

PROPOSED RULE CHANGES

Implementing HB 2133, HB 2135 and Other Changes



**Dwight French, Administrator
Water Right Services Division**

Rule Writing Team:

Ann Reece

Dorothy Pedersen

Mary Grainey

Ruben Ochoa

Three Objectives

1. Develop rules so the Department can implement HB 2133.
2. Develop rules so the Department can implement HB 2135.
3. Make other miscellaneous changes.

12 Divisions of rules affected!

HB 2133 – Electronic Communication

- **There were several places in the statutes that required the WRD to mail documents.**
- **The bill added flexibility to the statutes so we could do most of our business by “electronic means” if the customer consents.**
- **The draft rules implement these changes.**

HB 2135 – Newspaper Notices

- **There are statutory requirements that cause public notices to be published in newspapers up to four times for various WRD actions.**
- **The bill reduces to two times several instances where three and four were previously required.**
- **The draft rules implement these changes.**

Other Miscellaneous Changes

- **Fix two rule references, one statutory reference and two spelling issues in Division 13.**
- **After AG consultation, we are eliminating the option that allows applicants publishing newspaper notices in Divisions 18, 380 and 382.**
- **Ease certain mapping requirements:**
 - **Fewer copies because we use scanners now.**
 - **Allow waivers for scale of maps if a different scale will work for WRD.**
- **Adjust two definitions, relating to G exempt use, in Division 310 to conform with AG advice.**

Two Definition Changes...

- **About 18 years ago, WRD interpreted our groundwater exempt uses to allow Commercial and Industrial Users to use their 5,000 gpd exempt use to include commercial irrigation purposes.**
- **AG Advice Received 12/1/2008.**
- **Have been working through these situations as we come across them since 12/1/2008.**
- **We do not anticipate that this rule change will cause additional regulatory issues.**
- **See page 19 of attachment 1.**

Rulemaking Process

- **RAC met on August 18 and 24, 2011.**
- **Proposed rules published on October 1.**
- **Hearings on October 24, 2011.**

**Thank You RAC
Members!!!**

Public Comments

- **No testimony provided at the public hearings.**
- **No written comments were received.**
- **No changes have been made to the hearing draft.**

Alternatives and Recommendations

Alternatives:

- 1. Adopt the final proposed rules as set forth in Attachment 1.**
- 2. Adopt modified final proposed rules.**
- 3. Decline to adopt the proposed rules and request that the Department further evaluate the issues.**

Alternatives and Recommendations

Alternatives:

- 1. Adopt the final proposed rules as set forth in Attachment 1.**
- 2. Adopt modified final proposed rules.**
- 3. Decline to adopt the proposed rules and request that the Department further evaluate the issues.**