

SENATE BILL REPORT

SB 5481

As of January 30, 2003

Title: An act relating to agricultural use of water.

Brief Description: Allowing beneficial uses of water within the general category of agricultural use without additional governmental approval.

Sponsors: Senators Honeyford, Hewitt, Jacobsen, Swecker, Rasmussen and Shin.

Brief History:

Committee Activity: Natural Resources, Energy & Water: 1/28/03.

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Staff: Evan Sheffels (786-7486)

Background: There are several fundamental aspects of a water right. One is its priority (or seniority). The priority date of a right secured under the state's water right permit system is the date the permit application leading to the right was filed. Other aspects of the water right include: the amount of water that may be withdrawn from a particular water source under the right, the time of year and point from which the water may be withdrawn, the type of water use authorized under the right (such as an agricultural or municipal use), and the place that the water may be used. A change in the place of use, point of diversion, and/or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if the change does not increase the amount of water actually consumed under the water right.

Certain aspects of a water right may be modified with the approval of the Department of Ecology if the modification would not impair other existing water rights. Such an approved modification does not affect the priority date of the right. Alterations in water rights are referred to in statute as transfers, changes, and amendments of water rights (See RCW 90.03.380 and 90.44.100).

Summary of Bill: The right to use water for any beneficial use within the general category of an agricultural use includes the right to use the water for any other beneficial use within the general category of an agricultural use. Application to the Department of Ecology or any other governmental entity is not required. The general category of an agricultural use of water includes the beneficial use of water for stock watering, agricultural irrigation, agricultural frost control, processing agricultural commodities into agricultural products, and other agricultural uses.

Appropriation: None.

Fiscal Note: Requested on January 27, 2003.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: There is no logical reason that agriculture doesn't have the same standing as municipal " cities can use water for sewer or golf courses or swimming pools. This bill facilitates changes within agricultural use purposes.

Testimony Against: The definition of agricultural use is too broad, leading to impacts that could be unforeseen and harmful to neighboring water rights and stream flows.

Testified: Chris Cheney, dairy, beef, poultry, hops (pro); Josh Baldi, WEC (con).