

# House Bill 3038

- (c) For the first extension issued after the effective date of this 2005 Act for a permit for municipal use issued before November 2, 1998, the department finds that **the undeveloped portion of the permit is conditioned** to maintain, in the portions of waterways affected by water use under the permit, the persistence of fish species listed as sensitive, threatened or endangered under state or federal law.

# HB 3038 Implementation

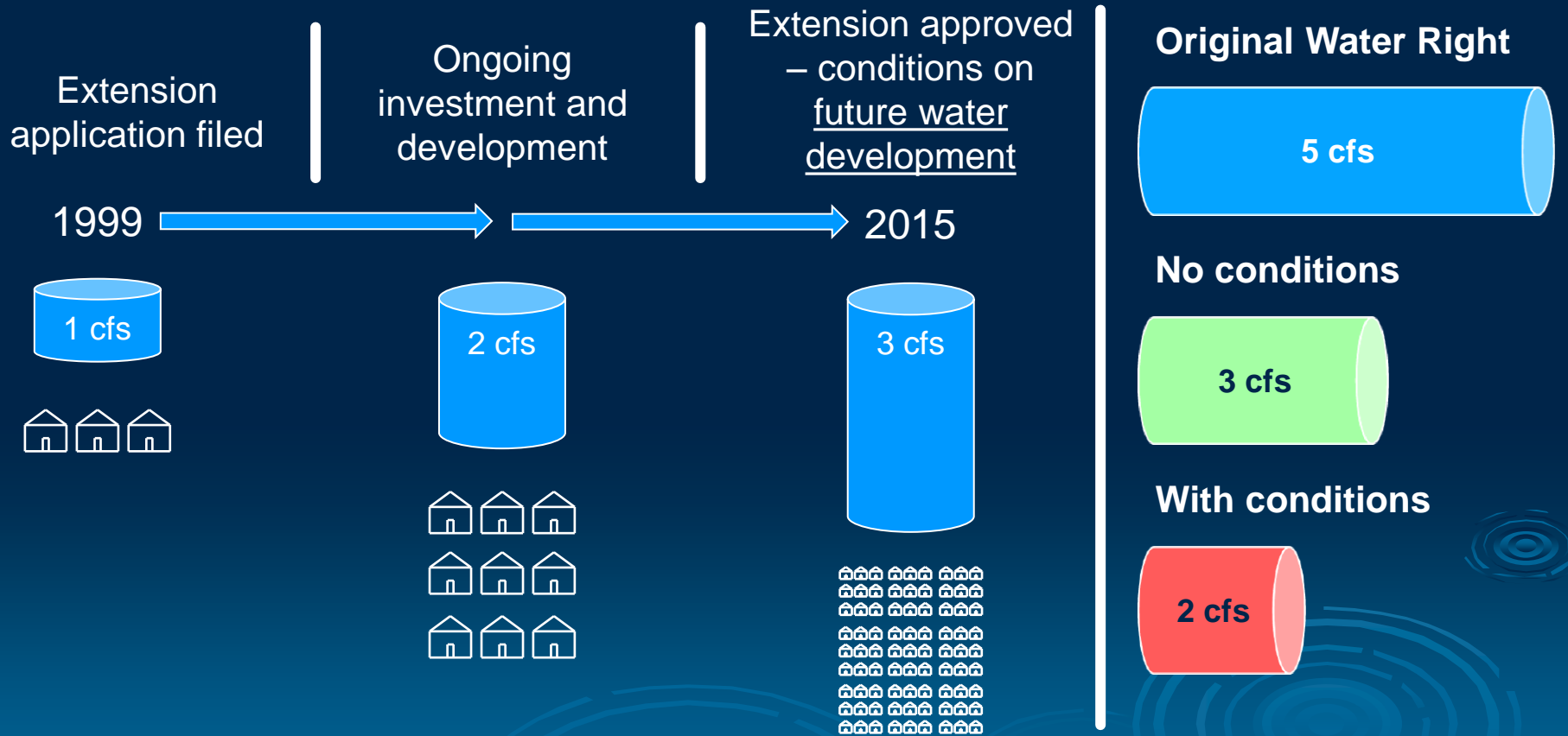
## ➤ **OWRD Administrative Rules:**

- “undeveloped portion of the permit” means ...before the extension
- application to include max rate/duty diverted for beneficial use “to date”

