

## Accommodations to Original Language of SB 1153

(In Blue: Modifications **not currently included** in -5 Amendment)

### Narrowed Scope of the Standard:

- Scope of review: Change “Sensitive, Threatened, and Endangered (“STE”) aquatic species” to “STE fish species”
- **Eliminate review based on water quality and simplify review to be based on impact to specific fish habitat covering roughly the same geographic area.**

### Related to Temporary Transfers:

- **Exempt:** No review unless change to an upstream Point of Diversion (POD).

### Related to Emergency Transfers:

- **Exempt:** Any emergency transfer needed to address an imminent public health and safety risk.

### Related to Permanent Transfers – Things exempt from additional review:

- **Exempt:** Transfers of municipal water rights (currently defined in statute)
  - Intended to exempt transfers related to drinking and domestic water use (as opposed to commercial irrigation)
- **Exempt:** Changes in place of use for surface water rights for any type of water right
- **Exempt:** Transfers to facilitate restoration projects with net benefits to habitat of STE Fish Species
- **Exempt:** Changes in Point of Appropriation (POA) for GW rights where existing POA is beyond ¼ mile from stream and new POA would be within ¼ from stream.

### **Related to Process Improvements:**

- Provide rulemaking authority for WRD to establish criteria for general authorization (also referred to as “programmatic approval”) of any category of transfer to enable processing requests without review and approval of individual applications.
- Provide authorization for transfer approvals to be subject to basin rules.
- Established timeline for WRD determination on SB 1153 criteria that cannot be exceed the time line for current injury review.
- WRD decision must be supported by written findings.
- Establish a default hearing schedule for 1153 transfers consistent with protests addressed by HB 3544.
- Establish a standard of evidence that those who protest a decision must meet.
- Before the Department can deny a temporary transfer, it must offer conditions intended to avoid denial.
- Report back to future Legislatures on implementation of SB 1153.