January 24, 2007

Mr. President:

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 29**, INSTREAM FLOW TO PROTECT TROUT HABITAT, by Senator P. Knudson, with the following amendments:

1. *Page 3, Lines 60 through 61:*

    60   (b) [A] Except as provided by Section 73-3-30,   { **the state engineer may not authorize** }   a

    61   change   **{ [}**   **may not be made**   **{] }**   if it impairs [any] a vested water right without just compensation.

2. *Page 12, Lines 348 through 349:*

    348   (c) "Fixed time change" means a change in a water right's point of diversion, place of

    349 use, or purpose of use for a fixed period of time   { **greater** }   **longer**   than one year but   { **less** }   **not longer**   than ten years.

3. *Page 14, Lines 403 through 405:*

    403   (g) (i) The water right   { **on** }   **for**   which the   { **applicant filed** }   **state engineer has approved**   a fixed time change application will

    404 automatically revert   { **back** }   to   { **its original** }   **the point of diversion**

and   place and purpose of use   **that existed before the approved fixed time change application**   when the fixed time change
405   application expires   **or is terminated**   .

4.   *Page 15, Lines 456 through 459:*

456   (b) Each person using water as an instream flow:
457   (i) shall install and maintain a measuring device or stream gauging station in the
458   section of the stream within which the instream flow is maintained; and
459   (ii) is not required to install controlling works   **unless the state engineer's order approving the application requires the installation because controlling works are necessary to achieve the purpose of the application**   .

Respectfully,

Darin G. Peterson
Committee Chair

Voting: 7-0-0
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