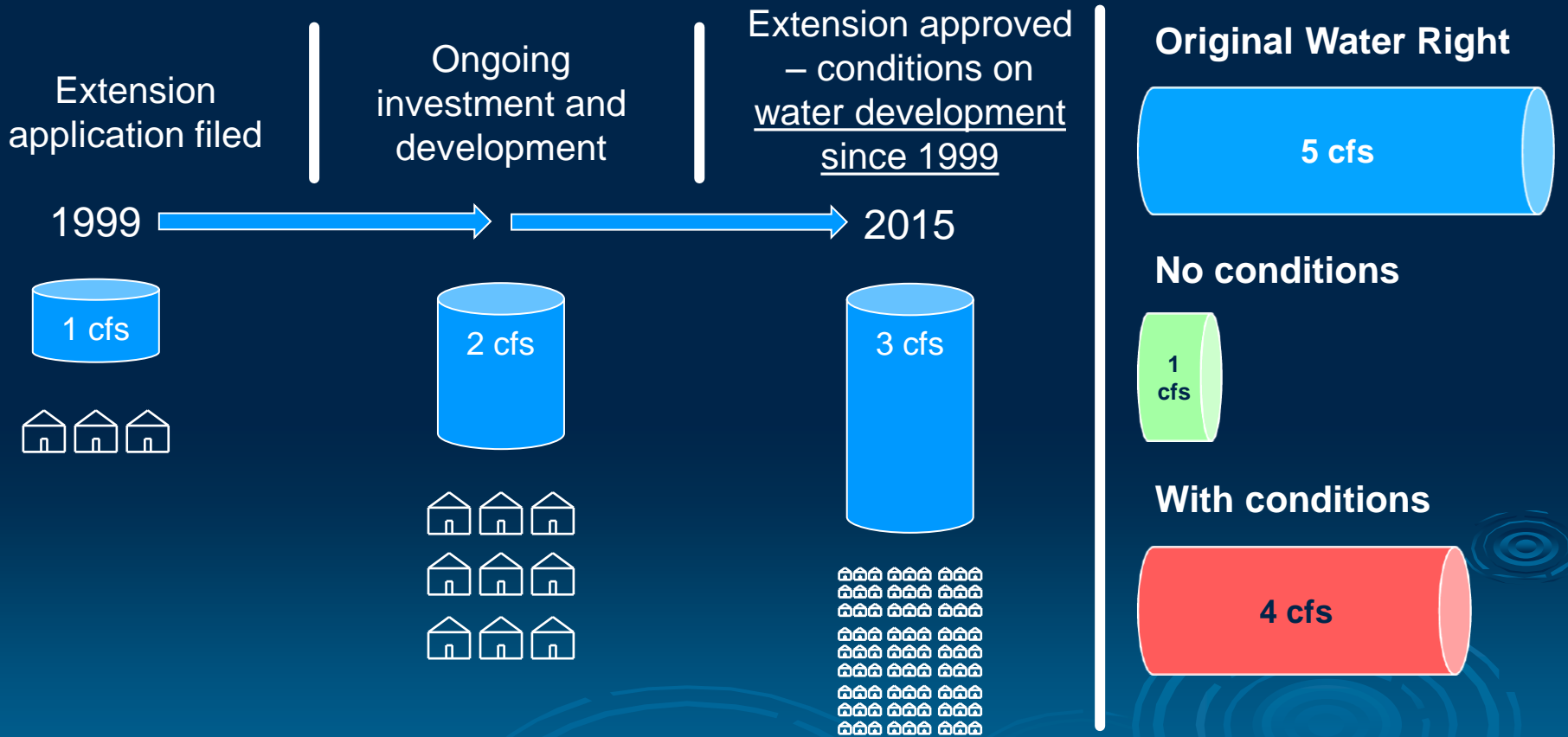
## ➤ **Extension Application** – evidence of maximum beneficial use made “to date”

## ➤ **OWRD Correspondence** – after passage of HB 3038 phone calls and forms requesting “current” beneficial use

# Before Court of Appeals Opinion



# After Court of Appeals Opinion



# SB 712

