

HOUSE BILL REPORT

SSB 5807

*As Reported By House Committee on:
Natural Resources & Parks*

Title: An act relating to public ground waters.

Brief Description: Modifying provisions for transfer or change of a right related to public water.

Sponsor(s): Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Newhouse, Bauer, Barr and Gaspard).

Brief History:

Reported by House Committee on:
Natural Resources & Parks, April 5, 1991, DP.

**HOUSE COMMITTEE ON
NATURAL RESOURCES & PARKS**

Majority Report: *Do pass.* Signed by 9 members: Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Fraser; Hargrove; Riley; Sheldon; and Wynne.

Minority Report: *Without recommendation.* Signed by 1 member: Representative Morton.

Staff: Randy Acker (786-7129).

Background: The 1917 water code provides a means to transfer a water right to another use or place of use without loss of priority date if such change can be made without detriment to existing water rights. In order to have a water right transfer approved, the holder of the water right must file an application with the Department of Ecology. Notice of the application must be published in a newspaper of general circulation in the county once a week for two consecutive weeks.

In 1945, the state groundwater code was enacted which established a permit system for appropriation of groundwater. It also provides a procedure for changing the manner or place of an established right to groundwater. There is no specific provision that allows a seasonal use to be converted into a year around use.

Summary of Bill: A right to groundwater that can be used only on a seasonal basis may be transferred or changed to a right that can be used throughout the year without loss of priority. The request for a transfer or change is to be approved if it appears to the Department of Ecology that the proposed change or transfer: (1) relates to the same water bearing zone; (2) will not exceed the annual amount actually applied to a beneficial use as authorized under an existing water right; (3) will not interfere with existing rights; and (4) is not in conflict with the public interest.

The request for a transfer or change is to be published in a newspaper of general circulation in the county once a week for two consecutive weeks.

Fiscal Note: Not requested.

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

Testimony For: This bill will allow for greater flexibility in the use of a water right but at the same time it protects existing water rights and allows the Department of Ecology to act to protect the public interest. This is another tool for water management.

Testimony Against: None.

Witnesses: Charles Roe, from Perkins, Cooley, representing Ecos Corporation; and Hedia Adelsman, Department of Ecology.