
**Agriculture & Natural Resources
Committee**

SSB 5635

Brief Description: Concerning changes in the point of a diversion under a surface water right permit.

Sponsors: Senate Committee on Environment, Water & Energy (originally sponsored by Senators Honeyford and Rockefeller; by request of Department of Natural Resources).

Brief Summary of Substitute Bill

- Authorizes the Department of Ecology to approve changes to a point of diversion under a surface water right permit, in certain circumstances.

Hearing Date: 3/9/11

Staff: Courtney Barnes (786-7194).

Background:

In general, a water right permit is issued for the purpose of developing the beneficial use for a water right. Once that use has been developed in accordance with the provisions of the permit, a water right certificate is issued for the use. Both the surface water code and the groundwater code allow for "transfers" of rights through the approval of transfers, changes, or amendments regarding water rights.

Under the surface water code, the Department of Ecology (DOE) may approve a change of the point of diversion for an undeveloped portion of an existing water right permit in certain circumstances. This authority applies to changing an existing authorized point of diversion downstream to an existing intake structure with the available capacity to transport the additional diversion. It applies only if there is no change in the ownership of the permit and if the original purpose and place of use of the water under the permit are not changed [RCW 90.03.397].

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill:

The DOE may approve a change of the point of diversion prescribed in a permit to appropriate surface water for a beneficial use to an approved intake structure with capacity to transport the additional diversion to either:

- a point of diversion that is located downstream; or
- to a point of diversion located between Columbia River miles 215.6 and 292.

The authority to approve the change only applies if there is no change in the ownership of the permit and if the original purpose and place of use of the water under the permit are not changed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.