

FINAL
NO FISCAL IMPACT

(replaces fiscal note dated January 22, 2007)

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Prime Sponsor(s): Rep. McFadyen
Sen. Schwartz

Bill Status: Signed into Law

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TITLE: CONCERNING AN EXPANSION OF WATER JUDGES' JURISDICTION TO ADDRESS THE EFFECTS OF A WATER RIGHT ADJUDICATION ON WATER QUALITY.

Summary of Assessment

This bill authorizes water court judges to include conditions in their decrees that address decreases in water quality resulting from a change in the use of a water right under the following conditions:

- (1) the water right involves more than 1,000 acre-feet;
- (2) the change in use also involves a change in the point of diversion;
- (3) the change in use also involves permanent removal from irrigation; and
- (4) the change in use causes a violation of existing water quality standards for the stream segment at the original point of diversion.

Regarding stream water quality, the bill specifies that the applicant for such a change in use is responsible for only that portion of the decline in water quality due to the change in use. The Governor signed the bill into law on March 12, 2007, and applies to changes in water rights filed thereafter.

Judicial Branch. The water courts have historically focused on adjudicating the amount of water used while water quality issues were left to the Water Quality Control Commission. This bill will create a new type of objection in water augmentation and cases involving changes of water rights. While adjudication of water quality issues is anticipated to be resource intensive, this bill limits consideration of such issues to transfers involving at least 1,000 acre-feet of consumptive use by a single applicant. Few filings involve transfers of this size, such that the additional workload created by this bill can be absorbed within existing resources.

Department of Natural Resources. The anticipated number of cases is small enough such that any additional workload can be absorbed within existing resources.

Department of Public Health and Environment. The staff of the Water Quality Control Commission may need to be available for additional expert testimony at commission hearings or to provide assistance to water judges in such cases. However, the anticipated number of cases is small enough that any additional workload can be absorbed within existing resources.

This bill will not affect state or local revenues or expenditures, and is assessed as having no fiscal impact.

Departments Contacted

Natural Resources

Judicial

Public Health and Environment

Law