

***Agriculture & Ecology Committee***

***HB 1595***

***Brief Description:*** *Changing provisions relating to seasonal or temporary transfer or changes by water users.*

***Sponsors:*** *Representatives G. Chandler and Linville.*

***Brief Summary of Bill***

- *Allows certain changes in the place of use of a water right, including use rotation, to be made by notifying the Department of Ecology (DOE) rather than seeking its approval.*

***Hearing Date:*** *2/15/01*

***Staff:*** *Kenneth Hirst (786-7105).*

***Background:***

*There are several fundamental elements of a water right. One is its priority (or seniority). Other elements of the water right include: the amount of water that may be withdrawn from a particular water source under the right, the time of year and point from which the water may be withdrawn, the type of water use authorized under the right (such as an agricultural or municipal use), and the place that the water may be used. With approval, certain of these elements of a water right may be modified if the modification would not impair other existing water rights. Such an approved modification does not affect the priority date of the right. Alterations in water rights are referred to in statute as transfers, changes, and amendments of water rights. (See RCW 90.03.380 and 90.44.100.)*

*The provisions of the Surface Water Code regarding transfers and changes in water do not prevent water users from making a seasonal or temporary change of point of diversion or place of use of water when the change can be made without detriment to existing rights. Such a seasonal or temporary change requires the permission of the DOE or its local water master. With such approval, water users who own the land to which the water rights are attached may also rotate the use of the water when the rotation can be accomplished*

*without detriment to other existing water rights. (RCW 90.03.390.)*

***Summary of Bill:***

*A person may change the place of use of a water right without approval if the water is used on land contiguous to the place of use of the water right, the land is owned or leased by the holder of the water right, and the total amount of land to which the water is applied is not increased. Before making the change, the water right holder must notify the DOE of the change and describe the land involved in the change in place of use. Similarly, a landowner's rotating the use of water may be accomplished by such a notification rather than approval.*

*A requirement that other seasonal or temporary changes be made only with approval appears to be eliminated, although it continues to be referred to as being required.*

***Appropriation: None.***

***Fiscal Note: Not Requested.***

***Effective Date: Ninety days after adjournment of session in which bill is passed.***