

# 1st Sub. H.B. 49

## WATER RIGHTS - CHANGE APPLICATION AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 24, 2014 8:04 AM

Representative **Jack R. Draxler** proposes the following amendments:

1. *Page 15, Lines 439 through 448:*

439 (b) provide written notice to the water company, if it failed to respond as required  
440 under Subsection (3)(b), that the water company shall respond to the proposed change  
441 application within 30 days after the day on which the water company receives the notice from  
442 the state engineer {, and that failure of the water company to respond constitutes consent to the  
443 proposed change:  
444 —— (7) If the water company has not previously responded and fails to respond to the  
445 notice under Subsection (6)(b), the water company's consent to the change application is  
446 established as a matter of law and the state engineer may proceed with the administrative  
447 evaluation under Subsection (13):-} ±  
448 {(8)} (7) (a) If the water company has, in writing, declined to consent to the change

2. *Page 15, Lines 456 through 457:*

456 of the mediator for a mediation conducted under Subsection {(8)} (7) (a).  
457 (d) The mediation described in Subsection {(8)} (7) (a) shall be held within 60 days of the

3. *Page 16, Lines 466 through 470:*

466 {(9)} (8) If a shareholder and a water company come to an agreement in a mediation  
467 conducted under Subsection {(8)} (7), the state engineer shall proceed to evaluate the change  
468 application in accordance with Subsection {(13)} (12) .  
469 {(10)} (9) If the parties do not reach an agreement through mediation and a mediator's  
470 statement, as described in Subsection {(8)} (7) (f), is not received within 10 days following the time

4. *Page 16, Lines 473 through 475:*

473 {(11)} (10) Within 60 days of the day on which the state engineer receives the written  
474 statement from the mediator under Subsection {(8)} (7) (f), or the written notice from a party under  
475 Subsection {(10)} (9), that the parties are not in agreement regarding the proposed change

5. *Page 16, Lines 477 through 478:*

477 legal issues not within the purview of the state engineer's evaluation under Subsection {(13)} (12) .  
478 {(12)} (11) If a court action is not timely filed under Subsection {(11)} (10), or if an

action is timely

6. *Page 16, Lines 480 through 481:*

480 engineer shall move forward with the administrative proceeding under Subsection ~~{(13)}~~ (12) .  
481 ~~{(13)}~~ (12) (a) The state engineer shall evaluate a shareholder's change application in the same

7. *Page 17, Lines 496 through 497:*

496 ~~{(14)}~~ (13) If the state engineer approves a shareholder's change application, the state  
497 engineer:

8. *Page 18, Lines 545 through 546:*

545 ~~{(15)}~~ (14) A shareholder or a water company may obtain de novo judicial review of the state  
546 engineer's determination under Subsections ~~{(13) and (14)}~~ (12) and (13) by filing an action in  
district court

9. *Page 18, Lines 549 through 550:*

549 ~~{(16)}~~ (15) If, after a proposed change has been approved and gone into effect, a shareholder  
550 fails to substantially comply with a condition described in Subsection ~~{(14)}~~ (13) (a) or (b) and

10. *Page 19, Line 556:*

556 ~~{(17)}~~ (16) If a shareholder's change application is denied by the state engineer and the denial

11. *Page 19, Line 563:*

563 ~~{(18)}~~ (17) If a shareholder's change application is approved by the state engineer and upheld