

Finally, the CWCB can accept an instream flow right based on water efficiency savings notwithstanding existing law that requires acquired instream flow rights to be based on historic consumptive use, and water efficiency savings that have been changed under the bill are not subject to abandonment.

Background

Colorado has seven water divisions based upon the drainage patterns of various rivers in Colorado. Each water division is staffed with a division engineer, a water judge, a water referee, and a water clerk. The water divisions affected by the bill are:

- Water Division 4 - Gunnison River Basin;
- Water Division 5 - Colorado River Basin;
- Water Division 6 - White River Basin; and
- Water Division 7 - San Juan River Basin.

State Expenditures

Beginning in FY 2014-15, this bill is expected to result in increased workload for the Division of Water Resources (DWR) and the CWCB in the Department of Natural Resources, and for water courts in the Judicial Branch. These increases are described below.

Department of Natural Resources, Division of Water Resources. This bill is expected to increase the workload for the DWR but, because the number of private water rights owners who will take advantage of this new provision is unknown, the increased workload cannot be determined. DWR staff are expected to develop criteria and guidelines to manage the process in an effective and consistent manner and to analyze the water efficiency savings prior to a change in right being approved. Because of the limited information currently available, this is not expected to require new appropriations.

Department of Natural Resources, CWCB. The bill is expected to increase the number of changes of water rights for instream flows, which in turn increases both the workload and expenditures of the CWCB. As noted above, it is unknown how many private water rights owners will offer to sell water to the CWCB. If the bill results in more than five additional water acquisitions that require participation in water court change cases per year, the associated workload could require new appropriations to the CWCB for additional staff to process these cases. Also depending on private water owner participation, the CWCB may require additional funding for acquisition of water rights. If such an increase occurs, the fiscal note assumes this will be addressed during the annual budget process.

Judicial Branch, Water Court. Although the legislation may increase the number of cases filed by the CWCB seeking to acquire a portion of an existing water right, the number of cases will be low enough that the water courts can address the minimal increase in workload within existing appropriations.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Natural Resources

Judicial

Law