

SENATE BILL REPORT

SB 5585

As Reported By Senate Committee On:
Agriculture & Environment, February 5, 1998

Title: An act relating to water rights for the use of water for instream purposes.

Brief Description: Providing for water rights for instream purposes.

Sponsors: Senator Fraser.

Brief History:

Committee Activity: Agriculture & Environment: 2/5/98 [DP].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: Do pass.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Oke and Rasmussen.

Staff: Kari Guy (786-7437)

Background: The state Water Code prescribes a permit system as the means to establish a right to surface water. Application for a water right must be made to the Department of Ecology for a certain place and beneficial use.

After the permit has been issued, the applicant must perfect the appropriation by construction of the necessary facilities and application of the water to the beneficial uses described in the permit. The department then issues a water right certificate, with the priority date of the original application.

If a person abandons or voluntarily fails to use beneficially all or any part of a water right for five successive years without sufficient cause, the right of the unused portion reverts to the state.

Water rights may be transferred to another person or place of use without loss of priority date if the change can be made without detriment to existing rights. Application for a water right transfer must be made to the Department of Ecology.

The state may acquire water rights through purchase or gift, and these rights are managed as trust water rights. Trust water rights are to be used for instream flows, irrigation, municipal, or other beneficial uses.

Summary of Bill: A right to the beneficial use of water may be maintained and established without a physical diversion of water.

A person transferring a water right to the beneficial use of water for instream purposes must file a notice with the Department of Ecology. The transfer may be permanent or temporary,

and may remain in effect for any period of time as determined by the water right holder. The holder of a water right may transfer all or part of the water right to the use for which the water right was initially granted at any time the holder chooses. The transfer may be made without loss of priority date.

A trust water right that is acquired by the state solely for instream purposes may be administered only for instream purposes.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill will provide incentives for conserving water and improve instream flows and fish habitat.

Testimony Against: None.

Testified: PRO: Hal Beecher, Department of Fish and Wildlife; Steve Wehrly, Muckelshoot Tribe.