

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.

35 (6) By January 1, 2003, the department shall report to the
36 appropriate committees of the legislature regarding the use of the

1 authorities granted by subsection (5) of this section and RCW
2 90.44.100(5) during 2001 and 2002 including a description and analysis
3 of the notices the department receives under subsection (5) of this
4 section and RCW 90.44.100(5) and its responses to those notices."

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

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

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

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

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

34 The general category of an agricultural use of water is composed
35 of the beneficial uses of water for agricultural irrigation, frost
36 protection, watering livestock, aquaculture, and processing
37 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. (5) The DOE must report to the legislature by January 1, 2003, regarding the use of the authorities provided by the bill.