

**STATE
FISCAL IMPACT**

Drafting Number: LLS 13-0104	Date: January 22, 2013
Prime Sponsor(s): Sen. Giron Rep. Sonnenberg	Bill Status: Senate Agriculture Fiscal Analyst: Kirk Mlinek (303-866-2756)

TITLE: CONCERNING POINTS OF DIVERSION THAT ARE NOT LOCATED AT THE PHYSICAL LOCATION SPECIFIED IN THE DECREES FOR DIVERTED WATER RIGHTS.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
Cash Funds		
Judicial Stabilization Cash Fund — <i>Reduction</i>	(<\$5,000)	(<\$5,000)
State Expenditures	See State Expenditures section.	
FTE Position Change		
Effective Date: August 7, 2013, if the General Assembly adjourns on May 8, 2013, as scheduled, and no referendum petition is filed.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: None.		

Summary of Legislation

The bill, recommended by the **Water Resources Review Committee**, will allow the owners and users of water rights to correct erroneous point of diversion location descriptions in decrees without having to file an application for a change in water right.

Background

Some water rights in Colorado are affected by erroneous point of diversion location descriptions. A point of diversion is a specifically named place where water is removed from a body of water. Erroneous descriptions are the result of clerical errors, changes in landmark or survey methods, and other minor inaccuracies. Under current law, if the owner of a water right uses a point of diversion other than that described in the adjudicated decree, the owner must apply to the water court for a change of water right. The bill provides an alternative process for modifying the decreed location of an erroneously located point of diversion.

State Revenue

The bill will reduce cash fund revenue received by the water courts, but by less than \$5,000 annually. Current law requires that a total fee of \$182 be paid to file an application, complaint, petition, or other pleading initiating a water matter, except for changes in water right or approval for an augmentation plan, for which the total fee is \$363. Under the bill, persons seeking to correct erroneously located points of diversion for existing water rights are not required to seek a change in a water right, meaning that the standard total fee of \$182 will apply. The number of such filings is expected to be small and the fiscal note assumes that the corresponding reduction in revenue will be minimal. Application fees are deposited in the Judicial Stabilization Cash Fund.

State Expenditures

The bill creates a new process for certain cases that are already subject to adjudication in water court and does not, by itself, either increase or decrease the overall number of filings. Therefore, the workload of the water courts is not expected to change.

Up to 10 percent of water rights administered by the Division of Water Resources (DWR) in the Department of Natural Resources could be affected by the bill. Point of diversion cases are already handled by DWR staff and, since the bill is not expected to change the number of filings, the bill is not expected to affect the DWR's workload.

Departments Contacted

Natural Resources

Judicial