
HOUSE BILL 1870

State of Washington

57th Legislature

2001 Regular Session

By Representatives Linville, G. Chandler, Grant, Doumit, Gombosky, Santos, Lovick, O'Brien, Wood, Edmonds and Jackley

Read first time 02/07/2001. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to water rights established under the authority
2 of family farm permits; and amending RCW 90.66.060.

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

4 **Sec. 1.** RCW 90.66.060 and 1979 c 3 s 6 are each amended to read as
5 follows:

6 (1) The right to withdraw water for use for the irrigation of
7 agricultural lands under authority of a family farm permit shall
8 have no time limit but shall be conditioned upon the land being
9 irrigated complying with the definition of a family farm as
10 defined at the time the permit is issued: PROVIDED, HOWEVER, That
11 if the acquisition by any person of land and water rights by gift,
12 devise, bequest, or by way of bona fide satisfaction of a debt,
13 would otherwise cause land being irrigated pursuant to a family
14 farm permit to lose its status as a family farm, such acquisition
15 shall be deemed to have no effect upon the status of family farm
16 water permits pertaining to land held or acquired by the person
17 acquiring such land and water rights if all lands held or acquired

1 are again in compliance with the definition of a family farm
2 within five years from the date of such acquisition.

3 (2) If the department determines that water is being withdrawn
4 under a family farm permit for use on land not in conformity with
5 the definition of a family farm, the department shall notify the
6 holder of such family farm permit by personal service of such fact
7 and the permit shall be suspended two years from the date of
8 receipt of notice unless the person having a controlling interest
9 in said land satisfies the department that such land is again in
10 conformity with the definition of a family farm. The department
11 may, upon a showing of good cause and reasonable effort to attain
12 compliance on the part of the person having the controlling
13 interest in such land, extend the two year period prior to
14 suspension. If conformity is not achieved prior to five years from
15 the date of notice the rights of withdrawal shall be canceled.

16 (3)(a) If the purpose of use of a water right established under
17 the authority of a family farm permit is changed to an
18 agricultural use other than an agricultural irrigation use, the
19 restrictions provided by subsections (1) and (2) of this section
20 do not apply to the other agricultural use.

21 (b) If the place of use for a water right established under the
22 authority of a family farm permit is located within an urban
23 growth area designated under RCW 36.70A.110 or is located within a
24 city or town in a county that is not planning under chapter 36.70A
25 RCW, the water right may be transferred, changed, or amended to
26 the same extent as any other water right subject to the following
27 additional requirements:

28 (i) If the transfer, change, or amendment is to a use of water
29 for municipal water supply purposes, the distribution works of the
30 recipient of the transferred, changed, or amended water right
31 shall meet the water conservation standards established by the
32 department of health for such works by rule or guideline in effect
33 at the time the application for the transfer, change, or amendment
34 is filed; and

35 (ii) If following such a transfer, change, or amendment, any
36 portion of the use of water under the right is for agricultural

1 irrigation purposes, that portion of the use is subject to the
2 restrictions provided by subsections (1) and (2) of this section.

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