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### FISCAL IMPACT REPORT

SPONSOR:	Jennings	DATE TYPED:	02/03/00	HB	
SHORT TITLE:	Publish Applications to Appropriate Water			SB	16/aSCONC
				ANALYST:	Pickering

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY00	FY01	FY00	FY01		
NFI	NFI	NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to

### SOURCES OF INFORMATION

Office of the State Engineer / Interstate Stream Commission (OSE/ISC)

## **SUMMARY**

### Synopsis of SCONC Amendment

The Senate Conservation Committee amended SB16 by deleting language for publishing and distributing in a newspaper "in the county where the diversion is located" and included language "for each county the move-from and move-to points of diversion are located."

### Synopsis of Bill

The bill authorizes the State Engineer to require water applicants to have a notice of publication in a newspaper distributed in the county where the point of diversion is located. This differs from current methods where the notice of publication is printed in a general circulation newspaper in a stream system (for surface water applications) or in a general circulation newspaper in a county (for well applications).

### Significant Issues

OSE maintains the statutes, as amended by the bill, do not address several issues which include: publication requirements for applicants requesting to change their place of use; provision of notices to users at the move from location and; instances where a stream system is predominantly in a different county from the county where the diversion point is located.

## **ADMINISTRATIVE IMPLICATIONS**

The agency would incur minimal impact. For each county in the state, OSE would develop a list showing the number of newspapers published and distributed in that county.

## **SUBSTANTIVE ISSUES**

According to OSE, the bill will deny adequate notices in many instances. One example includes notices not given to users in one county, such as acequias, if the move from location is in a different county than the point of diversion. By not publishing in a stream system, acequias may not receive adequate notice that water rights are leaving its ditches. A second example is a point of diversion and a place of use may not occur in the same county, but a point of diversion may be located in a neighboring county. As this bill proposes, only readers of a newspaper located in the latter county would get notice, while no notice would be published in newspapers located in the former county.

## **ALTERNATIVES**

OSE is in the process of expanding its website to allow for notices of publication to be distributed via the Internet. The agency supports this as a means to reach all interested groups regardless of county borders.

## **CONSEQUENCES OF NOT ENACTING THE BILL**

The notice of publication will continue to be printed in a general circulation newspaper in a stream system (for surface water) or in a general circulation newspaper in the county (for wells).

RWP/gm/sb