
**Agriculture & Natural Resources
Committee**

HB 1549

Brief Description: Concerning efficiencies in the department of ecology processing of water right change applications to permit the consolidation of the annual quantities of those water rights held by the applicant.

Sponsors: Representatives Blake, Chandler and Morrell.

Brief Summary of Bill

- Provides the Department of Ecology specific direction in how to consider certain applications to amend existing groundwater rights to allow for the construction of new wells to serve as an addition or substitution to existing wells.

Hearing Date: 2/7/13

Staff: Jason Callahan (786-7117).

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.

All change applications must be filed with, and approved, by the Department of Ecology (Department). The Department may approve the application, after providing public notice, if the change appears to not injure or serve as a detriment to any other water rights.

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.

The right to withdraw groundwater may be changed, upon application to the Department, without losing any of water right's priority status. The groundwater rights holder may construct wells at a new location as a substitute or addition to the original wells. The rights holder may also change the place of water use.

In order to utilize this option, the groundwater rights holder must submit an application to the Department. Information from the application must be published and notice must be provided along the same terms as the application for the original water right. The Department may only approve the change application if the new wells will tap the same body of public groundwater as the original wells, the original wells will be decommissioned or reduced in use so as to not enlarge the total withdraws, and no other existing rights are impaired.

Summary of Bill:

The Department is directed to provide a limited review of applications to consolidate the annual quantities of multiple water rights from the same body of public groundwater if certain conditions are met. These conditions include:

- the annual quantity of the consolidated water rights does not exceed the combined total of the individual water rights;
- the instantaneous quantity of any water right is not increased; and
- a hydrological analysis shows that there will be no impairment of an existing water right.

If all conditions are met, the Department's scope of consideration for the application must be limited to the validity of the affected water rights and whether the hydrological analysis shows that there will be no impairment of an existing water right.

Appropriation: None.

Fiscal Note: Not requested.

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