

HOUSE BILL REPORT

HB 1594

As Reported by House Committee On:
Agriculture & Ecology

Title: An act relating to the standards for agricultural transfers of water.

Brief Description: Changing the standard for agricultural transfers of water.

Sponsors: Representatives Linville and G. Chandler .

Brief History:

Committee Activity:

Agriculture & Ecology: 2/15/01, 2/26/01 [DPS].

Brief Summary of Substitute Bill

- Alters the method used to calculate the amount of water governed by a water right that may be transferred or changed to enable the irrigation of additional acreage or the addition of new water uses.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler, Delvin, Dunshee, Grant, Hunt, Kirby, Quall, Roach, Schoesler and Sump.

Staff: Kenneth Hirst (786-7105).

Background:

There are several fundamental elements of a water right. One is its priority (or seniority). The priority date of a right secured under the state's water right permit system is the date the permit application leading to the right was filed. Other elements of the water right include: the amount of water that may be withdrawn from a particular water source under the right, the time of year and point from which the water may be withdrawn, the type of water use authorized under the right (such as an agricultural or municipal use), and the place that the water may be used.

Certain of these elements of a water right may be modified with the approval of the Department of Ecology (DOE) or a water conservancy board if the modification would not impair other existing water rights. Such an approved modification does not affect the priority date of the right. Alterations in water rights are referred to in statute as transfers, changes, and amendments of water rights.

In 1997 the transfer and change provisions of the Surface Water Code were amended. The amendment stated that a change in the place of use, point of diversion, or purpose of use of a water right to enable 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. To calculate the annual consumptive quantity, the estimated or actual annual amount of water diverted under the water right is reduced by the estimated annual amount of return flows. The average of this amount over the most recent five year period of continuous beneficial use is the annual consumptive quantity.

Summary of Substitute Bill:

The method of calculating the annual consumptive quantity of water under a water right that may be changed or transferred is altered. Rather than being the amount averaged over the most recent five years of continuous use, it is averaged over the two years of greatest water use within those five years.

Substitute Bill Compared to Original Bill:

The substitute bill alters the method of computing the annual consumptive quantity of water that may be transferred rather than, as in the original bill, changing the transferrable amount to the quantity of water used or previously used before the implementation of efficiency measures.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: (Original bill): (1) It is important that water users be encouraged to use their water better. This bill allows them to do so and to move the water around as necessary. It provides more flexibility in water management. (2) Without the bill, government delays could prevent the rotation of crops, a practice that is beneficial to the soil.

Testimony Against: (Original bill): (1) This is a subject that, if developed in conjunction with other incremental fixes, could be a tool to address water issues, but it should not be considered on its own. It should be examined in the interim. (2) The bill allows the use of water that is not being consumed now under the water right. (3) The bill does not provide accountability for the water after it is withdrawn; if it is to be changed to a dairy use, the dairy lagoons should be lined. The DOE should be in charge of making these determinations. (4) If changes in the purpose of use of water rights are allowed, farmland will be taken out of production and property taxes will go up.

Testified: (In support, original bill) Linda Johnson, Washington State Farm Bureau; Tim Boyd, Columbia/Snake Irrigators' Association; Jim Zimmerman, Washington Cattlemen's Association; Chris Cheney, Fryers Commission; and Craig Vejraska, Okanogan County Commission.

(Opposed, original bill) Jackie Loyd, Women's Citizen's Association; Ted Cantrell; Kurt Smitch, Office of the Governor; Josh Baldi, Washington Environmental Council; and Dawn Vyvyan, Yakama Nation.