

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Paschal

- 1 Amend the Energy and Environment Committee Report, dated February
2 27, 2025, page 1, after line 9 insert:
- 3 "Page 8 of the printed bill, line 24, strike "(5)" and substitute "(4)".
- 4 Page 3 of the report, strike line 6 and substitute:
- 5 "Page 19 of the bill, strike lines 3 and 4 and substitute "COMMISSION TO
6 SUPPORT THE APPROVAL OF SITE CLOSURE;
7 (III) CONTRACTUAL, CIVIL, OR CRIMINAL LIABILITY ARISES FROM
8 CONDUCT OF THE GEOLOGIC STORAGE".
- 9 Page 19 of the bill, strike lines 6 through 9 and substitute "ANY
10 ASSOCIATED GEOLOGIC STORAGE FACILITY AND SUCH LIABILITY
11 MATERIALLY AFFECTS THE COMMISSION'S DECISION TO APPROVE SITE
12 CLOSURE; OR".
- 13 Page 3 of the report, strike line 23 and substitute "MORE THAN
14 ONE-FOURTH OF A MILE FROM A PRIOR GEOTHERMAL OPERATION UTILIZING
15 WATER FROM THE SAME AQUIFER.".
- 16 Page 3 of the report, line 25, strike "ONE" and substitute "ONE-FOURTH OF
17 A".
- 18 Page 3 of the report, line 28, strike "BY CERTIFIED MAIL".
- 19 Page 4 of the report, strike line 1 and substitute "DESIGNATED
20 INDIVIDUALS OF PRIOR GEOTHERMAL OPERATIONS WITHIN ONE-FOURTH OF
21 A".
- 22 Page 4 of the report, strike lines 4 through 6 and substitute:
- 23 "(I) "MATERIAL INJURY TO A PRIOR GEOTHERMAL OPERATION" HAS
24 THE MEANING SET FORTH IN SECTION 37-90.5-106 (1)(c)".
- 25 Page 4 of the report, after line 19 insert:
- 26 "Page 25 of the bill, line 25, after "**add**" insert "(9.5) and".
- 27 Page 26 of the bill, after line 10 insert:

1 "(9.5) "HISTORIC HOT SPRING" MEANS A HOT SPRING THAT IS
2 REGISTERED AS DESCRIBED IN SECTION 37-90.5-106 (7) AND IS EITHER:
3 (a) A COMMERCIAL GEOTHERMAL HOT SPRING WITH A VESTED
4 WATER RIGHT; OR
5 (b) A NONCOMMERCIAL GEOTHERMAL HOT SPRING THAT IS
6 ACCESSIBLE TO AND ENJOYED BY THE PUBLIC."."

7 Page 4 of the report, strike lines 25 through 33.

8 Page 5 of the report, strike lines 1 through 6 and substitute:

9 "(b) A HISTORIC HOT SPRING."

10 Page 27 of the bill, lines 3 and 4, strike "JULY 1, 2025:" and substitute
11 "SEPTEMBER 1, 2025:".

12 Page 27 of the bill, line 25, strike "VALID".

13 Page 28 of the bill, line 4, strike "(2)(c)" and substitute "(1)(a)(IV),
14 (1)(a)(V), (1)(c), (2)(c), and (7)".

15 Page 28 of the bill, line 7, strike "- **rules.**" and substitute "- **rules -**
16 **definition.**".

17 Page 28 of the bill, after line 16 insert:

18 "(IV) THE STATE ENGINEER SHALL MAINTAIN A TRIBUTARY
19 GEOTHERMAL NOTIFICATION LIST FOR EACH WATER DIVISION.

20 (V) (A) AN APPLICANT FOR A NEW GEOTHERMAL WELL PERMIT
21 WITHDRAWING TRIBUTARY GROUNDWATER AT A RATE GREATER THAN
22 FIFTY GALLONS PER MINUTE SHALL PROVIDE A COPY OF THE APPLICATION
23 BY ELECTRONIC MAIL TO ALL PARTIES THAT HAVE SUBSCRIBED TO THE
24 TRIBUTARY GEOTHERMAL NOTIFICATION LIST FOR THE WATER DIVISION IN
25 WHICH THE WELL WILL BE LOCATED AND SHALL FILE PROOF OF SUCH
26 NOTICE WITH THE STATE ENGINEER.

27 (B) THE STATE ENGINEER SHALL ALLOW THE OWNERS OR
28 OPERATORS OF PRIOR GEOTHERMAL OPERATIONS, VESTED WATER RIGHTS,
29 OR WELLS THIRTY-FIVE DAYS AFTER THE DATE OF THE ELECTRONIC
30 MAILING OF THE NOTICE TO SUBMIT A CLAIM OF MATERIAL INJURY. ANY
31 SUCH CLAIM MAY REQUEST CONDITIONS TO BE IMPOSED UPON THE WELL
32 PERMIT IN ORDER TO PREVENT SUCH INJURY AND PROVIDE OTHER
33 INFORMATION TO BE CONSIDERED BY THE STATE ENGINEER IN REVIEWING
34 THE APPLICATION.

