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**Appropriations Subcommittee on General  
Government & Information Technology**

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**HB 1438**

**Brief Description:** Concerning de facto changes in water rights for irrigation purposes that involved conversion to more efficient irrigation technologies.

**Sponsors:** Representatives Buys, Blake, Chandler, Warnick, Schmick and Fagan.

**Brief Summary of Bill**

- Creates a new process and new mechanism for calculating annual consumptive quantity for certain water users who have transitioned to a more efficient process for irrigation.

**Hearing Date:** 1/29/14

**Staff:** Dan Jones (786-7118).

**Background:**

A change in the place of use, point of diversion, or purpose of use of a water right to allow the irrigation of additional acreage or the addition of new uses may be permitted if the change results in no increase in the annual consumptive quantity of water used under the water right. The "annual consumptive quantity" is the estimated or actual annual amount of water diverted under the water right as that amount is reduced by the estimated annual amount of return flows, averaged over the most recent five-year period of continuous beneficial use of the water right.

**Summary of Bill:**

The Department of Ecology (Department) is directed to, when considering applications for change in the place of use, purpose of use, or point of diversion for a water right, review and issue its decision based on the statutory rules in place at the time the change of use actually occurred (as opposed to when the application for change is submitted). The Department is only

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required to apply past provisions if the applicant implemented the change prior to making an application to the Department, the change in use resulted in the use of a more efficient micro-irrigation technology, and the change of use resulted in the beneficial use of the water for irrigation purposes. The burden of proof is on the applicant to provide evidence of water use before and after the change to a micro-irrigation system.

**Appropriation:** None.

**Fiscal Note:** Available.

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