

SENATE BILL REPORT

ESSB 5527

As Passed Senate, January 30, 1998

Title: An act relating to incentives for water-efficient irrigation systems.

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).

Brief History:

Committee Activity: Agriculture & Environment: 2/6/97, 2/11/97, 2/27/97 [DPS].
Passed Senate, 3/10/97, 48-0.
Passed Senate, 1/30/98, 47-0.

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: That Substitute Senate Bill No. 5527 be substituted therefor, and the substitute bill do pass.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Staff: Bob Lee (786-7404)

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 of Bill: 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 authorized to use data from federal agencies and the Washington State Cooperative Extension Service to base calculations of reduction in evaporative loss for various regions of the state.

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.

Appropriation: None.

Fiscal Note: Requested on February 5, 1997.

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

Testimony For: Incentives need to be provided to agricultural irrigation to adopt more efficient irrigation systems such as trickle irrigation that is common in Israel. The original bill does not incorporate existing law pertaining to transfers within irrigation districts.

Testimony Against: There are concerns that there may be adverse impacts to stream flows if care is not taken to prevent increased consumptive use of water.

Testified: Senator McDonald, prime sponsor (pro); Joe LaTourrette, Rivers Council of Washington.

House Amendment(s): The House made technical amendments but no policy changes.