

Agriculture & Ecology Committee

HB 1594

Brief Description: *Changing the standard for agricultural transfers of water.*

Sponsors: *Representatives Linville and G. Chandler .*

Brief Summary of Bill

- *Alters the amount of water governed by a water right that may be transferred or changed to enable the irrigation of additional acreage or the addition of new water uses.*

Hearing Date: *2/15/01*

Staff: *Kenneth Hirst (786-7105).*

Background:

There are several fundamental elements of a water right. One is its priority (or seniority). The priority date of a right secured under the state's water right permit system is the date the permit application leading to the right was filed. Other elements of the water right include: the amount of water that may be withdrawn from a particular water source under the right, the time of year and point from which the water may be withdrawn, the type of water use authorized under the right (such as an agricultural or municipal use), and the place that the water may be used.

Certain of these elements of a water right may be modified with the approval of the Department of Ecology (DOE) or a water conservancy board if the modification would not impair other existing water rights. Such an approved modification does not affect the priority date of the right. Alterations in water rights are referred to in statute as transfers, changes, and amendments of water rights. (See RCW 90.03.380 and 90.44.100 and Chapter 90.80 RCW.)

In 1997 the transfer and change provisions of the Surface Water Code were amended. The amendment stated that a change in the place of use, point of diversion, or purpose of use

of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if the change results in no increase in the annual consumptive quantity of water used under the water right. To calculate the annual consumptive quantity, the estimated or actual annual amount of water diverted under the water right is reduced by the estimated annual amount of return flows. The average of this amount over the most recent 5 year period of continuous beneficial use is the annual consumptive quantity. (Section 801, Chapter 442, Laws of 1997 and RCW 90.03.380.)

Summary of Bill:

The 1997 amendment to the transfer and change statute is replaced. A change in the place of use, point of diversion, or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may now be permitted if the change results in no increase in the quantity of water used or previously used before the implementation of water distribution and use efficiency measures under the water right.

Appropriation: *None.*

Fiscal Note: *Not Requested.*

Effective Date: *Ninety days after adjournment of session in which bill is passed.*