

NOTE: As provided in LFC policy, this report is intended for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used in any other situation.

Only the most recent FIR version, excluding attachments, is available on the Intranet. Previously issued FIRs and attachments may be obtained from the LFC office in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR: Stell DATE TYPED: 03/02/01 HB 833/aHAGC
 SHORT TITLE: Public Notice of Water Appropriation SB _____
 ANALYST: Dotson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	None				None

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with SB 118 and HB 156.

SOURCES OF INFORMATION

Office of the State Engineer.

SUMMARY

Synopsis of HAGC Amendments

The House Agriculture and Water Resources Committee amendments require that notification of a diversion be published and distributed in each county where water is or has been put to beneficial use or in the case of ground water, where water rights may be affected.

Synopsis of Original Bill

HB 833 prescribes the mechanism for publishing notices for surface water applications. Public notifications of water appropriations must be advertised in a newspaper that is published and distributed both within the county of the diversion and in the county where the water will be put to beneficial use. If these newspapers are not available then the water right application should be advertised in newspapers of general circulation within the stream system for surface water and within the county where the well is to be located for ground water.

Significant Issues of HAGC Amendments

The House Agriculture and Water Resource Committee amendments expands the number of newspapers which a notification shall appear affected by a diversion. A diversion in the northern Rio Grande water shed could theoretically require notification in all the counties south, adjacent to the Rio Grande, all the way to the Mexican border

Significant Issues of Original Bill

The intent of the bill is to ensure notification in the county of transfer. However, it is possible that a newspaper of very limited circulation would be the vehicle of notification. This may not serve the intent of the notification law.

PERFORMANCE IMPLICATIONS

FISCAL IMPLICATIONS

HB 833 contains no appropriation and does no provision which could foreseeable trigger a need for an appropriation.

CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP

Conflicts with SB 118 and HB 156, both of which would have the law changed so that an applicant would need to publish the notice in the newspaper with the largest circulation in the county within which the proposed point of diversion would be located.

OTHER SUBSTANTIVE ISSUES

The State Engineer suggests, amending page 1, line 22, after “in a form”, insert “and in a newspaper”, delete comma after “engineer” and insert a period. Delete on page 1, line 22 and 23 “in some newspaper that is”, and insert “The newspaper shall be”. On page 1 line 25, and on page 2, line 1, delete “if there is no such newspaper, then”. Amend page 2, line 2, after “stream system”, as follows, “, whichever is the newspaper of the largest circulation. The notice shall be published”. On page 2, line 2, delete the period after “weeks”. On page 2, line 3, delete “The notice”, and insert “and”.

The State Engineer suggests, on page 4, line 6, after “shall”, delete “cause to be published in a newspaper that is”, insert “instruct the applicant to publish notice thereof, in a form and in a newspaper prescribed by the state engineer.”. On page 4, line 7, before “published”, insert “The newspaper shall be”. On page 4, line 9, after “or”, delete “if there is no such newspaper, then”. On page 4, line 11, after the comma, insert “whichever is the newspaper of largest circulation. The notice shall be published” On page 4, line 12, delete the comma and insert “and”.