



*Colorado Legislative Council Staff Fiscal Note*  
**STATE**  
**FISCAL IMPACT**

**Drafting Number:** LLS 12-0103

**Date:** January 27, 2012

**Prime Sponsor(s):** Sen. Hodge

**Bill Status:** Senate Agriculture

**Fiscal Analyst:** Lauren Ris (303-866-3264)

**TITLE:** CONCERNING A SIMPLIFIED PROCEDURE FOR THE ADJUDICATION OF CERTAIN CHANGES OF THE POINTS OF DIVERSION OF WATER RIGHTS.

<b>Fiscal Impact Summary</b>	<b>FY 2012-2013</b>	<b>FY 2013-2014</b>
<b>State Revenue</b>		
<b>State Expenditures</b> General Fund Cash Funds Judicial Stabilization Cash Fund	Minimal increase- see State Expenditures section.	
<b>FTE Position Change</b>		
<b>Effective Date:</b> Upon signature of the Governor, or upon becoming law without his signature.		
<b>Appropriation Summary for FY 2012-2013:</b> None required.		
<b>Local Government Impact:</b> None.		

**Summary of Legislation**

This bill creates a simplified procedure for applications to change a surface water point of diversion. Under current law, all changes of water rights, including changes in points of diversion, must be adjudicated. The bill allows surface point of diversion changes to be made under a simplified procedure if:

- the diversion point is not combined with or includes any other type of water right change;
- there are no other points of diversion between the new point of diversion and the diversion point from which the change is being made; and
- there are no intervening points of water inflow or discharge.

The bill provides for the presumption that the change will not result in a greater amount of water decreed under the water right, however, this presumption may still be challenged in court.

### **State Expenditures**

*The Judicial Branch will incur a minimal increase in expenditures for trial courts.* The issue of whether a point of diversion change will enlarge the amount of water decreed under the water right may still be raised, which may require extra time for the parties to do engineering work and accounting to show that the change in location of the diversion point will not cause injury to other water users or expand the water right of the applicant. Additionally, while the courts will most likely not change their procedures significantly, they will need to carefully examine the pleadings to determine if the application fits the criteria of a simple change in a surface point of diversion. The courts will absorb the increase within existing appropriations.

### **Departments Contacted**

Judicial

Natural Resources