

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass
Vote: 6 - 1 - 2
Yeas: Clem, Esquivel, McKeown, Reardon, Unger, Witt
Nays: Thompson
Exc.: Krieger, Whitsett
Prepared By: Beth Patrino, Administrator
Meeting Dates: 5/2, 5/7

WHAT THE MEASURE DOES: Establishes lease limit of five years, with no limitation on renewals, for person leasing existing water right for use as in-stream water right. Stipulates total lease period for split use of water between existing water right and in-stream water right during same calendar year may not exceed 10 years. Establishes process for person to file request and obtain Water Resources Department (WRD) approval of lease. Requires WRD provide notice and time for delivery of allegations of injury. Requires WRD issue order approving request if WRD finds leasing water for in-stream use will not cause injury to other existing water rights. Authorizes WRD to revoke or modify order if WRD determines use of right for in-stream use has or may result in injury to existing water right. Authorizes split use of water between existing water right and in-stream water right during same calendar year if uses are not concurrent and holders of water rights measure and report to WRD. Extends sunset allowing lease for split use of water between existing water right and in-stream right use during same calendar year to continue until January 2, 2024.

ISSUES DISCUSSED:

- Length of sunset on split season leasing program
- 17 split season leases since program started; potential future growth in program
- Examples of split season lease
- Voluntary nature of program

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The split season water right leasing program was established by the Legislature in 2001; in 2007, the Legislature extended the program sunset to January 2, 2014. The split season leasing program allows a water right to be used for both instream and out-of-stream uses provided the uses do not occur at the same time and do not result in injury to other water rights.

Senate Bill 199A would establish a five year term on all instream leases with unlimited renewals and cap the total period for which a water right may be leased for split season use to a total of 10 years. The measure would require the holder of the water rights involved in a split season lease to measure and report use to the Water Resources Department (Department). The Department would be authorized to revoke or modify an order approving an instream lease if the Department determines the instream use has or may result in injury to an existing water right. Senate Bill 199A also extends the sunset on the split season leasing program to January 2, 2024.

5/8/2013 9:45:00 AM

This summary has not been adopted or officially endorsed by action of the committee.