
SUBSTITUTE SENATE BILL 5807

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Newhouse, Bauer, Barr and Gaspard).

Read first time March 6, 1991.

1 AN ACT Relating to public ground waters; and adding a new section
2 to chapter 90.44 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.44 RCW
5 to read as follows:

6 (1) In addition to the provisions for transfer or change of a right
7 to the use of water as provided by this chapter and chapter 90.03 RCW,
8 a water right pertaining to public ground waters may, upon written
9 request filed with the department by a person holding a water right, be
10 changed or transferred without loss of priority from a right
11 exercisable on a seasonal basis only to a right exercisable throughout
12 a calendar year or another seasonal basis for either the beneficial use
13 or uses embodied in the existing right or for a new beneficial use or
14 uses. Requests shall be approved if it appears to the department that
15 the proposed change or transfer (a) pertains to an existing right on

1 the date of the filing of the request, (b) relates to the same water-
2 bearing zone as the existing right, (c) will not exceed the annual
3 amount actually applied to a beneficial use as authorized for
4 withdrawal under the existing right, (d) will not impair existing
5 rights, and (e) is not in conflict with the public interest. A written
6 request, as provided under this section, shall be made on a form
7 provided by the department. The request shall be processed pursuant to
8 the procedures of RCW 90.44.100. The requestor may, or upon the
9 request of the department shall, provide pertinent information to the
10 department in support of a request for a change or transfer.

11 (2) Whenever a request to change or transfer a portion of a water
12 right only is approved, the department shall issue to the water right
13 holder or holders both (a) a permit, including an appropriate
14 beneficial use implementation schedule, pertaining to the approved
15 portion of the right for change or transfer, and (b) a superseding
16 certificate embodying the portion of the right remaining after approval
17 of the requested change or transfer.