

SENATE BILL REPORT

SB 5635

As of February 14, 2011

Title: An act relating to changes in the point of diversion under a surface water right permit.

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

Sponsors: Senators Honeyford and Rockefeller; by request of Department of Natural Resources.

Brief History:

Committee Activity: Environment, Water & Energy: 2/15/11.

SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

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.

If the transfer involves surface water supplied by an irrigation district, and the transferred water remains in the district, the transfer needs to only be approved by the irrigation district. Water users may make a seasonal or temporary change of point of diversion or place of use of water when the change can be made without detriment to existing rights. Such a seasonal or temporary change requires the permission of Ecology or the local water master. With such approval, water users who own the land to which the water rights are attached may also rotate the use of the water when the rotation can be accomplished without detriment to other existing water rights.

Ecology may allow a change of the point of diversion to a downstream intake structure when a modification will provide both environmental benefits and water supply benefits. The structure must also be located downstream, have an existing approved intake structure with

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capacity to transport the additional diversion, and have the same ownership, purpose of use, season of use, and place of use.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): Ecology may allow a change of the point of diversion to a point of diversion located between Columbia River miles 215.6 and 292, if the existing point of diversion is also within those miles on the Columbia River.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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