
SUBSTITUTE SENATE BILL 5713

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Environment, Energy & Water (originally sponsored by Senators Honeyford, Rasmussen, Hale, Morton, T. Sheldon, McDonald, Swecker, Hochstatter, Sheahan, Deccio, Hewitt, Parlette and Stevens)

READ FIRST TIME 02/22/01.

1 AN ACT Relating to seasonal or temporary transfer or changes by
2 water users; and amending RCW 90.03.390.

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

4 **Sec. 1.** RCW 90.03.390 and 1991 c 350 s 3 are each amended to read
5 as follows:

6 (1) RCW 90.03.380 shall not be construed to prevent water users
7 from making a seasonal or temporary change of point of diversion or
8 place of use of water when such change can be made without detriment to
9 existing rights(~~(, but in no case shall such change be made without the~~
10 ~~permission of the water master of the district in which such proposed~~
11 ~~change is located, or of the department. Nor shall RCW 90.03.380 be~~
12 ~~construed to prevent construction of emergency interties between public~~
13 ~~water systems to permit exchange of water during short-term emergency~~
14 ~~situations, or rotation in the use of water for bringing about a more~~
15 ~~economical use of the available supply, provided however, that the~~
16 ~~department of health in consultation with the department of ecology~~
17 ~~shall adopt rules or develop written guidelines setting forth standards~~
18 ~~for determining when a short-term emergency exists and the~~
19 ~~circumstances in which emergency interties are permitted. The rules or~~

1 ~~guidelines shall be consistent with the procedures established in RCW~~
2 ~~43.83B.400 through 43.83B.420~~)). Water users owning lands to which
3 water rights are attached may rotate in the use of water to which they
4 are collectively entitled, or an individual water user having lands to
5 which are attached water rights of a different priority, may in like
6 manner rotate in use when such rotation can be made without detriment
7 to other existing water rights(~~(, and has the approval of the water~~
8 ~~master or department~~)). Before rotating the use of water, the water
9 right holder shall consult with the department.

10 (2) A person may change the place of use of a water right if the
11 water is used on land contiguous to the place of use of the water
12 right, the land is owned or leased by the holder of the water right,
13 and the total amount of land to which the water is applied is not
14 increased. Before making the change, the water right holder shall
15 consult with the department. This subsection does not apply to the use
16 of water within an irrigation district or to changes in use that
17 increase the total amount of acreage irrigated under a water right.

18 (3) RCW 90.03.380 shall not be construed to prevent construction of
19 emergency interties between public water systems to permit exchange of
20 water during short-term emergency situations, or rotation in the use of
21 water for bringing about a more economical use of the available supply,
22 however, the department of health in consultation with the department
23 of ecology shall adopt rules or develop written guidelines setting
24 forth standards for determining when a short-term emergency exists and
25 the circumstances in which emergency interties are permitted. The
26 rules or guidelines shall be consistent with the procedures established
27 in RCW 43.83B.400 through 43.83B.420.

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