

Proposed amendments to SB 272, 1/25/2012:

1. Remove Section 1 concerning division of a water right. Further discussion about this language is needed between the agency and the stakeholders before it is ready to move forward.
2. Below is additional language highlighted in yellow that could be inserted into SB 272, which would:
  - For those currently enrolled in a drought emergency term permit, who enroll in a multi-year flex account (MYFA), their MYFA would NOT be reduced by the 2011 overuse. Pursuant to the bill, the fee for the conversion to a MYFA would be \$200, rather than the normal \$400.

*(E) notwithstanding any other provisions of this subsection, except when the base water right is suspended due to the issuance of a two-year term permit in a designated drought emergency area for 2011 and 2012, the quantity of water deposited into a multi-year flex account shall be reduced by the quantity of water used in excess of the maximum annual quantity of the base water right during 2011 if the application for a multi-year flex account is filed with the chief engineer on or before July 15, 2012.*

[To be clear, the following is unchanged:

- Those enrolled in drought emergency term permits who do NOT enroll in a MYFA, would still be required to live within the terms of the drought emergency term permit (reduced 2012 use).
- Under this language, anyone who overused in 2011 but did NOT apply for a drought emergency term permit may still apply for a MYFA. They would have to pay the \$600 fee and the MYFA would be reduced by their 2011 overuse.]

3. Add the following highlighted text to **page 2, line 21**

(2) "Multi-year flex account" means a term permit which suspends a base water right during its term, except when the term permit may be no longer exercised because of an order of the chief engineer, and is subject to the terms and conditions as provided in subsection (e).

4. Add the following highlighted text to **page 3, line 27**

(ii) 500% of the product of the net irrigation requirement multiplied by the flex account acreage, multiplied by 110%, but not greater than five times the maximum annual quantity authorized by the base water right; or

5. Modifies page 4, line 24, as follows:

points of diversion, each point of diversion authorized by a ~~the~~ term permit