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**SUBSTITUTE HOUSE BILL 1285**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** House Agriculture and Natural Resources (originally sponsored by Representatives Goehner and Chandler)

1 AN ACT Relating to modifying the scope of locations to which a  
2 water right established as a family farm permit may be transferred;  
3 and amending RCW 90.66.065.

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

5 **Sec. 1.** RCW 90.66.065 and 2001 c 237 s 23 are each amended to  
6 read as follows:

7 (1) Transfers of water rights established as family farm permits  
8 under this chapter may be approved as authorized under this section  
9 and under RCW 90.03.380, 90.03.390, or 90.44.100 or chapter 90.80 RCW  
10 as appropriate.

11 (2) A family farm permit may be transferred:

12 (a) For use for agricultural irrigation purposes as limited by  
13 RCW 90.66.060 (1) and (2);

14 (b) To any purpose of use that is a beneficial use of water if  
15 the transfer is made exclusively under a lease agreement, except that  
16 transfers for the use of water for agricultural irrigation purposes  
17 shall be limited as provided by RCW 90.66.060 (1) and (2);

18 (c) To any purpose of use that is a beneficial use of water if  
19 the water right is for the use of water at a location that is, at the  
20 time the transfer is approved, within the boundaries of an urban  
21 growth area designated under chapter 36.70A RCW, a limited area of

1 more intensive rural development designated under chapter 36.70A RCW,  
2 or, in counties not planning under chapter 36.70A RCW, within a city  
3 or town or within areas designated for urban growth in comprehensive  
4 plans prepared under chapter 36.70 RCW, except that transfers for the  
5 use of water for agricultural irrigation purposes shall be limited as  
6 provided by RCW 90.66.060 (1) and (2).

7 (3) If a portion of the water governed by a water right  
8 established under the authority of a family farm permit is made  
9 surplus to the beneficial uses exercised under the right through the  
10 implementation of practices or technologies, including but not  
11 limited to conveyance practices or technologies, that are more water-  
12 use efficient than those under which the right was perfected, the  
13 right to use the surplus water may be transferred to any purpose of  
14 use that is a beneficial use of water. Nothing in this subsection  
15 authorizes: A transfer of the portion of a water right that is  
16 necessary for the production of crops historically grown under the  
17 right; or a transfer of a water right or a portion of a water right  
18 that has not been perfected through beneficial use before the  
19 transfer. Water right transfers approved under this subsection must  
20 be consistent with the provisions of RCW 90.03.380(1).

21 (4) Before a change in purpose of a family farm water permit to  
22 municipal supply purpose or domestic purpose may be authorized, the  
23 public water system that is receiving the family farm water permit  
24 must be meeting the water conservation requirements of its current  
25 water system plan approved by the department of health or its small  
26 water system management program.

27 (5) The place of use for a water right transferred under the  
28 authority of this section shall remain within: The water resource  
29 inventory area containing the place of use for the water right before  
30 the transfer; or the urban growth area or contiguous urban growth  
31 areas of the place of use for the water right before the transfer if  
32 the urban growth area or contiguous urban growth areas cross  
33 boundaries of water resource inventory areas.

34 (6) The authority granted by this section to transfer or alter  
35 the purpose of use of a water right established under the authority  
36 of a family farm permit shall not be construed as limiting in any  
37 manner the authority granted by RCW 90.03.380, 90.03.390, or  
38 90.44.100 to alter other elements of such a water right.

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