1 (C) IF AN APPLICANT PROPOSES A GEOTHERMAL WELL
2 WITHDRAWING TRIBUTARY GROUNDWATER AT A RATE GREATER THAN
3 FIFTY GALLONS PER MINUTE, AND THE PROPOSED WELL IS IN A
4 HYDROGEOLOGIC SETTING WHERE IT HAS THE POTENTIAL TO MATERIALLY
5 INJURE A HISTORIC HOT SPRING, THE APPLICANT SHALL PROVIDE GEOLOGIC
6 AND HYDROLOGIC EVIDENCE TO BE CONSIDERED BY THE STATE ENGINEER.
7 THE EVIDENCE MUST DEMONSTRATE THAT THE PROPOSED WELL WILL NOT
8 MATERIALLY INJURE THE HISTORIC HOT SPRING. THE STATE ENGINEER
9 SHALL AMEND THE GEOTHERMAL RULES ADOPTED PURSUANT TO
10 SUBSECTION (1)(a)(I) OF THIS SECTION TO IMPLEMENT THE REQUIREMENTS
11 OF THIS SUBSECTION (1)(a)(V)(C).".

12 Page 28 of the bill, strike lines 24 through 26 and substitute:

13 "(B) SHALL MAKE A FINDING BASED UPON AVAILABLE DATA THAT
14 THE PROPOSED OPERATION WILL NOT MATERIALLY INJURE A PRIOR
15 GEOTHERMAL OPERATION; AND

16 (C) SHALL REQUIRE EACH APPLICANT FOR A PERMIT CONCERNING
17 DEEP GEOTHERMAL OPERATIONS TO PROVIDE NOTICE OF THE APPLICATION
18 TO THE DESIGNATED INDIVIDUALS OF PRIOR GEOTHERMAL OPERATIONS
19 REGISTERED PURSUANT TO SUBSECTION (7) OF THIS SECTION AND LOCATED
20 WITHIN ONE-FOURTH OF A MILE OF THE PROPOSED DEEP GEOTHERMAL
21 OPERATIONS.

22 (c) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
23 REQUIRES, "MATERIAL INJURY TO A PRIOR GEOTHERMAL OPERATION"
24 INCLUDES INJURY TO ANY ASPECT OF THE VESTED WATER RIGHTS OF A
25 PRIOR GEOTHERMAL OPERATION, WHICH MAY INCLUDE WATER QUANTITY,
26 PRESSURE, RATE OF FLOW, MINERAL CONTENT, OR TEMPERATURE.
27 REGARDLESS OF WHETHER WATER QUANTITY, PRESSURE, RATE OF FLOW,
28 MINERAL CONTENT, OR TEMPERATURE ARE DECREED, "MATERIAL INJURY
29 TO A PRIOR GEOTHERMAL OPERATION" ALSO INCLUDES DIMINUTION OR
30 ALTERATION OF ANY SUCH PARAMETER THAT RESULTS IN AN ADVERSE
31 EFFECT TO A PRIOR GEOTHERMAL OPERATION."."

32 Page 5 of the report, strike lines 8 through 12 and substitute:

33 ""(7) (a) AN OWNER OR OPERATOR OF A PRIOR GEOTHERMAL
34 OPERATION, OR A GOVERNMENT ENTITY WITH AN INTEREST IN THE PUBLIC'S
35 ENJOYMENT OF A NONCOMMERCIAL GEOTHERMAL HOT SPRING, SHALL
36 REGISTER WITH THE STATE ENGINEER:

37 (I) THE LOCATION OF THE PRIOR GEOTHERMAL OPERATION; AND

38 (II) DESIGNATED INDIVIDUALS TO RECEIVE ELECTRONIC MAIL
39 NOTIFICATIONS FROM THE STATE ENGINEER AND THE COMMISSION AS

1 DESCRIBED IN SECTION 37-90-137 (2) AND SUBSECTION (1)(b)(III)(C) OF
2 THIS SECTION.

3 (b) THE STATE ENGINEER SHALL ADD THE DESIGNATED
4 INDIVIDUALS TO THE TRIBUTARY GEOTHERMAL NOTIFICATION LIST
5 DESCRIBED IN SUBSECTION (1)(a)(IV) OF THIS SECTION FOR THE WATER
6 DIVISION IN WHICH THE PRIOR GEOTHERMAL OPERATION IS LOCATED."."

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