
**Agriculture & Natural
Resources Committee**

HB 1536

Brief Description: Concerning the annual consumptive quantity of a water right.

Sponsors: Representatives Holmquist, Grant, Schoesler, Chandler, Clements, Newhouse, Delvin, Armstrong, Cox, Hinkle and Skinner.

Brief Summary of Bill

- Alters the definition of the "annual consumptive quantity" of water used under a water right that may be transferred or changed for certain purposes.

Hearing Date: 2/12/03

Staff: Kenneth Hirst (786-7105).

Background:

A water right is appurtenant to the land or place the water is used. However, certain elements of the water right may be modified with the approval of the Department of Ecology (DOE). Such a modification is called a transfer, change, or amendment of the right. A modification cannot be approved if it would injure or be detrimental to existing water rights. Making such a modification does not alter the priority date (or seniority date) of the right. (RCW 90.03.380 and 90.44.100.)

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 authorized if the change results in no increase in the annual consumptive quantity of water used under the water right. The method of calculating this "annual consumptive quantity" is specified by statute. It is the estimated or actual annual amount of water diverted under the water right as reduced by the estimated annual amount of return flows. It is averaged over the two years of greatest use within the most recent five-year period of continuous beneficial use of the water right. (RCW 90.03.380(1).)

Summary of Bill:

The method of calculating the "annual consumptive quantity" of a water right is no longer specified by statute. Under certain circumstances, the annual consumptive quantity may not be deemed to be less than the actual peak historic use of a water right, even if the right is not being fully exercised at the time of the change or transfer. This applies if: the reduced use is due to cropping patterns or system efficiencies; the water right holder intends to fully exercise the right; and the water right holder has the ability to make beneficial use of the full right.

Appropriation: None.

Fiscal Note: Not Requested.

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