

# FINAL BILL REPORT

## ESSB 5527

---

### FULL VETO

As Passed Legislature

**Brief Description:** Providing incentives for water-efficient irrigation systems.

**Sponsors:** Senate Committee on Agriculture & Environment (originally sponsored by Senators McDonald, Rasmussen, Sellar, Fraser and Anderson).

**Senate Committee on Agriculture & Environment**

**House Committee on Agriculture & Ecology**

**Background:** The 1917 Water Code provides that a water right is to remain appurtenant to a particular parcel of land but allows the right to be transferred to another parcel of land or purpose of use if the change can be made without detriment to existing water rights. Transfers require the approval of the state. Water rights for agricultural use generally contain both a limit on the quantity of water that may be used and a limit on the number of acres of land that the water may be applied.

The Department of Ecology administers the water resource statutes. The traditional interpretation does not allow for an expansion in the number of acres that the water can be applied to due to concerns that such expansion would result in an increase in the consumptive use of water and an equivalent decrease in return flows that would be available to meet the needs of existing water right holders. Return flows generally include water that returns to either the ground water or surface water and is part of the supply available to meet other existing rights.

There has been increased public attention to increasing the efficiency in the use of water. More efficient irrigation technologies have been developed that reduce the amount of water that is needed to be applied. A deterrent to the more rapid adoption of such systems is the use it or lose it— component of the water code. Generally, if a water right holder fails to use all or a portion of a water right for five consecutive years, the portion that is not used is relinquished to the state.

There are also provisions in the water transfer law that specifically address inter and intra irrigation district water right transfers.

**Summary:** Water right holders or persons who have contractual agreements to receive water who employ water saving technologies are allowed to transfer a portion of the water saving to additional uses. The portion that is transferable to another use is limited to the amount of the reduced evaporative loss. Additional quantities of saved water could be transferred if such transfer is determined to not be to the detriment or injury of existing water rights.

The department is authorized to adopt rules to establish streamlined procedures to quantify the reduction in evaporative loss. The department is to use data from the Washington State Cooperative Extension Service to base calculations of reduction in evaporative loss.

Transfers can be to irrigate previously unirrigated land, to land with less senior water rights, or to the state water right trust account for augmentation of instream flows. The Department of Ecology is authorized to enter into contracts to purchase such water when funding is available.

Water rights that are transferred under this act retain their original date of priority.

**Votes on Final Passage:**

Senate	47	0
House	79	17 (House amended)
Senate	42	4 (Senate concurred)