

FINAL BILL REPORT

SSB 5635

C 117 L 11

Synopsis as Enacted

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).

Senate Committee on Environment, Water & Energy
House Committee on Agriculture & Natural Resources

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 only to 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 be located downstream, have an existing approved intake structure with capacity to transport the additional diversion, and have the same ownership, purpose of use, season of use, and place of use.

Summary: 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.

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.

Votes on Final Passage:

Senate	49	0
House	96	0

Effective: July 22, 2011.