

PROPOSED AMENDMENT

SENATE AMENDMENTS TO S.B. 1400

(Reference to printed bill)

- 1 Page 1, line 6, before "IN" insert "A. BEGINNING ON THE EFFECTIVE DATE OF THIS
- 2 SECTION THROUGH JUNE 30, 2014,"
- 3 Line 7, strike "HAS THE RIGHT TO" insert "MAY"
- 4 Line 8, after "45-465" insert "IF BOTH OF THE FOLLOWING APPLY:
 - 5 1. THE USE OF WATER IN EXCESS OF THE QUANTITY DETERMINED PURSUANT TO
 - 6 SECTION 45-465 IS NECESSARY"
- 7 Line 9, after "IMPOSED" insert "ON THAT PERSON"
- 8 Line 10, after "ENFORCED" insert "AGAINST THAT PERSON"
- 9 Line 12, after the period insert:
 - 10 2. THE PERSON'S FLEXIBILITY ACCOUNT ESTABLISHED PURSUANT TO SECTION
 - 11 45-467 HAS A BALANCE LESS THAN THE CURRENT IRRIGATION WATER DUTY FOR THE FARM
 - 12 MULTIPLIED BY THE WATER DUTY ACRES IN THE FARM.
- 13 B."
- 14 Line 13, strike "BE LIMITED TO" insert "NOT EXCEED"
- 15 Line 14, after "REQUIREMENTS" insert "THAT CANNOT BE MET WITH ANY FLEXIBILITY
- 16 ACCOUNT BALANCE AVAILABLE TO THE PERSON IN EXCESS OF THE AMOUNT PRESCRIBED IN
- 17 SUBSECTION A, PARAGRAPH 2 OF THIS SECTION"
- 18 After line 15, insert:
 - 19 C. IN AN ACTIVE MANAGEMENT AREA, A PERSON WHO OWNS A DAIRY, A CATTLE
 - 20 FEED LOT, A POULTRY FACILITY OR A SWINE FACILITY THAT IS SUBJECT TO
 - 21 REGULATION UNDER THIS CHAPTER MAY USE GROUNDWATER IN EXCESS OF ITS AUTHORIZED
 - 22 QUANTITY IN ORDER TO COMPLY WITH DUST CONTROL REQUIREMENTS IMPOSED PURSUANT
 - 23 TO TITLE 49, CHAPTER 3 OR ANY DUST CONTROL REQUIREMENTS ENFORCED BY A COUNTY,
 - 24 WHETHER PURSUANT TO AUTHORITY DELEGATED BY THIS STATE OR PURSUANT TO ANY
 - 25 INDEPENDENT AUTHORITY ASSERTED BY THE COUNTY. THE AMOUNT OF ADDITIONAL

1 GROUNDWATER THAT MAY BE USED PURSUANT TO THIS SECTION SHALL BE LIMITED TO THE
2 QUANTITY REQUIRED TO COMPLY WITH APPLICABLE DUST CONTROL REQUIREMENTS AND
3 SHALL NOT BE USED TO SUPPLEMENT OTHER WATER REQUIREMENTS OF THE FACILITY AS
4 SPECIFIED IN ANY APPLICABLE MANAGEMENT PLAN.

5 D. AN IRRIGATION DISTRICT THAT DELIVERS GROUNDWATER USED FOR DUST
6 CONTROL PURPOSES PURSUANT TO THIS SECTION SHALL SEPARATELY REPORT THE AMOUNT
7 OF SUCH GROUNDWATER DELIVERED TO EACH FARM, DAIRY, CATTLE FEED LOT, POULTRY
8 FACILITY OR SWINE FACILITY THAT IS SUBJECT TO REGULATION UNDER THIS CHAPTER
9 OR SHALL INCLUDE THAT INFORMATION IN THE ANNUAL REPORT FILED BY THAT
10 IRRIGATION DISTRICT PURSUANT TO SECTION 45-632. A PERSON WHO DIRECTLY
11 WITHDRAWS AND USES GROUNDWATER FOR DUST CONTROL PURPOSES PURSUANT TO THIS
12 SECTION SHALL SEPARATELY REPORT THE AMOUNT OF SUCH GROUNDWATER IN THE ANNUAL
13 REPORT FILED BY THAT PERSON PURSUANT TO SECTION 45-632."

14 Amend title to conform

JOHN NELSON

1400
02/19/2010
02:08 PM
C: MYR