

SB197_L.002

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Agriculture & Natural Resources.

SB24-197 be amended as follows:

1 Amend printed bill, page 6, line 4, strike "DURING" and substitute
2 "SUBJECT TO SECTION 37-92-305 (3)(f), DURING".

3 Page 7, line 8, after "(3)(c)(III)" insert "and (3)(f)".

4 Page 7, line 21, strike "THE" and substitute "SUBJECT TO SUBSECTION
5 (3)(f) OF THIS SECTION, THE".

6 Page 8, after line 1 insert:

7 "(f) (I) TO QUALIFY FOR HISTORICAL CONSUMPTIVE USE
8 PROTECTION PURSUANT TO SUBSECTION (3)(c)(III) OF THIS SECTION OR TO
9 QUALIFY FOR THE EXCEPTION TO ABANDONMENT PURSUANT TO SECTION
10 37-92-103 (2)(c), AN ELECTRIC UTILITY THAT MANAGES ALL UNITS OF A
11 GENERATING STATION IN DIVISION 6 SHALL, FOR ITSELF AND ON BEHALF OF
12 THE OTHER OWNERS OF THE GENERATING STATION, FILE WITH THE
13 DIVISION 6 WATER COURT AN APPLICATION SEEKING QUANTIFICATION OF
14 THE HISTORICAL CONSUMPTIVE USE FOR THE ABSOLUTE DIRECT FLOW
15 WATER RIGHTS SERVING THE GENERATING STATION. THE APPLICATION
16 MUST BE FILED WITH THE DIVISION 6 WATER COURT WITHIN ONE YEAR
17 AFTER THE DATE THAT THE FINAL UNIT OF THE GENERATING STATION IS
18 TAKEN OFFLINE.

19 (II) THE APPLICATION DESCRIBED IN SUBSECTION (3)(f)(I) OF THIS
20 SECTION IS A CLAIM FOR A DETERMINATION OF A WATER RIGHT, AND THE
21 DIVISION 6 WATER COURT HAS JURISDICTION TO DETERMINE THE
22 HISTORICAL CONSUMPTIVE USE FOR THE ABSOLUTE DIRECT FLOW WATER
23 RIGHTS SERVING THE GENERATING STATION IN ACCORDANCE WITH THIS
24 SECTION USING THE STANDARDS AND PROCEDURES SET FORTH IN SECTIONS
25 37-92-302, 37-92-303, AND 37-92-304 AND THIS SECTION, INCLUDING
26 STANDARDS AND PROCEDURES RELATED TO NOTICE AND PARTICIPATION
27 OF OPPOSERS; EXCEPT THAT A CHANGE OF WATER RIGHT IS NOT REQUIRED
28 AS A PREREQUISITE FOR THE QUANTIFICATION OF THE HISTORICAL
29 CONSUMPTIVE USE BY THE DIVISION 6 WATER COURT. IF THE DIVISION 6
30 WATER COURT ENTERS A DECREE QUANTIFYING THE HISTORICAL
31 CONSUMPTIVE USE, SUBSECTION (3)(e) OF THIS SECTION APPLIES TO THE
32 ABSOLUTE DIRECT FLOW WATER RIGHTS."

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