


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

Drafting Number: LLS 09-0736**Date:** January 27, 2009**Prime Sponsor(s):** Rep. Riesberg
Sen. Hodge**Bill Status:** House Agriculture**Fiscal Analyst:** Marc Carey (303-866-4102)

TITLE: CONCERNING THE EXEMPTION OF DEPLETIONS FROM PUMPING THAT OCCURRED PRIOR TO 1974.**Summary of Legislation**

This bill specifies that augmentation plans within Water Division 1 (primarily the South Platte River Basin) that are either applied for or amended on or after the act's effective date shall not require the replacement of out-of-priority depletions that occurred prior to March 15, 1974. In the case of an amended plan for augmentation, the water judge may review all the terms and conditions of the plan. The bill will take effect 90 days after adjournment (August 4, 2009 if adjournment is May 6, 2009), unless a referendum petition is filed.

Assessment

As a result of this bill, existing well augmentation plans could be amended so that they would not have to replace pre-1974 depletions. Review of an amended augmentation plan would take roughly 15 minutes to process, and while there are nearly 1,000 plans on file in Division 1, only very few of these have pre-1974 depletions. The share of these qualifying plans that would be amended as a result of this bill is unknown. It is also estimated that a small number of pending applications might be amended as a result of this legislation. However, the elimination of pre-1974 depletions from augmentation plans would likely simplify trials by eliminating the need for expert testimony to prove a pre-1974 depletion. Thus, the bill would result in two offsetting impacts, leading to a minimal overall fiscal impact for the Judicial Branch that is absorbable within existing budgetary resources.

Departments Contacted

Judicial Branch

Natural Resources