

**STATE
FISCAL IMPACT**

Drafting Number: LLS 13-0109	Date: January 22, 2013
Prime Sponsor(s): Sen. Hodge Rep. Sonnenberg	Bill Status: Senate Agriculture Fiscal Analyst: Kirk Mlinek (303-866-2756)

TITLE: CONCERNING THE RESOLUTION OF AMBIGUITIES IN OLD WATER RIGHT DECREES REGARDING THE PLACE OF USE OF IRRIGATION WATER.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
State Expenditures		
FTE Position Change		
Effective Date: August 7, 2013, if the General Assembly adjourns on May 8, 2013, as scheduled, and no referendum petition is filed.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: None.		

Summary of Legislation

The bill is recommended by the **Water Resources Review Committee**. It creates a mechanism to determine the maximum number of acres that may be irrigated under a pre-1937 water right for decrees that did not expressly limit the acreage when issued. The bill specifies that in such cases the number of acres that may be irrigated is limited to the maximum number of acres irrigated during the first 50 years after the original decree, unless the acreage issue has been adjudicated.

State Expenditures

Division of Water Resources (DWR) staff in the Department of Natural Resources currently participate in the review process for all water court applications, including those involving the determination of irrigation acreage allowed by a given water right. The new review standards and guidelines created by this bill will not significantly increase the DWR's workload.

Similar to the DWR, water courts in the Judicial Branch already participate in cases that involve a change in decreed water rights. Under the bill, motions to amend decrees solely for purposes of establishing the maximum number of acres that may be irrigated will, in some cases, be contested. In these cases the water courts will conduct hearings that last from 1 to 3 days. Since few such motions are expected to be filed, the water courts will absorb the increase in workload within existing appropriations.

Departments Contacted

Natural Resources Judicial