

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Winter T.

1 Amend the Agriculture, Water, and Natural Resources Committee Report,
2 dated April 8, 2024, page 4, strike lines 3 through 7 and substitute:

3 "(VI) CONSTRUCTION OR MAINTENANCE OF FARM PONDS, STOCK
4 PONDS, FARM LAGOONS, RECHARGE FACILITIES LOCATED IN UPLANDS, AND
5 IRRIGATION DITCHES OR ACEQUIAS, OR MAINTENANCE OF DRAINAGE OR
6 ROADSIDE DITCHES. NONEXEMPTED ACTIVITIES INCLUDE NEW WORK OR
7 WORK TO EXTEND, EXPAND, OR RELOCATE AN IRRIGATION DITCH WHERE
8 AT LEAST FORTY-FIVE PERCENT OF THE WATER IN THE DITCH IS USED FOR
9 AGRICULTURAL PURPOSES. AS USED IN THIS SUBSECTION (8)(b)(VI):

10 (A) "CONSTRUCTION" INCLUDES NEW WORK AND WORK THAT
11 RESULTS IN AN EXTENSION OR EXPANSION OF AN EXISTING STRUCTURE,
12 AND THE CONSTRUCTION OF IRRIGATION DITCHES OR ACEQUIAS INCLUDES
13 ACTIVITIES SUCH AS PLACEMENT OF NEW CONTROL STRUCTURES, DITCH
14 RELOCATION, DITCH CONVERSION INTO PIPE, AND LINING, WHICH MEANS
15 PLACING IMPERVIOUS MATERIAL SUCH AS CONCRETE, CLAY, OR
16 GEOTEXTILE WITHIN THE FLOW PERIMETER OF AN OPEN CANAL, LATERAL,
17 OR DITCH WITH THE INTENT OF REDUCING SEEPAGE LOSSES AND
18 IMPROVING CONVEYANCE EFFICIENCY. ALL NEW LINING OF DITCHES, IN
19 INSTANCES WHERE THE DITCH HAS NOT PREVIOUSLY BEEN LINED, IS
20 CONSIDERED CONSTRUCTION.

21 (B) "IRRIGATION DITCH OR ACEQUIA" INCLUDES A HUMAN-MADE
22 FEATURE OR A MAINTAINED NATURAL FEATURE IF USE OF THE MAINTAINED
23 NATURAL FEATURE EXISTED ON JANUARY 1, 2024, AND AN UPLAND SWALE
24 THAT MOVES OR CONVEYS WATER TO AN ULTIMATE IRRIGATION USE OR
25 PLACE OF USE, OR MOVES OR CONVEYS IRRIGATION WATER, ALSO KNOWN
26 AS "RUNOFF", AWAY FROM IRRIGATED LANDS. "IRRIGATION DITCH OR
27 ACEQUIA" MAY INCLUDE A DISTRIBUTION SYSTEM OR ITS PARTS,
28 INCLUDING HUMAN-MADE CANALS, LATERALS, DITCHES, SIPHONS, PUMPS,
29 HEADGATES, WING WALLS, WEIRS, DIVERSION STRUCTURES, PIPES, PUMP
30 SYSTEMS, AND SUCH OTHER FACILITIES APPURTENANT TO AND
31 FUNCTIONALLY RELATED TO IRRIGATION DITCHES. IF A DITCH CARRIES
32 WATER, FORTY-FIVE PERCENT OF WHICH IS USED FOR IRRIGATION,
33 IRRIGATION RETURN FLOWS, OR PRECIPITATION OR SNOWMELT THAT
34 MOVES FROM AN IRRIGATED FIELD EITHER TO OR AWAY FROM AN AREA
35 SUBJECT TO BEING IRRIGATED, THAT DITCH IS CONSIDERED AN IRRIGATION
36 DITCH AND NOT A DRAINAGE DITCH."."

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