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FISCAL IMPACT REPORT

SPONSOR King DATE TYPED 3/15/05 HB 1073/HENRCS

SHORT TITLE Engineer Assessment of Subdivision Water SB _____

ANALYST Ford

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

The House Energy and Natural Resources Committee substitute for House Bill 1073 requires county boards of commissioners to adopt regulations establishing the county's requirements for assessing water availability to meet maximum annual water requirements in subdivisions in critical management areas, as designated by the office of the state engineer (OSE). Critical management areas are defined as those areas where water resources may be inadequate to sustain well production or where additional depletions are shown to negatively affect interstate compact delivery requirements.

Significant Issues

The OSE has indicated that water availability assessments are essential for all subdivision proposals because they help fulfill the state engineer's duty to determine:

1. If water physically exists in the area of concern,
2. If the water can be recovered in a manner to meet the demands of the proposed subdivision, including considerations for peak indoor and outdoor uses and fire flow,
3. If the water can be legally diverted.

Current law requires county boards of commissioners to adopt regulations that establish the county's requirements for assessing water availability in subdivisions. This bill requires county boards of commissioners to also adopt regulations for assessing water availability in subdivisions

located in critical management areas. The OSE indicates that critical management areas have been designated for only a small portion of the state.

OTHER SUBSTANTIVE ISSUES

Since current law requires counties to adopt regulations regarding water availability assessments for all subdivisions, it is unclear what new authority or obligation this bill conveys to counties.

POSSIBLE QUESTIONS

How is the requirement for subdivisions in critical management areas different from the existing requirement for all subdivisions?

EF/lg