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