

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 0 - 0

Yeas: Bates, Hansell, Hass, Olsen, Dingfelder

Nays: 0

Exc.: 0

Prepared By: Beth Reiley, Administrator

Meeting Dates: 2/11, 2/13

WHAT THE MEASURE DOES: Allows record landowner holding water right for irrigation, nursery, temperature control, stock watering or agricultural water use with subsequent completion date to apply for assignment of all or part of water right permit and for issuance of replacement permit reflecting assignment. Requires applicant to submit: map identifying place and rate of use, applicable acre-feet allowances, tax lots and points of diversion or appropriation; copy of deed; affidavit certifying water right has not been conveyed or withheld; statement by applicant of most recent water use; and agreements to assignment and request for issuance of replacement submitted jointly or individually by all owners of land, or an assignment of interest and request for issuance of replacement submitted by one or more owners and information identifying owners not submitting request. Establishes process for Water Resources Department (Department) to undertake upon receiving application, including: verifying addresses and deed; preparing statement that proposed replacement water right permit will not result in enlargement of original water right, proposed final order and drafts of replacement water right permits; mailing documents to landowners; and allowing comment. Requires replacement permit or permits to: have same conditions as replaced permit including priority date, source and use; may not enlarge upon water use; must apportion rate and, if applicable, duty in proportion to amount of land; and identify land to which the replacement water right is attached. Establishes process for protesting Department's proposed final order. Establishes fee to cover actual cost of work for processing application or for protesting assignment of water right.

ISSUES DISCUSSED:

- Splitting permit so it matches ownership of underlying properties
- If place of use change there is currently no mechanism for Department to split appurtenant water right permit
- Splitting permit would not allow enlargement of original water right permit

EFFECT OF COMMITTEE AMENDMENT: Allows record landowner holding water right for irrigation, nursery, temperature control, stock watering or agricultural water use with subsequent completion date to apply for assignment of all or part of water right permit and for issuance of replacement permit reflecting assignment. Requires applicant to submit an affidavit to Department certifying right has not been conveyed or withheld. Clarifies replacement water permits may not result in enlargement of original water right. Stipulates replacement water right may not add or change point of diversion or point of appropriation. Establishes that process for replacing water right does not apply to municipal or quasi municipal permits or permits held by unit of local government.

BACKGROUND: As properties are split up and sold the accompanying water right is also affected. This can lead to multiple permit holders being ready to certificate their portion of a water right, while other land owners are not ready or willing.

Senate Bill 200 A provides a process for a water right holder to certificate their portion of an original water right permit as they become eligible. The new permit would carry forward all conditions from the original permit and would not release any permit holders from obligations under the original permit.

2/15/2013 9:18:00 AM

This summary has not been adopted or officially endorsed by action of the committee.