



*Colorado Legislative Council Staff Fiscal Note*  
**REVISED NO FISCAL IMPACT**

(replaces fiscal note dated January 22, 2013)

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**Drafting Number:** LLS 13-0111

**Date:** February 18, 2013

**Prime Sponsor(s):** Rep. Sonnenberg  
Sen. Baumgardner

**Bill Status:** House Appropriations

**Fiscal Analyst:** Kirk Mlinek (303-866-2756)

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**TITLE:** CONCERNING LIMITATIONS ON A LANDOWNER'S ABILITY TO IMPOSE CONDITIONS ON A WATER RIGHT OWNER AS A CONDITION OF PERMISSION TO USE LAND.

### **Summary of Legislation**

This bill, **as amended by the House Agriculture Committee**, prohibits the United States from demanding that the owner of a water right assign to the United States either partial or joint ownership of the water right as a condition of granting the water right owner a right-of-way or special use permit. In the same context, the United States is not permitted to restrict the water right owner's ability to sell or transfer a water right. The bill goes on to state that any such condition is void and unenforceable as against public policy.

### **Assessment**

As amended, the bill does not affect the revenue or expenditures of any state agency and is, therefore, assessed as having no fiscal impact. While the federal government does own land through which rights-of-way and other public facilities are developed, state and local governments in Colorado are not required to dedicate water rights to federal agencies for these uses of federal land.

### **Departments Contacted**

Natural Resources  
Counties

Judicial  
Municipalities

Law  
Local Affairs