

2SSB 5199 - H COMM AMD

By Committee on Agriculture & Natural Resources

NOT CONSIDERED

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 90.03 RCW
4 to read as follows:

5 (1) The department must initiate a process to enable water right
6 holders to change the current status of water rights that are currently
7 being put to a different or additional place of use or acreage than is
8 indicated on the associated water right certificate, permit, or claim
9 when that change was done prior to formal approval being granted by the
10 department and only if the following conditions are met:

11 (a) The water right is located in a county that has at least six
12 thousand acres in raspberry production as of the effective date of this
13 section;

14 (b) The water right holder has implemented a change from overhead
15 irrigation technology prior to January 1, 2010, to microirrigation
16 technology;

17 (c) The water right holder has beneficially used the water right
18 for irrigation purposes using microirrigation technology since
19 implementing the change;

20 (d) Before the effective date of this section, the water right
21 holder filed a water right change application or new water right
22 application for the different or additional place of use or acreage but
23 has not yet received approval for that application from the department;
24 and

25 (e) The water right holder submits the following to the department:

26 (i) Information indicating the date or dates on which the actual
27 changes in water use occurred, water use before and after the changes,
28 the points of diversion or withdrawal and any reductions in direct
29 impact on instream resources, place of use and area actually irrigated

1 both before and after the changes, and any improvements in water use
2 efficiency;

3 (ii) Payment for the appropriate fee under RCW 90.03.470(3).

4 (2) For purposes of this section, "microirrigation technology"
5 means a conservation irrigation method, such as drip or trickle
6 irrigation, that delivers water to the base of the plant and allows
7 additional production of crops without increasing the total amount of
8 water consumptively used as compared to the prior overhead sprinkler
9 system.

10 (3) The department may accept as evidence under this section crop
11 receipts, seed receipts, harvest-related receipts, aerial and other
12 photographs showing land in agricultural production or showing
13 irrigation facilities, irrigation equipment receipts, metering records,
14 or any other form of data acceptable to the department.

15 (4) If the department finds that the water right holder satisfies
16 the requirements of this section, the department shall complete the
17 analysis required by RCW 90.03.380(1) and issue appropriate superseding
18 water right documents, except that the department shall use the time
19 period prior to the implementation of the associated change to
20 determine beneficial and consumptive use of the water right.

21 (5) To participate in the process authorized by this section, an
22 applicant must, if requested by the department, utilize the cost-
23 reimbursement process in this chapter.

24 (6) This section expires June 30, 2020."

25 Correct the title.

EFFECT: Limits the application of the bill to individuals who
converted from overhead irrigation technology to microirrigation
technology prior to January 1, 2010.

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