

SENATE BILL REPORT

SB 5804

As of February 23, 1999

Title: An act relating to a change in the purpose of use of a water right.

Brief Description: Allowing water rights to change from one agricultural use to another.

Sponsors: Senators Morton, Deccio, Roach, Swecker, Rasmussen, Oke, T. Sheldon, Johnson, Gardner, Sellar, Sheahan, Honeyford, Hale, Snyder, Zarelli, Hochstatter, Stevens and West.

Brief History:

Committee Activity: Environmental Quality & Water Resources: 2/23/99.

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Staff: Genevieve Pisarski (786-7488)

Background: The right to the use of water which has been applied to beneficial use in the state is appurtenant to the land on which it is used. The State Water Code provides that the purpose of use may be changed, if there is no detriment or injury to existing rights. The code also provides that the purpose of use may be changed for irrigation of additional acreage or addition of new uses, if annual consumption does not increase. The code further provides that change of use must be approved by the Department of Ecology. The code does not expressly define the terms "use" or "purpose of use" in connection with the provisions governing change. Under the Water Resources Act of 1971, uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, are declared to be beneficial. Also, a definition in that chapter of state law of the terms "utilize" or "utilization" provides in relevant part that these terms include "use of water for such long recognized consumptive or nonconsumptive beneficial purposes as domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, thermal power production, mining, recreational, maintenance of wildlife and fishlife purposes . . . retention of water in lakes and streams for the protection of environmental, scenic, aesthetic and related purposes."

Summary of Bill: A change from one agricultural use to another does not constitute a change in purpose of use. Agricultural use is defined as use of water for commercial production of an agricultural commodity, including horticultural, viticultural, floricultural, vegetable, animal forage crop, milk, or other livestock products, and, also, including normal uses of water on a farm necessary to produce such commodities.

Appropriation: None.

Fiscal Note: Not requested.

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