consent and a final
434 order allowing the shareholder to file the proposed change application with the state engineer {~~;~~
435 ~~or~~} .

4. *Page 15, Lines 436 through 438:*

436 {~~(ii)~~} (b) If the water company consents to the proposed change subject to conditions to
which the shareholder does not agree, the shareholder may file the change application with the state
engineer as provided in Subsection (6),
437 without waiving the shareholder's right to contest conditions {~~imposed by the water company~~}
438 before the state engineer that are within the state engineer's jurisdiction or contest intracorporate
issues before the district court on de novo judicial review.

5. *Page 17, Lines 491 through 494:*

491 (10) By mutual agreement only, and when the shares will rely upon a different

492 diversion and delivery system, the {~~state engineer~~} water company and the shareholder may
493 negotiate a buyout from the water
494 company that may include a pro rata share of the water company's existing indebtedness
assignable to the shares.