



**Colorado  
Legislative  
Council  
Staff**

**HB17-1190**

**FINAL  
FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 17-0818

**Date:** July 13, 2017

**Prime Sponsor(s):** Rep. Becker K.  
Sen. Sonnenberg

**Bill Status:** Signed into Law

**Fiscal Analyst:** Clare Pramuk (303-866-2677)

**BILL TOPIC:** LIMITED APPLICABILITY OF ST. JUDE'S CO. WATER CASE

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	Minimal workload reduction.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing minimal workload reduction.		

**Summary of Legislation**

In 2015, the Colorado Supreme Court held in *St. Jude's Co. v. Roaring Fork Club, LLC*, that the diversion of water from a surface stream into a private ditch on private property for aesthetic, recreational, and piscatorial purposes is not a beneficial use of water under Colorado water law. This bill clarifies that the Supreme Court decision does not apply to absolute and conditional water rights for which a decree was entered as of July 15, 2015. Water rights which would be subject to the decision in the absence of this bill are valid and given full force and effect. These water rights may be maintained through findings of reasonable diligence and made absolute. Augmentation plans related to such rights may be approved, in accordance with state law. Changes of these water rights must be limited to changes in points of diversion.

**State Expenditures**

This bill provides direction to water courts in deciding pending cases that could be subject to the *St. Jude's Co. v. Roaring Fork Club, LLC* decision. To the extent that this facilitates those decisions, this bill will minimally reduce the workload of the water courts. This reduction does not require a change in appropriations.

**Effective Date**

The bill was signed into law by the Governor on May 25, 2017, and takes effect August 9, 2017, if no referendum petition is filed.

**State and Local Government Contacts**

Judicial

Law

Natural Resources