

# FINAL BILL REPORT

## HB 1642

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C 232 L 99

Synopsis as Enacted

**Brief Description:** Changing surface water permit and rights provisions.

**Sponsors:** Representatives Grant and Mastin.

**House Committee on Agriculture & Ecology**

**Senate Committee on Environmental Quality and Water Resources**

### **Background:**

In general, a water right permit is issued for the purpose of developing the beneficial use for a water right. Once that use has been developed in accordance with the provisions of the permit, a water right certificate is issued for the use. Both the surface water code and the groundwater code allow for "transfers" of rights, through the approval of transfers, changes, or amendments regarding water rights. In recent decisions, the Washington Supreme Court has distinguished between transfers of surface water rights and transfers of groundwater rights. The court has found that the groundwater code does authorize, but the surface water code does not authorize, an unperfected permitted right to be transferred under the general transfer sections of the codes.

In certain circumstances, the surface water code expressly allows a person to use a natural stream or lake in this state as a conveyance system to convey the water to which the person has a water right to a diversion point from which the water will be used.

### **Summary:**

The Department of Ecology may approve a change in the point of diversion prescribed in a permit to appropriate water to a point that is located downstream and is an existing approved intake structure with capacity to transport the additional diversion. This authority is granted if the ownership, purpose of use, season of use, and place of use of the permit remain the same.

The water may be conveyed to such an intake structure in a neighboring state in order to accomplish the modification in the permit, if the approval of the neighboring state is documented to the satisfaction of the department.

### **Votes on Final Passage:**

House 97 0  
Senate 49 0 (Senate amended)  
House 94 0 (House concurred)

**Effective:** July 25, 1999