


Colorado Legislative Council Staff Fiscal Note
FINAL
FISCAL NOTE

Drafting Number: LLS 12-0103 Prime Sponsor(s): Sen. Hodge Rep. Sonnenberg	Date: May 17, 2012 Bill Status: Signed into Law Fiscal Analyst: Lauren Ris (303-866-3264)
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TITLE: CONCERNING A SIMPLIFIED PROCEDURE FOR THE ADJUDICATION OF CERTAIN CHANGES OF THE POINTS OF DIVERSION OF WATER RIGHTS.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue		
State Expenditures General Fund Cash Funds Judicial Stabilization Cash Fund	Minimal increase — see State Expenditures section.	
FTE Position Change		
Effective Date: The bill was signed into law by the Governor and took effect March 22, 2012.		
Appropriation Summary for FY 2012-2013: None required.		
Local Government Impact: None.		

Summary of Legislation

This bill creates a simplified procedure for applications to change a surface water point of diversion. Under current law, all changes of water rights, including changes in points of diversion, must be adjudicated. The bill allows surface point of diversion changes to be made under a simplified procedure if:

- the diversion point is not combined with or includes any other type of water right change;
- there are no other points of diversion between the new point of diversion and the diversion point from which the change is being made; and
- there are no intervening points of water inflow or discharge.

The bill provides for the presumption that the change will not result in a greater amount of water decreed under the water right, however, this presumption may still be challenged in court.

State Expenditures

The Judicial Branch will incur a minimal increase in expenditures for trial courts. The issue of whether a point of diversion change will enlarge the amount of water decreed under the water right may still be raised, which may require extra time for the parties to do engineering work and accounting to show that the change in location of the diversion point will not cause injury to other water users or expand the water right of the applicant. Additionally, while the courts will most likely not change their procedures significantly, they will need to carefully examine the pleadings to determine if the application fits the criteria of a simple change in a surface point of diversion. The courts will absorb the increase within existing appropriations.

Departments Contacted

Judicial

Natural Resources