

LC1452: Waiver of Adverse Effect

Section 1 Permit Applications §85-2-311	<p>(1)(b) In core section outlining criteria an applicant needs to prove for Department to issue a permit, establishes that an applicant does not need to prove lack of adverse effect for a water right identified in a written consent to approval.</p> <p>(9) In Department analysis for a permit, if the holder of a water right files a written consent to approval of the application, Department may not analyze whether that water right will be adversely affected.</p>
Section 2 USFS Change Applications for Instream Flow §85-2-320	<p>(2)(a) In a change application for instream flow, the United States Forest Service (USFS) does not need to prove lack of adverse effect for a water identified in a written consent to approval.</p> <p>(8) Within 10 years after authorization of a change for USFS instream flow, a senior water right owner can submit new evidence proving their water right is adversely affected, at which time the Department may modify or revoke the change. The Department may not modify or revoke the change if the senior water right owner filed a written consent to approval for the change.</p>
Section 3 Groundwater Permits in Closed Basins §85-2-360	<p>(3)(b) If an application for a groundwater permit in a closed basin is granted, and that granting causes an adverse effect to another water right, the Department may not consider that adverse effect if the water right is listed on a written consent to approval.</p>
Section 4 Change Applications §85-2-402	<p>(1)(c) and (2) Establishes that an applicant does not need to prove lack of adverse effect for a water right identified in a written consent to approval.</p> <p>(7) The Department shall provide notice and may hold hearings for a change application if water rights are identified that might be adversely affected, unless that right or rights was identified on a written consent to approval.</p> <p>(19) In Department analysis for a change application, Department may not analyze whether a water right will be adversely affected if the holder of said water right files a written consent to approval of the application.</p>
Section 5 Temporary Changes §85-2-407	<p>(3) When an appropriator files to renew a temporary change authorization, other appropriators can submit new evidence of adverse effect to other water rights. The Department may not renew the change if the right of another appropriator is adversely affected, unless</p>

	that water right was identified in a written consent to approval for the temporary change application.
Section 6 Temporary Changes for Instream Flow §85-2-408	(4) Establishes that an applicant for a temporary change for instream flow does not need to prove lack of adverse effect for a water right identified in a written consent to approval.