

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 14-0578 **Date:** January 24, 2014
Prime Sponsor(s): Rep. Sonnenberg; Young **Bill Status:** House Agriculture
 Sen. Lundberg; Kefalas **Fiscal Analyst:** Clare Pramuk (303-866-2677)

SHORT TITLE: RELOCATE DITCH HEADGATE WITHOUT CHANGE CASE

Fiscal Impact Summary	FY 2014-2015	FY 2015-2016
State Revenue		
State Expenditures	Minimal workload increase.	
FTE Position Change		
Appropriation Required: None.		

Summary of Legislation

Under current law, when the channel of a natural stream changes so that the ditch headgate no longer receives a sufficient flow of water, the ditch owner is authorized to move the headgate upstream without filing a change of water right application. This bill, **recommended by the Flood Disaster Study Committee**, clarifies that if a ditch owner relocates a headgate to a new surface point of diversion, as long as the relocation does not physically interfere with the complete use of or enjoyment of other water rights, the owner does not need to file a change of water right application.

Background

A headgate is a structure used to divert water in a waterway from its natural course for agricultural, municipal, and recreational use. The September 2013 flooding event in Colorado moved waterways to new channels and in some instances away from headgates.

State Expenditures

In the short term, because fewer change of right applications will need to be filed, the bill is expected to reduce workload for the water courts in the Judicial Branch. In the longer term, water court caseload is expected to increase by 10 to 15 cases per year, primarily in the areas of the state where the September floods occurred. This increase in caseload assumes that some water users will allege injury based on a change in headgate location. Because one water court judicial officer can process 214 cases per year, this bill is expected to be addressed within existing appropriations.

Local Government Impact

By clarifying that no change in use application is necessary to move certain headgates, the bill may reduce local government costs associated with flood damage recovery. Expediting the process for relocating headgates may also enable counties and municipalities to more quickly recover water supplies, with accompanying economic benefits to the communities.

Effective Date

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

State and Local Government Contacts

Counties
Judicial

Municipalities
Law

Natural Resources