
SUBSTITUTE HOUSE BILL 1594

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Linville and G. Chandler)

Read first time 02/26/2001. Referred to Committee on .

1 AN ACT Relating to the standards for agricultural transfers of
2 water; and amending RCW 90.03.380.

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

4 **Sec. 1.** RCW 90.03.380 and 1997 c 442 s 801 are each amended to
5 read as follows:

6 (1) The right to the use of water which has been applied to a
7 beneficial use in the state shall be and remain appurtenant to the land
8 or place upon which the same is used: PROVIDED, HOWEVER, That the
9 right may be transferred to another or to others and become appurtenant
10 to any other land or place of use without loss of priority of right
11 theretofore established if such change can be made without detriment or
12 injury to existing rights. The point of diversion of water for
13 beneficial use or the purpose of use may be changed, if such change can
14 be made without detriment or injury to existing rights. A change in
15 the place of use, point of diversion, and/or purpose of use of a water
16 right to enable irrigation of additional acreage or the addition of new
17 uses may be permitted if such change results in no increase in the
18 annual consumptive quantity of water used under the water right. For
19 purposes of this section, "annual consumptive quantity" means the

1 estimated or actual annual amount of water diverted pursuant to the
2 water right, reduced by the estimated annual amount of return flows,
3 averaged over the two years of greatest water use within the most
4 recent five-year period of continuous beneficial use of the water
5 right. Before any transfer of such right to use water or change of the
6 point of diversion of water or change of purpose of use can be made,
7 any person having an interest in the transfer or change, shall file a
8 written application therefor with the department, and the application
9 shall not be granted until notice of the application is published as
10 provided in RCW 90.03.280. If it shall appear that such transfer or
11 such change may be made without injury or detriment to existing rights,
12 the department shall issue to the applicant a certificate in duplicate
13 granting the right for such transfer or for such change of point of
14 diversion or of use. The certificate so issued shall be filed and be
15 made a record with the department and the duplicate certificate issued
16 to the applicant may be filed with the county auditor in like manner
17 and with the same effect as provided in the original certificate or
18 permit to divert water.

19 (2) If an application for change proposes to transfer water rights
20 from one irrigation district to another, the department shall, before
21 publication of notice, receive concurrence from each of the irrigation
22 districts that such transfer or change will not adversely affect the
23 ability to deliver water to other landowners or impair the financial
24 integrity of either of the districts.

25 (3) A change in place of use by an individual water user or users
26 of water provided by an irrigation district need only receive approval
27 for the change from the board of directors of the district if the use
28 of water continues within the irrigation district, and when water is
29 provided by an irrigation entity that is a member of a board of joint
30 control created under chapter 87.80 RCW, approval need only be received
31 from the board of joint control if the use of water continues within
32 the area of jurisdiction of the joint board and the change can be made
33 without detriment or injury to existing rights.

34 (4) This section shall not apply to trust water rights acquired by
35 the state through the funding of water conservation projects under
36 chapter 90.38 RCW or RCW 90.42.010 through 90.42.070.

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