



**Colorado
Legislative
Council
Staff**

HB16-1382

FISCAL NOTE

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

Drafting Number: LLS 16-1139
Prime Sponsor(s): Rep. Becker K.

Date: April 1, 2016
Bill Status: House Agriculture
Fiscal Analyst: Chris Creighton (303-866-5834)

BILL TOPIC: DIVERT WATER PISCATORIAL AESTHETIC BENEFICIAL USE

Fiscal Impact Summary	FY 2015-2016 <i>(current year)</i>	FY 2016-2017	FY 2017-2018
State Revenue			
State Expenditures	Minimal workload increase.		
Appropriation Required: None.			
Future Year Impacts: Ongoing minimal workload impact.			

Summary of Legislation

This bill clarifies the definition of beneficial water use to include diversion or release from storage of water for any purpose for which an appropriation is lawfully made, including piscatorial (fishing) and aesthetic uses. Decrees entered before, after, or on the effective date of this bill for beneficial uses must be given full effect and enforced according to the terms of such decrees.

Background

A water court may decree a water right to satisfy a petitioner's beneficial use. Beneficial use is the use of an amount of water that is reasonable and appropriate under reasonably efficient practices to accomplish, without waste, the purpose for which the appropriation is legally made. Currently decreed water rights may include recreational, fishery, or wildlife purposes.

State Expenditures

This bill potentially increases workload in the Division of Natural Resources (DNR) and potentially increases and decreases workload in the Judicial Department as discussed below.

Department of Natural Resources. By clarifying the definition of beneficial use, this bill may provide the State Engineer's Office in the DNR with additional water rights management flexibility, but does not change the complexity or the number of water rights administered by the DNR. Therefore, no additional appropriations are necessary.

Judicial Department. By adding uses to the statutory definition of beneficial use, this bill potentially increases water court workload in the Judicial Department from additional filings to establish water rights. The number of filings is expected to be minimal and any increase in workload can be accomplished within existing appropriations.

Prior litigation has been brought to the water court due to the lack of a specific beneficial use definition. Clarifying the statutory definition of beneficial use could also prevent future litigation which will result in a decrease in water court cases. The savings generated from fewer water court cases related to beneficial use is expected to be minimal and will not require a decrease in appropriations.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature. It applies to applications pending before water judges or referees filed on or after the effective date.

State and Local Government Contacts

Counties
Local Affairs

Information Technology
Municipalities

Judicial
Natural Resources