

---

SENATE BILL 5715

---

State of Washington

57th Legislature

2001 Regular Session

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

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

1 AN ACT Relating to the standards for agricultural transfers of  
2 water; and amending RCW 90.03.380.

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

4 **Sec. 1.** RCW 90.03.380 and 1997 c 442 s 801 are each amended to  
5 read as follows:

6 (1) The right to the use of water which has been applied to a  
7 beneficial use in the state shall be and remain appurtenant to the land  
8 or place upon which the same is used: PROVIDED, HOWEVER, That the  
9 right may be transferred to another or to others and become appurtenant  
10 to any other land or place of use without loss of priority of right  
11 theretofore established if such change can be made without detriment or  
12 injury to existing rights. The point of diversion of water for  
13 beneficial use or the purpose of use may be changed, if such change can  
14 be made without detriment or injury to existing rights. A change in  
15 the place of use, point of diversion, and/or purpose of use of a water  
16 right to enable irrigation of additional acreage or the addition of new  
17 uses may be permitted if such change results in no increase in the  
18 ((annual consumptive)) quantity of water used or previously used before  
19 implementation of water distribution and use efficiency measures under

1 the water right. ((For purposes of this section, "annual consumptive  
2 quantity" means the estimated or actual annual amount of water diverted  
3 pursuant to the water right, reduced by the estimated annual amount of  
4 return flows, averaged over the most recent five year period of  
5 continuous beneficial use of the water right.)) Before any transfer of  
6 such right to use water or change of the point of diversion of water or  
7 change of purpose of use can be made, any person having an interest in  
8 the transfer or change, shall file a written application therefor with  
9 the department, and the application shall not be granted until notice  
10 of the application is published as provided in RCW 90.03.280. If it  
11 shall appear that such transfer or such change may be made without  
12 injury or detriment to existing rights, the department shall issue to  
13 the applicant a certificate in duplicate granting the right for such  
14 transfer or for such change of point of diversion or of use. The  
15 certificate so issued shall be filed and be made a record with the  
16 department and the duplicate certificate issued to the applicant may be  
17 filed with the county auditor in like manner and with the same effect  
18 as provided in the original certificate or permit to divert water.

19 (2) If an application for change proposes to transfer water rights  
20 from one irrigation district to another, the department shall, before  
21 publication of notice, receive concurrence from each of the irrigation  
22 districts that such transfer or change will not adversely affect the  
23 ability to deliver water to other landowners or impair the financial  
24 integrity of either of the districts.

25 (3) A change in place of use by an individual water user or users  
26 of water provided by an irrigation district need only receive approval  
27 for the change from the board of directors of the district if the use  
28 of water continues within the irrigation district, and when water is  
29 provided by an irrigation entity that is a member of a board of joint  
30 control created under chapter 87.80 RCW, approval need only be received  
31 from the board of joint control if the use of water continues within  
32 the area of jurisdiction of the joint board and the change can be made  
33 without detriment or injury to existing rights.

34 (4) This section shall not apply to trust water rights acquired by  
35 the state through the funding of water conservation projects under  
36 chapter 90.38 RCW or RCW 90.42.010 through 90.42.070.

--- END ---