



**Colorado
Legislative
Council
Staff**

HB17-1233

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0984
Prime Sponsor(s): Rep. Arndt
Sen. Crowder

Date: March 15, 2017
Bill Status: House Agriculture
Fiscal Analyst: Josh Abram (303-866-3561)

BILL TOPIC: PROTECT WATER HISTORICAL CONSUMPTIVE USE ANALYSIS

| Fiscal Impact Summary | FY 2017-2018 | FY 2018-2019 |
|--|----------------------------|---------------------|
| State Revenue | | |
| State Expenditures | Minimal workload increase. | |
| Appropriation Required: None. | | |
| Future Year Impacts: Ongoing minimal workload increase. | | |

Summary of Legislation

Under current law, if the owner of a water right brings an action to water court to change the amount of water the owner may use, the amount of water that can be changed is limited to the historical consumptive use of water under the water right. Water usage that results from participation in a government-sponsored water conservation program is not considered in determining the historical consumptive use in water divisions 4, 5, or 6.

The bill applies this rule statewide to include water divisions 1, 2, 3, and 7. The bill clarifies that water conservation projects include pilot projects, and that the applicable government-sponsored program approved by a state agency are limited to those with explicit statutory jurisdiction over water conservation or water rights.

Background

The Water Courts of the Colorado Judicial Department are divided by river basin. The seven divisions are: Division 1 (South Platte River Basin), Division 2 (Arkansas River Basin), Division 3 (Rio Grande River Basin), Division 4 (Gunnison River Basin), Division 5 (Colorado River Basin), Division 6 (Yampa/White River Basin), and Division 7 (San Juan River Basin).

State Expenditures

The bill will minimally increase workload for the Judicial Department. The bill applies a rule statewide that is currently only considered in three out of seven districts. Courts will now apply a

standard rule to all water divisions when considering cases of consumptive use and participation in conservation projects. This will slightly increase the number and length of hearings conducted in four additional water divisions. This increased workload can be accomplished within existing appropriations.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to decreases in water use occurring on or after that date.

State and Local Government Contacts

Judicial - Civil Law

Natural Resources