H-0092.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 1267**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2015 Regular Session**

**By** Representative Buys

AN ACT Relating to de facto changes in water rights for irrigation purposes that involved conversion to more efficient irrigation technologies; adding a new section to chapter 90.03 RCW; and providing an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 90.03 RCW to read as follows:

(1) The department must initiate a process to enable water right holders to change the current status of water rights that are currently being put to a different or additional place of use or acreage than is indicated on the associated water right certificate, permit, or claim when that change was done prior to formal approval being granted by the department and only if the following conditions are met:

(a) The water right is located in a county that has at least six thousand acres in raspberry production as of the effective date of this section;

(b) The water right holder has implemented a change from overhead irrigation technology to microirrigation technology prior to January 1, 2010;

(c) The water right holder has beneficially used the water right for irrigation purposes using microirrigation technology since implementing the change;

(d) Before the effective date of this section, the water right holder filed a water right change application or new water right application for the different or additional place of use or acreage but has not yet received approval for that application from the department; and

(e) The water right holder submits the following to the department:

(i) Information indicating the date or dates on which the actual changes in water use occurred, water use before and after the changes, the points of diversion or withdrawal and any reductions in direct impact on instream resources, place of use and area actually irrigated both before and after the changes, and any improvements in water use efficiency;

(ii) Payment for the appropriate fee under RCW 90.03.470(3).

(2) For purposes of this section, "microirrigation technology" means a conservation irrigation method, such as drip or trickle irrigation, that delivers water to the base of the plant and allows additional production of crops without increasing the total amount of water consumptively used as compared to the prior overhead sprinkler system.

(3) The department may accept as evidence under this section crop receipts, seed receipts, harvest-related receipts, aerial and other photographs showing land in agricultural production or showing irrigation facilities, irrigation equipment receipts, metering records, or any other form of data acceptable to the department.

(4) If the department finds that the water right holder satisfies the requirements of this section, the department shall complete the analysis required by RCW 90.03.380(1) and issue appropriate superseding water right documents, except that the department shall use the time period prior to the implementation of the associated change to determine beneficial and consumptive use of the water right.

(5) To participate in the process authorized by this section, an applicant must, if requested by the department, utilize the cost- reimbursement process in this chapter.

(6) This section expires June 30, 2020.

**--- END ---**