
SENATE BILL 5713

State of Washington

57th Legislature

2001 Regular Session

By Senators Honeyford, Rasmussen, Hale, Morton, T. Sheldon, McDonald, Swecker, Hochstatter, Sheahan, Deccio, Hewitt, Parlette and Stevens

Read first time 01/31/2001. Referred to Committee on Environment, Energy & Water.

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 notify the department of the change and describe the
10 land subject to the rotation in use.

11 (2) A person may change the place of use of a water right without
12 the requirement of approval under this section where the water is used
13 on land contiguous to the place of use of the water right, the land is
14 owned or leased by the holder of the water right, and the total amount
15 of land to which the water is applied is not increased. Before making
16 the change, the water right holder shall notify the department of the
17 change and describe the land subject to the change in place of use.
18 This subsection does not apply to the use of water within an irrigation
19 district or to changes in use that increase the total amount of acreage
20 irrigated under a water right.

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

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