
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-5017.1/00

ATTY/TYPIST: RJS:rmh

BRIEF DESCRIPTION:

2 **SSB 6525** - H COMM AMD

3 By Committee on Agriculture & Ecology

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. Sec. 1. In order to help reduce the current backlog
8 of applications for changes, transfers, or amendments of existing water
9 rights, the legislature intends to allow the processing of applications
10 for such changes, transfers, or amendments without regard to possible
11 impairment of pending applications for new water rights. While the
12 legislature intends to assist the processing of such changes,
13 transfers, and amendments, it does not intend to divert the department
14 of ecology's efforts or in any other way deter the processing of
15 applications for new water rights.

16 The legislature finds that information provided by the public helps
17 to assure compliance with the requirements of current law regarding
18 decisions on applications for changes, transfers, or amendments of
19 existing water rights.

20 **Sec. 2.** RCW 90.03.015 and 1987 c 109 s 65 are each amended to read
21 as follows:

22 As used in this chapter unless the context clearly requires
23 otherwise:

24 (1) "Application for change" means an application filed under RCW
25 90.03.380, 90.03.390, 90.44.100, or 90.44.105.

26 (2) "Department" means the department of ecology;

27 ((+2)) (3) "Director" means the director of ecology; and

28 ((+3)) (4) "Person" means any firm, association, water users'
29 association, corporation, irrigation district, or municipal
30 corporation, as well as an individual.

31 (5) "Same water source" means a ground water body or surface water
32 body, including a stream, stream system, lake, or reservoir and any
33 spring water or underground water that is part of or tributary to the
34 surface water body or aquifer, that the department determines to be an
35 independent water body for the purposes of water rights administration.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.03 RCW
2 to read as follows:

3 (1) The department may process and render decisions on an
4 application for change independently from processing and making
5 decisions on pending applications for new water rights from the same
6 water source without regard to the dates on which the applications for
7 the new rights were filed.

8 (2) Except as provided in this section, the department and a water
9 conservancy board shall process applications for change from the same
10 water source in the order in which they were filed with the department
11 or the board. The exceptions are:

12 (a) The proposed change, transfer, or amendment would alleviate a
13 public health and safety emergency or otherwise preserve public health
14 and safety;

15 (b) There is insufficient information to render a decision on a
16 senior application or applications for change, and the information
17 cannot be obtained in a timely manner;

18 (c) The proposed change, transfer, or amendment was filed by a
19 claimant in a water rights adjudication, and a decision is needed
20 expeditiously to ensure that orders or decrees of the superior court
21 will be representative of the current water situation;

22 (d) The proposed change, transfer, or amendment will move a point
23 of diversion or withdrawal, or replace a diversion with a withdrawal,
24 or replace a withdrawal with a diversion, or change the season of use,
25 when it assists in the recovery of fish listed under the federal
26 endangered species act as threatened or endangered;

27 (e) The proposed change, transfer, or amendment or group of
28 changes, transfers, or amendments will result in providing public water
29 supplies for at least one city and one town or at least two cities and
30 will meet the general needs of the public for a regional area;

31 (f) The proposed change, transfer, or amendment is for the purposes
32 of a temporary or preliminary permit, for a seasonal change under RCW
33 90.03.390, or for an emergent or emergency circumstance under RCW
34 43.83B.410 or 90.03.383(7); or

35 (g) The processing of a proposed certificate submitted to the
36 department under chapter 90.80 RCW.

37 (3) The department, any other state agency, or a water conservancy
38 board shall not require an applicant to give up a valid right or claim
39 to any part of the applicant's water right.

1 (4) The department may adopt rules to implement this section, but
2 such rules must strictly adhere to the provisions of this section.

3 (5) Pending applications for new water rights are not entitled to
4 protection from impairment or given priority for any available water if
5 the department or a water conservancy board processes an application
6 for change from the same water source. New water rights issued after
7 an application for change is approved from the same water source are
8 not entitled to protection from impairment or priority for any
9 available water in relation to the changed, transferred, or amended
10 water right regardless of the dates on which the applications were
11 filed with the department or the board.

12 (6) Notice of an application for change of a water right must be
13 published for the same period and in the same manner as prescribed for
14 an application for a permit by RCW 90.03.280 in the county or counties
15 in which water for the right is withdrawn or diverted and used,
16 although the department may also post notice of the application on the
17 internet at an electronic site containing other departmental
18 information. The department or water conservancy board shall consider
19 all comments received in writing by mail or personal delivery that are
20 received within thirty days of the date of the last newspaper
21 publication of the notice required under RCW 90.03.280.

22 (7) As used in this section, "water conservancy board" or "board"
23 means a water conservancy board created under chapter 90.80 RCW.

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.66 RCW
25 to read as follows:

26 This chapter does not apply to the donation or transfer of a water
27 right to the trust water rights systems administered by the department
28 or to transfers, changes, or amendments of rights to water established
29 under this chapter to any use other than an irrigation use of water.
30 Nothing in this chapter may be construed as prohibiting the transfer,
31 change, or amendment of a right or a portion of a right established
32 through the issuance of a permit under this chapter to a purpose of use
33 other than an irrigation use of water. However, following such a
34 transfer, change, or amendment to a use other than an irrigation use of
35 water, any subsequent transfer, change, or amendment of the right or
36 portion of the right to an irrigation use of water is governed by the
37 limitations established by this chapter."

1 Correct the title.

--- END ---