



Colorado Legislative Council Staff
NO FISCAL IMPACT

Drafting Number: LLS 05-0686

Date: January 25, 2005

Prime Sponsor(s): Rep. Brophy

Bill Status: House Agriculture

Fiscal Analyst: Steve Tammus (303-866-2756)

TITLE: CONCERNING THE AUTHORIZATION OF THE OPERATION OF TEMPORARY CHANGES OF WATER RIGHTS FOR UP TO FIVE YEARS.

Summary of Assessment

This bill revises statutes governing the State Engineer's determination and administration of water rights. The bill specifies that depletions with new water use plans cannot last for more than five years where no application for augmentation or change of water right has been filed with the water court. Additionally, temporary changes in water use cannot last more than five years. The bill requires temporary changes in water rights to include provisions to replace depletions. The bill allows replacement of depletions to last longer than the five year limit for temporary changes in order to protect senior water rights. The provisions of the bill shall apply to approvals of water supply plans occurring on or after the effective date. The bill will become effective upon signature of the Governor.

This bill clarifies the water court's authority to require replacement of temporary depletions, and clarifies the operation of substitute water supply plans. These clarifications are not anticipated to affect the number of cases or workload of the courts, or the workload of the State Engineer. This bill will not affect state or local government revenue or expenditures, and is assessed as having no fiscal impact.

Departments Contacted

Judicial

Natural Resources