

1 **SHB 1504** - H AMD

2 By Representative Linville

3 Beginning on page 2, after line 35, strike all of subsection (5)
4 and insert the following:

5 "(5) The right to use water for any beneficial use within the
6 general category of an agricultural use may be changed to another
7 agricultural use, within the limitations of the water right regarding
8 priority, place of use, point of diversion, water source, and annual
9 and instantaneous quantity of water, under the following conditions:

10 (a) Changes in the type of crop irrigated under an agricultural
11 irrigation water right may be made without notice to the department and
12 do not constitute a change in the purpose of use of the right;

13 (b) Changes from one agricultural purpose to another agricultural
14 purpose that do not involve a change in the season of use of the water
15 may be made after notification to, but without the approval of, the
16 department;

17 (c) Changes from one agricultural purpose to another agricultural
18 purpose that involve a change in the season of use of the water may be
19 made after securing approval from the department to proceed with the
20 change. For these changes, the water right holder shall give notice to
21 the department that includes information describing the proposed
22 change. The department shall issue a determination within thirty days
23 of receipt of the notice or the water right holder may proceed with the
24 proposed change. If the department determines that the change may
25 result in impairment to other rights, including water rights
26 established for instream flows, the change under this subsection shall
27 not be approved. The determination of the department under this
28 subsection shall not be appealable, and shall not preclude changes that
29 may be authorized under subsections (1), (2), or (3) of this section,
30 RCW 90.03.390, or RCW 90.44.100.

31 The general category of an agricultural use of water is composed
32 of the beneficial uses of water for agricultural irrigation, frost
33 protection, watering livestock, aquaculture, and processing
34 agricultural commodities."

1 Beginning on page 4, after line 26, strike all of subsection (5)
2 and insert the following:

3 "(5) The right to use water for any beneficial use within the
4 general category of an agricultural use may be changed to another
5 agricultural use, within the limitations of the water right regarding
6 priority, place of use, point of withdrawal except as authorized by
7 subsection (3) of this section, water source, and annual and
8 instantaneous quantity of water, under the following conditions:

9 (a) Changes in the type of crop irrigated under an agricultural
10 irrigation water right may be made without notice to the department and
11 do not constitute a change in the purpose of use of the right;

12 (b) Changes from one agricultural purpose to another agricultural
13 purpose that do not involve a change in the season of use of the water
14 may be made after notification to, but without the approval of, the
15 department;

16 (c) Changes from one agricultural purpose to another agricultural
17 purpose that involve a change in the season of use of the water may be
18 made after securing approval from the department to proceed with the
19 change. For these changes, the water right holder shall give notice to
20 the department that includes information describing the proposed
21 change. The department shall issue a determination within thirty days
22 of receipt of the notice or the water right holder may proceed with the
23 proposed change. If the department determines that the change may
24 result in impairment to other rights, including water rights
25 established for instream flows, the change under this subsection shall
26 not be approved. The determination of the department under this
27 subsection shall not be appealable, and shall not preclude changes that
28 may be authorized under subsections (1) through (4) of this section,
29 RCW 90.03.380, or RCW 90.03.390.

30 The general category of an agricultural use of water is composed
31 of the beneficial uses of water for agricultural irrigation, frost
32 protection, watering livestock, aquaculture, and processing
33 agricultural commodities."

EFFECT: (1) Any of the authorized changes in water use must be within the instantaneous withdrawal or diversion limits of the right. (2) The changes in use that may be made through notification and not approval are changes from one agricultural purpose to another agricultural purpose not involving a change in the season the water is used. (3) If the season of water use is to be changed within the general category of use, approval must be secured from the Department of Ecology (DOE) which must issue a determination within thirty days of receiving notice or the change is considered approved. The determination is not appealable, but does not preclude changes that may be approved under current law. (4) Added to the general category of an agricultural use of water are frost protection and aquaculture.