



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
P.O. BOX 145115 • SALT LAKE CITY, UTAH 84114-5115 • (801) 538-1035

January 24, 2018

Mr. President,

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 96**, CANAL AMENDMENTS, by Senator D. P. Hinkins, with the following amendments:

1. Page 4, Lines 103 through 106:

103 (e) (i) The property owner and government entity, or other condemning entity,
may agree
104 in advance of arbitration that the arbitration is binding and that no de novo review may
occur.

**(ii) The private property owner and facility owner of a water conveyance facility,
as described in Section 73-1-15.5, may agree in advance of arbitration that the
arbitration is binding and that no de novo review may occur.**

105 (f) Arbitration by or through the Office of the Property Rights Ombudsman is not
106 necessary before bringing legal action to adjudicate any claim.

2. Page 5, Line 149 through Page 6, Line 156:

149 (1) As used in this section:

150 (a) "Facility owner" means an individual, entity, mutual water company, or
151 unincorporated organization :

(i) operating ~~{or owning:}~~ a water conveyance facility;
152 ~~{(i)}~~ (ii) owning any interest in a water conveyance facility; or
153 ~~{(ii)}~~ (iii) having a property interest in ~~{which}~~ real property
based on the presence of the water conveyance facility ~~{operates}~~ located

Bill Number



SB0096

Action Class



S

Action Code



SCRAMD

and operating on the real property .-

- 154 (b) (i) "Water conveyance facility" means a ditch, canal, flume, pipeline, or other
155 watercourse used to convey water used for irrigation and any related easement for the
 ditch,
156 canal, flume, pipeline, or other watercourse.

Respectfully,

Margaret Dayton
Chair

Voting: 6-0-1

5 SB0096.SC1.wpd 1/24/18 3:39 pm ballred/JBA RF/AJS