



**Colorado  
Legislative  
Council  
Staff**

**HB17-1289**

**FISCAL NOTE**

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

**Drafting Number:** LLS 17-0995 **Date:** March 29, 2017  
**Prime Sponsor(s):** Rep. Valdez; Hansen **Bill Status:** House Agriculture  
 Sen. Coram; Crowder **Fiscal Analyst:** Josh Abram (303-866-3561)

**BILL TOPIC:** STATE ENGINEER RULES HISTORICAL CONSUMPTIVE USE

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

**Summary of Legislation**

Under current law, if the owner of a water right brings an action 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 right. This bill directs the State Engineer in the Department of Natural Resources (DNR) to adopt rules taking into account local conditions that an applicant can use to calculate the historical consumptive use of a water right. The use of the methodology, approach, or local factors developed by the State Engineer is voluntary, and the resulting calculation of historical consumptive use carries no presumptive effect in the determination by the State Engineer, water referee, or water judge.

**State Expenditures**

The bill will minimally increase workload for the DNR to adopt rules for calculating historical consumptive use. Adopting these rules for certain water rights is not anticipated to increase the number of cases reviewed by the Division of Water Resources in the DNR, or by water courts in the Judicial Branch.

**Effective Date**

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

**State and Local Government Contacts**

Judicial

Natural Resources