



Legislative
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HB 20-1159

**FINAL
FISCAL NOTE**

Drafting Number:	LLS 20-0777	Date:	September 10, 2020
Prime Sponsors:	Rep. Roberts; Catlin Sen. Donovan; Coram	Bill Status:	Signed into Law
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Bill Topic: STATE ENGINEER CONFIRM EXISTING USE INSTREAM FLOW

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill requires that when a claim of water use that predates an instream flow appropriation is made, the State Engineer confirm the extent of the claimed use. It increases state workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the enacted bill.

Summary of Legislation

Under current law, any instream flow appropriation is subject to uses and exchanges of water by other water users that existed prior to the instream flow appropriation, whether or not the preexisting use has been confirmed by a court order or decree. The bill requires that when a claim of a preexisting use is asserted, the State Engineer in the Department of Natural Resources confirm the extent of the claimed unadjudicated use. A water user may seek a water court confirmation or adjudication of the preexisting use.

State Expenditures

The bill increases workload in the Department of Natural Resources to develop a review process and review claims of preexisting use. The fiscal note assumes that three reviews will be requested each year, with each review requiring 16 hours of staff time. This workload can be accomplished within existing appropriations.

Effective Date

The bill was signed into law by the Governor on April 1, 2020, and takes effect on September 14, 2020, assuming no referendum petition is filed.

State and Local Government Contacts

Judicial Natural Resources