

# SENATE BILL REPORT

## ESSB 5555

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As Passed Senate, March 4, 2011

**Title:** An act relating to interbasin transfers of water rights.

**Brief Description:** Concerning interbasin transfers of water rights.

**Sponsors:** Senate Committee on Environment, Water & Energy (originally sponsored by Senators Parlette, Hatfield, Morton, Honeyford and Hewitt).

**Brief History:**

**Committee Activity:** Environment, Water & Energy: 2/09/11, 2/15/11 [DPS, w/oRec].  
Passed Senate: 3/04/11, 48-0.

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### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

**Majority Report:** That Substitute Senate Bill No. 5555 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rockefeller, Chair; Nelson, Vice Chair; Honeyford, Ranking Minority Member; Chase, Fraser, Morton and Ranker.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Delvin and Holmquist Newbry.

**Staff:** Karen Epps (786-7424)

**Background:** Washington operates under a water right permit system. The right to use water that has been put to beneficial use is, and remains, an appurtenance of the land or place where the water is used. The Department of Ecology (Ecology) may permit certain changes to a water right. Ecology may also permit a transfer of a water right from one holder to another. In processing change or transfer applications, Ecology analyzes the validity, limits, and quantity of the right. If it appears that the transfer of the water right, change of point of diversion, or purpose of use can be made without harming existing rights, Ecology must grant the transfer or change.

**Summary of Engrossed Substitute Bill:** For counties located east of the crest of the Cascade mountains, Ecology may only approve a change or transfer application for an interbasin water rights transfer after providing notice electronically to the board of county commissioners in the county of origin upon receipt of an application.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on Original Bill:** PRO: This bill is addressing an issue that is referred to as water south. Many water right transfers occur out of the watershed or out of the county. Many people believe that water rights are a property right, so there shouldn't be any interference by anyone if they choose to sell their water. This bill provides that Ecology notify the county commissioners when a water right transfer is going to occur. This bill does not give the county any power over that issue. The concern is that if water is transferred out of the county, it will impact their economic ability to survive as a county. Often water transfers happen without the knowledge of the county commissioners. It may make sense to consider mitigation for the counties.

**Persons Testifying:** PRO: Senator Parlette, prime sponsor; Andrew Lampe, Okanogan County Commissioner; Steve Robinson, Center for Environmental Law and Policy.