

NO FISCAL IMPACT**Drafting Number:** LLS 10-0202**Date:** February 2, 2010**Prime Sponsor(s):** Rep. Pace
Sen. Gibbs**Bill Status:** House Agriculture**Fiscal Analyst:** Clare Pramuk (303-866-2677)

TITLE: CONCERNING THE WATER COURT'S AUTHORITY TO CONSIDER CONDITIONS IN DECREES TO ADDRESS THE EFFECTS OF A WATER EXPORT ACROSS WATER DIVISION BOUNDARIES.

Summary of Legislation

This bill requires a water judge, in certain cases of trans-division transfers of water, to include terms and conditions in the water decree that protect the users in the water division from which the water is being transferred. The decree must ensure that present and prospective beneficial uses of water can not be impaired or increased in cost in the originating water division. Cases are limited to leases of water of at least 10 years, or where the amount of water is at least 1,000 acre-feet to be transferred from one water division to another. These terms and conditions apply only to cases seeking:

- conditional water rights;
- conditional appropriative rights of exchange; or
- a change of water rights.

To meet the terms and conditions of the water decree, a water rights applicant may enter into a mitigation agreement with all the water conservation and water conservancy districts affected by the diversion. Districts are required to hold a public meeting prior to entering into the agreement with notice of the meeting posted by the Division of Water Resources in the Department of Natural Resources and the clerk of the applicable water court. The bill takes effect August 11, 2010, if the General Assembly adjourns on May 12, 2010, as scheduled and no referendum petition is filed.

Assessment

This bill does not affect state or local government revenue or expenditures, and is assessed as having no fiscal impact. While water right cases involving trans-division transfers of at least 1,000 acre-feet are complex and resource intensive cases for water courts, case filings are infrequent and can be addressed within existing water court resources.

Departments Contacted

Natural Resources

Judicial