
**Agriculture & Natural
Resources Committee**

HB 2104

Brief Description: Concerning agricultural use of water.

Sponsors: Representatives Grant, Linville and Eickmeyer.

Brief Summary of Bill

- Under certain specified circumstances, allows changes of use within the general category of an agricultural use of water without the approval of the Department of Ecology.
- Defines such a general category as being composed of the beneficial uses of water for agricultural irrigation, processing agricultural commodities, and supporting activities.

Hearing Date: 3/4/03

Staff: Kenneth Hirst (786-7105).

Background:

A water right has several elements or conditions that identify limitations on the use of water under the right. One is its priority. Other elements of the water right include: the amount of water that may be withdrawn from a particular water source under the right, the time of year and point from which the water may be withdrawn, the type of water use authorized under the right (such as an agricultural or municipal use), and the place that the water may be used.

Certain of the elements or conditions of a water right may be modified with the approval of the Department of Ecology (DOE). These modifications are referred to in the water codes as transfers, changes, and amendments. Where a county or counties have created a water conservancy board, the board may process applications for making these modifications to the rights and may act on the applications. A board's decision regarding an application is subject to approval by the DOE. Approving such a modification does not affect the priority date of the right. The transfer cannot be approved if it would impair other existing water rights, whether junior or senior. (RCW 90.03.380 and 90.44.100.)

Summary of Bill:

Under certain specified circumstances, the holder of a perfected surface or ground water right for one use within the general category of an agricultural use of water may use the water under the right for another use within that general category without seeking or securing the approval of the DOE. The general category is composed of the beneficial uses of water for agricultural irrigation, processing agricultural commodities, and supporting activities. For this purpose, the place of use of a right within the general category is the place of use identified in the original water right, the lands adjoining that place of use, or both such places. The time that water may be used under such a right may be altered without the approval of the DOE as long as the use is within the maximum instantaneous and annual quantities of water limitations established for the original right.

This authority applies if: 1) the source of the water for the water right is in a watershed for which a watershed plan has been approved under the state's watershed planning laws or for which a comprehensive watershed plan has been adopted by the DOE under the basin planning provision of the Water Resources Act; 2) instream flows have been established by rule for the watershed; and 3) other water rights are not impaired.

Appropriation: None.

Fiscal Note: Not Requested.

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