



Legislative Council Staff

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FISCAL NOTE

Drafting Number: LLS 20-0937
Prime Sponsors: Sen. Sonnenberg, Rep. Pelton

Date: February 11, 2020
Bill Status: Senate Agriculture
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Bill Topic: KEEP PRESUMPTION NONINJURY WELL ON DIVIDED LAND

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

The bill maintains the presumption of noninjury to other water rights for a water well that is located on land that is divided into multiple parcels. It will have a minimal impact on state workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

Under current law, certain domestic water wells that are exempt from administration by the State Engineer are granted a presumption that they do not cause material injury to other water rights. If the land on which the well is located is later divided into multiple parcels, the well loses that presumption. The bill maintains the presumption of noninjury if the well continues to meet specified requirements.

Background

Colorado law specifies the conditions under which a well is exempt from state administration and granted the presumption of noninjury. Generally, a well is exempt if either:

- it is the only well on a residential site, and the water is used solely for ordinary household purposes inside a single-family dwelling and not used for irrigation, or
the water used for irrigation does not exceed one acre-foot per year per 35 acres, it is the only well on a tract of land of 35 acres or more, and the return flows enter the same stream system in which the well is located.

State Expenditures

The bill may affect workload in the Department of Natural Resources. While the bill does not change the administration required by the State Engineer in most cases, a well that maintains the presumption of noninjury may require less administrative workload if injury comes into question when a parcel of land is divided. The workload impact is minimal and does not require a change in appropriations.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature. It applies to conduct occurring on or after the bill's effective date.

State and Local Government Contacts

Agriculture

Judicial

Natural Resources