
HOUSE BILL 1267

State of Washington

64th Legislature

2015 Regular Session

By Representative Buys

Read first time 01/16/15. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to de facto changes in water rights for
2 irrigation purposes that involved conversion to more efficient
3 irrigation technologies; adding a new section to chapter 90.03 RCW;
4 and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.03
7 RCW to read as follows:

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

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

18 (b) The water right holder has implemented a change from overhead
19 irrigation technology to microirrigation technology prior to January
20 1, 2010;

1 (c) The water right holder has beneficially used the water right
2 for irrigation purposes using microirrigation technology since
3 implementing the change;

4 (d) Before the effective date of this section, the water right
5 holder filed a water right change application or new water right
6 application for the different or additional place of use or acreage
7 but has not yet received approval for that application from the
8 department; and

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

11 (i) Information indicating the date or dates on which the actual
12 changes in water use occurred, water use before and after the
13 changes, the points of diversion or withdrawal and any reductions in
14 direct impact on instream resources, place of use and area actually
15 irrigated both before and after the changes, and any improvements in
16 water use efficiency;

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

18 (2) For purposes of this section, "microirrigation technology"
19 means a conservation irrigation method, such as drip or trickle
20 irrigation, that delivers water to the base of the plant and allows
21 additional production of crops without increasing the total amount of
22 water consumptively used as compared to the prior overhead sprinkler
23 system.

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

29 (4) If the department finds that the water right holder satisfies
30 the requirements of this section, the department shall complete the
31 analysis required by RCW 90.03.380(1) and issue appropriate
32 superseding water right documents, except that the department shall
33 use the time period prior to the implementation of the associated
34 change to determine beneficial and consumptive use of the water
35 right.

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

1 (6) This section expires June 30, 2020.

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