



Colorado Legislative Council Staff

REVISED NO FISCAL IMPACT

(replaces fiscal impact dated January 25, 2005)

Drafting Number: LLS 05-0686

Date: March 17, 2005

Prime Sponsor(s): Rep. Brophy

Bill Status: House 2nd Reading

Fiscal Analyst: Steve Tammeus (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, as amended by the House Agriculture Committee on February 9 and March 7, 2005, revises statutes governing the State Engineer's determination and administration of substitute water supply plans. The bill specifies that beginning January 1, 2002, 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.

Beginning January 1, 2005, and to January 1, 2010, for new water use plans involving a change of water right, if no application for a change of water right has been filed with the water court and the proposed change will not exceed five years, the bill authorizes the State Engineer to approve the change as a substitute water supply plan subject to certain specified conditions.

The substitute water supply plan shall be limited to one year, however, the applicant may request renewal of a plan up to five times. The bill requires the State Engineer, upon approval or denial of a substitute water supply plan to notify all parties to the application. Any appeal to the State Engineer's decision must be submitted to the appropriate water court within 30 days. The water court shall hear the appeal on an expedited basis.

The bill also authorizes water rights for which a temporary change has been approved to be used in an augmentation plan or a substitute water supply plan.

The provisions of the bill shall apply to water right applications filed on or after January 1, 2005. The bill will become effective upon the signature of the Governor.

This bill is not anticipated to significantly affect the workload of the State Engineer or the water courts. The bill will not affect state or local government revenue or expenditures, and is assessed as having no fiscal impact.

Departments Contacted

Judicial

Natural Resources