

# House Amendment 8068

PAG LIN

1 1 Amend House File 2400 as follows:  
1 2 #1. Page 1, by inserting before line 1, the  
1 3 following:  
1 4 <DIVISION I  
1 5 SURFACE WATER PROTECTION>  
1 6 #2. Page 8, by inserting before line 22, the  
1 7 following:  
1 8 <DIVISION II  
1 9 EMINENT DOMAIN AND CONDEMNATION  
1 10 Sec. \_\_\_\_\_. Section 6A.22, subsection 2, paragraph  
1 11 c, subparagraph (1), Code 2007, is amended to read as  
1 12 follows:  
1 13 (1) If private property is to be condemned for  
1 14 development or creation of a lake, only that number of  
1 15 acres justified as reasonable and necessary for a  
1 16 surface drinking water source, and not otherwise  
1 17 acquired, may be condemned. ~~In addition Prior to~~  
1 18 ~~making a determination that such lake development or~~  
1 19 ~~creation is reasonable and necessary, the acquiring~~  
1 20 ~~agency shall conduct a review of demonstrate by clear~~  
1 21 ~~and convincing evidence that no other prudent and~~  
1 22 ~~feasible alternatives to alternative for~~ provision of  
1 23 a drinking water source ~~prior to making a~~  
1 24 ~~determination that such lake development or creation~~  
1 25 ~~is reasonable and necessary exists.~~ Development or  
1 26 creation of a lake as a surface drinking water source  
1 27 includes all of the following:  
1 28 (a) Construction of the dam, including sites for  
1 29 suitable borrow material and the auxiliary spillway.  
1 30 (b) The water supply pool.  
1 31 (c) The sediment pool.  
1 32 (d) The flood control pool.  
1 33 (e) The floodwater retarding pool.  
1 34 (f) The surrounding area upstream of the dam no  
1 35 higher in elevation than the top of the dam's  
1 36 elevation.  
1 37 (g) The appropriate setback distance required by  
1 38 state or federal laws and regulations to protect  
1 39 drinking water supply.  
1 40 For purposes of this subparagraph (1), "number of  
1 41 acres justified as reasonable and necessary for a  
1 42 surface drinking water source" means according to  
1 43 guidelines of the United States natural resource  
1 44 conservation service and according to analyses of  
1 45 ~~surface~~ drinking water capacity needs conducted by one  
1 46 or more registered professional engineers using  
1 47 standards alternative to the federal guidelines. Any  
1 48 guidelines or analyses related to future drinking  
1 49 water capacity needs shall be based on the current  
1 50 rate of drinking water usage in the area to be served  
2 1 by the surface drinking water source.  
2 2 Guidelines relating to drinking water capacity  
2 3 needs in time of drought shall not be used in any  
2 4 analysis performed pursuant to this subparagraph (1).  
2 5 An analysis performed pursuant to this subparagraph  
2 6 (1) shall include information on groundwater resources  
2 7 in the area and the potential for the use of such  
2 8 resources to meet drinking water capacity needs.  
2 9 A second review or analysis may be requested by any  
2 10 landowner affected by the proposed condemnation  
2 11 action, and the engineer shall be selected by a  
2 12 committee of private landowners affected by the  
2 13 proposed condemnation action. The acquiring agency  
2 14 shall be responsible for paying the fees and expenses  
2 15 of such an engineer.  
2 16 A landowner affected by the proposed condemnation  
2 17 action may request a public hearing regarding the  
2 18 influence of a federal agency on the lake creation or  
2 19 development project, on the proposed condemnation  
2 20 actions related to the project, and on the use of  
2 21 federal guidelines in analyzing drinking water  
2 22 capacity needs. The hearing shall be conducted by a  
2 23 person who is not involved with the lake creation or  
2 24 development and the services of such person in

2 25 conducting the hearing shall be paid by the acquiring  
2 26 agency.

2 27 Sec. \_\_\_\_ EFFECTIVE DATE. This division of this  
2 28 Act, being deemed of immediate importance, takes  
2 29 effect upon enactment and applies to projects or  
2 30 condemnation proceedings pending or commenced on or  
2 31 after that date.>  
2 32 #3. Title page, line 1, by inserting after the  
2 33 word <quality> the following: <and lake development>.  
2 34 #4. Title page, line 6, by inserting after the  
2 35 word <program> the following: <and making changes  
2 36 related to eminent domain authority and condemnation  
2 37 procedures and providing an effective date>.  
2 38 #5. By renumbering as necessary.

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2 42 TYMESON of Madison  
2 43 HF 2400.201 82  
2 44 sc/nh/11044