

HOUSE BILL REPORT

HB 3106

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to water rights.

Brief Description: Concerning the division of existing surface or ground water rights.

Sponsors: Representatives Mastin, Grant, Linville, Schoesler, Hinkle, Newhouse, Chandler and Delvin.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/4/04, 2/6/04 [DP].

Brief Summary of Bill

- Authorizes the Department of Ecology (DOE) to divide an existing water right into two or more water rights at the request of the holder of the right.
- States that the division is not an adjudication of the right to use water.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 10 members: Representatives Linville, Chair; Holmquist, Assistant Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler, Eickmeyer, Grant, McDermott, Orcutt, Quall and Sump.

Minority Report: Do not pass. Signed by 2 members: Representatives Rockefeller, Vice Chair; and Hunt.

Staff: Kenneth Hirst (786-7105).

Background:

A water right has several elements or conditions that define the right or that place limitations on the use of water under the right. One is its priority date. Other elements of the water right include: the amount of water that may be withdrawn from a particular water source under the right, the time of year and point from which the water may be withdrawn, the type of water use authorized under the right (such as an agricultural or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 elements or conditions of a water right may be modified with the approval of the DOE either directly, or by means of processing an application through a local water conservancy board. These modifications are referred to in the water codes as transfers, changes, and amendments. Approving the modification does not affect the priority date of the right.

Summary of Bill:

At the request of the holder of an existing surface or ground water right, the DOE must divide the right into two or more water rights. If the water right is held by more than one person, the division may include dividing the right among the various holders of the right. The division does not constitute a change, transfer, or amendment of the water right. If the holder of the water right agrees to the division proposed by the DOE, the water right is divided and the DOE must issue and record superseding certificates or other appropriate documents to the holder or holders of the divided right. The act of dividing the water right does not constitute an adjudication of the right to use water.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The bill allows the DOE to do for all types of water rights what it currently does administratively for certificated rights.

Testimony Against: None.

Persons Testifying: Representative Hinkle; and Joe Stohr, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.