

**S.B. 96**  
**CANAL AMENDMENTS**

Senator **David P. Hinkins** proposes 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 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.