

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass and Be Placed on the Consent Calendar
Vote:	7 - 0 - 2
Yeas:	Clem, Esquivel, McKeown, Reardon, Thompson, Unger, Witt
Nays:	0
Exc.:	Krieger, Whitsett
Prepared By:	Beth Patrino, Administrator
Meeting Dates:	5/7

WHAT THE MEASURE DOES: Allows record landowner holding water right for irrigation, nursery, temperature control, stock watering or agricultural water use with subsequent completion date to apply for assignment of all or part of water right permit and for issuance of replacement permit reflecting assignment. Requires applicant to submit: map identifying place and rate of use, applicable acre-feet allowances, tax lots and points of diversion or appropriation; copy of deed; affidavit certifying water right has not been conveyed or withheld; statement by applicant of most recent water use; and agreements to assignment and request for issuance of replacement submitted jointly or individually by all owners of land, or an assignment of interest and request for issuance of replacement submitted by one or more owners and information identifying owners not submitting request. Establishes process for Water Resources Department to undertake upon receiving application, including: verifying addresses and deed; preparing statement that proposed replacement water right permit will not result in enlargement of original water right; proposed final order and drafts of replacement water right permits; mailing documents to landowners; and allowing comment. Requires replacement permit or permits to: have same conditions as replaced permit including priority date, source and use; not enlarge upon water use; apportion rate and, if applicable, duty in proportion to amount of land; and identify land to which the replacement water right is attached. Establishes process for protesting proposed final order. Establishes fee to cover actual cost of work for processing application or for protesting assignment of water right.

ISSUES DISCUSSED:

- Lack of authority to divide water permit as properties are sold
- Terms and conditions of original water use permit are maintained
- Example of landowner wanting to move forward with certification while other permit holders are not

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Generally, a water right is attached to a parcel of land; this is known as “appurtenancy.” When land is sold, the appurtenant water right goes with the land to the new owner. As properties are divided and sold, the water rights are also affected. This can lead to a circumstance where some permit holders are ready to certificate their portion of a water right, and others with a portion of the water right are not ready or willing.

Senate Bill 200 A would establish a process for a holder of water right for agricultural use to certificate their portion of an original water right permit as they become eligible. The new permit would carry forward all conditions from the original permit and would not release any permit holders from obligations under the original permit.

5/8/2013 9:44:00 AM

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