

# HOUSE BILL REPORT

## SSB 5635

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**As Passed House:**  
April 5, 2011

**Title:** An act relating to changes in the point of diversion under a surface water right permit located between Columbia river miles 215.6 and 292

**Brief Description:** Concerning changes in the point of a diversion under a surface water right permit.

**Sponsors:** Senate Committee on Environment, Water & Energy (originally sponsored by Senators Honeyford and Rockefeller; by request of Department of Natural Resources).

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 3/9/11 [DP].

**Floor Activity:**

Passed House: 4/5/11, 96-0.

**Brief Summary of Substitute Bill**

- Authorizes the Department of Ecology to approve changes to a point of diversion under a surface water right permit located between Columbia River miles 215.6 and 292.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 12 members: Representatives Blake, Chair; Stanford, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dunshee, Hinkle, Kretz, Lytton, Orcutt, Rolfes and Van De Wege.

**Staff:** Courtney Barnes (786-7194).

**Background:**

In general, a water right permit is issued for the purpose of developing the beneficial use for a water right. Once that use has been developed in accordance with the provisions of the permit, a water right certificate is issued for the use. Both the surface water code and the

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groundwater code allow for "transfers" of rights through the approval of transfers, changes, or amendments regarding water rights.

Under the surface water code, the Department of Ecology (DOE) may approve a change of the point of diversion for an undeveloped portion of an existing water right permit in certain circumstances. This authority applies to changing an existing authorized point of diversion downstream to an existing intake structure with the available capacity to transport the additional diversion. It applies only if there is no change in the ownership of the permit and if the original purpose and place of use of the water under the permit are not changed.

**Summary of Bill:**

The DOE may approve a change of the point of diversion prescribed in a permit to appropriate surface water for a beneficial use to an approved intake structure with capacity to transport the additional diversion to either:

- a point of diversion that is located downstream; or
- to a point of diversion located between Columbia River miles 215.6 and 292, if the existing point of diversion is contained within those miles.

The authority to approve the change only applies if there is no change in the ownership of the permit and if the original purpose and place of use of the water under the permit are not changed.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) The bill concerns slack water in the John Day Pool. The bill would allow the DOE to change the point of diversion for a surface water right permit located within certain miles on the Columbia River. The bill will help both the Department of Natural Resources (DNR) and irrigators. The DNR has a surface water right permit with a current point of diversion that is at a poor location without pumping infrastructure. The bill would allow changes in the point of diversion up river within the John Day Pool, which will allow the DNR to irrigate new land and generate revenue for the common school trust. The bill would also solve some irrigation issues within the Columbia River area and allow for additional development of farmland.

(Opposed) None.

**Persons Testifying:** Senator Honeyford, prime sponsor; John Stuhlmiller, Washington Farm Bureau; Pat Boss, Columbia Snake River Irrigators Association; Clay Sprague, Department of Natural Resources; and Maia Bellon, Department of Ecology.

**Persons Signed In To Testify But Not Testifying:** None.