
SENATE BILL 6525

State of Washington 56th Legislature 2000 Regular Session

By Senators Fraser, Swecker, Jacobsen, Eide and McAuliffe

Read first time . Referred to Committee on .

1 AN ACT Relating to prioritizing the processing of applications for
2 water rights changes and transfers; adding a new section to chapter
3 90.03 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature intends to facilitate
6 ongoing reallocation of existing developed water rights for maximum net
7 benefit; allow the processing of water right changes and transfers
8 ahead of new applications; promote expeditious processing of
9 applications for water rights changes and transfers for which
10 information to render a decision is readily available and unreasonable
11 delay is inequitable; help assure that transaction costs are in keeping
12 with the complexity of the transaction; maintain the ability to approve
13 water rights changes and transfers subject to conditions for protection
14 of existing water rights and the public interest, ensuring that changes
15 and transfers are justified and that fish recovery and instream flow
16 needs are addressed; and promote the rendering of decisions in the
17 public interest.

1 NEW SECTION. **Sec. 2.** The legislature finds that water rights are
2 usufructuary rights and are maintained only by continuous beneficial
3 use; that the rights acquired by water right holders, as a result of
4 continuous beneficial use of water, must be protected; that changes or
5 transfers of water rights cannot impair other existing water rights for
6 the same source of supply; that ongoing reallocation of existing
7 developed water rights, so as to increase net benefit, is in the public
8 interest; that net benefit can be increased through both in-stream and
9 appropriative uses; and that information provided by the public is a
10 means of helping to assure that decisions regarding water resources are
11 in the public interest and protective of water rights.

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

14 (1) Applications for changes or transfers of water rights may be
15 processed and decisions on them rendered independently of pending
16 applications for new water rights for the same source of supply and
17 independently of any applications for other sources of supply, without
18 regard to the date on which the applications were filed.

19 (2) Except as provided in this section, applications for changes or
20 transfers of water rights for the same source of supply shall be
21 processed and decisions on them rendered in the order in which they
22 were filed. Applications that meet one or more of the following
23 criteria may receive priority:

24 (a) Immediate action is required to alleviate a public health and
25 safety emergency or otherwise preserve public health and safety;

26 (b) Minimal investigation and verification is required to render a
27 decision. Sufficient documentation of the existence of the water right
28 is provided or is readily available and sufficient documentation of the
29 quantity of water historically put to beneficial use is provided, in
30 the form of either records of actual measurement or evidence of use
31 such that the quantity can be readily calculated using recognized and
32 region-specific estimates of the amount necessary to accomplish the
33 beneficial use employing reasonably efficient practices; or

34 (c) Other criteria that the department may establish by adoption of
35 rules, including, but not limited to, substantial environmental or
36 other public benefit.

37 (3) The public notice of the commencement of processing of
38 applications for changes or transfers shall include publication on the

1 department's web page and any public comments received in the course of
2 processing shall be considered.

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