

**SENATE BILL REPORT**

**SSB 5807**

**AS PASSED SENATE, FEBRUARY 17, 1992**

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

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

**SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES**

**Majority Report:** That Substitute Senate Bill No. 5807 be substituted therefor, and the substitute bill do pass.

Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

**Staff:** Bob Lee (786-7404)

**Hearing Dates:** March 5, 1991

**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:**

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.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

The bill provides another tool to meet changing water needs by allowing transfers from existing uses to new uses.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: Charles B. Roe; Barbara P. Wiles, Harbor Water/IOWUA; Hedia Adelsman; Dept. of Ecology