

  
*Colorado Legislative Council Staff Fiscal Note*  
**FINAL**  
**FISCAL NOTE**

**Drafting Number:** LLS 09-0614  
**Prime Sponsor(s):** Sen. Hodge  
 Rep. Priola

**Date:** June 1, 2009  
**Bill Status:** Signed into Law  
**Fiscal Analyst:** Clare Pramuk (303-866-2677)

**TITLE:** CONCERNING THE AUTHORIZATION OF SUBSTITUTE WATER SUPPLY PLANS FOR THE REPLACEMENT OF OUT-OF-PRIORITY DEPLETIONS CAUSED BY HISTORIC DIVERSIONS FROM WELLS INCLUDED IN DECREED AUGMENTATION PLANS ENTERED BY THE WATER COURT FOR WATER DIVISION 1.

| Fiscal Impact Summary   | FY 2009-2010 | FY 2010-2011 |
|---|--------------|--------------|
| <b>State Revenue</b>  |              |              |
| Cash Funds  |              |              |
| Groundwater Management Cash Fund  | \$3,000      | \$3,000      |
| <b>State Expenditures</b>   |              |              |
| <b>FTE Position Change</b>  |              |              |
| <b>Effective Date:</b> The bill was signed by the Governor and became law on April 9, 2009. |              |              |
| <b>Appropriation Summary for FY 2009-2010:</b> None.  |              |              |
| <b>Local Government Impact:</b> None.   |              |              |

**Summary of Legislation**

Beginning July 1, 2009, this bill authorizes the State Engineer in the Division of Water Resources to approve substitute water supply plans for the replacement of out-of-priority depletions caused by pre-January 1, 2003, diversions from wells included in decreed augmentation plans. The bill repeals this authorization on July 1, 2018, and specifies that all plans shall expire on that date.

**State Revenue**

The bill is expected to increase revenue by \$3,000 in both FY 2009-10 and FY 2010-11 to the Groundwater Management Cash Fund in the Division of Water Resources. This increase assumes that 10 new plans will be submitted annually and applicants will pay \$300 for each application.

**State Expenditures**

The bill will not increase state expenditures.

*Department of Natural Resources, Division of Water Resources.* Currently, the division analyzes over 300 substitute water supply plans annually. The addition of 10 plans per year is not anticipated to substantively affect the division's workload, and any associated costs can be absorbed within existing appropriations.

*Judicial Branch.* Water courts have jurisdiction to hear appeals of the State Engineer's decisions. While the bill may result in some additional work for the water court in Division 1, it is anticipated that the work can be absorbed within existing appropriations.

**Departments Contacted**

Judicial            Natural Resources