
HOUSE BILL 1285

State of Washington

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2023 Regular Session

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 and 36.70A.360.

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

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

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

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

35 (6) The authority granted by this section to transfer or alter
36 the purpose of use of a water right established under the authority
37 of a family farm permit shall not be construed as limiting in any
38 manner the authority granted by RCW 90.03.380, 90.03.390, or
39 90.44.100 to alter other elements of such a water right.

1 **Sec. 2.** RCW 36.70A.360 and 1998 c 112 s 2 are each amended to
2 read as follows:

3 (1) Counties that are required or choose to plan under RCW
4 36.70A.040 may permit master planned resorts which may constitute
5 urban growth outside of urban growth areas as limited by this
6 section. A master planned resort means a self-contained and fully
7 integrated planned unit development, in a setting of significant
8 natural amenities, with primary focus on destination resort
9 facilities consisting of short-term visitor accommodations associated
10 with a range of developed on-site indoor or outdoor recreational
11 facilities.

12 (2)(a) Capital facilities, utilities, and services, including
13 those related to sewer, water, stormwater, security, fire
14 suppression, and emergency medical, provided on-site shall be limited
15 to meeting the needs of the master planned resort. Such facilities,
16 utilities, and services may be provided to a master planned resort by
17 outside service providers, including municipalities and special
18 purpose districts, provided that all costs associated with service
19 extensions and capacity increases directly attributable to the master
20 planned resort are fully borne by the resort. A master planned resort
21 and service providers may enter into agreements for shared capital
22 facilities and utilities, provided that such facilities and utilities
23 serve only the master planned resort or urban growth areas.

24 (b) Nothing in this subsection may be construed as: Establishing
25 an order of priority for processing applications for water right
26 permits, for granting such permits, or for issuing certificates of
27 water right; altering or authorizing in any manner the alteration of
28 the place of use for a water right; or affecting or impairing in any
29 manner whatsoever an existing water right.

30 (c) All waters or the use of waters shall be regulated and
31 controlled as provided in chapters 90.03 (~~and~~), 90.44, and 90.66
32 RCW and not otherwise.

33 (3) A master planned resort may include other residential uses
34 within its boundaries, but only if the residential uses are
35 integrated into and support the on-site recreational nature of the
36 resort.

37 (4) A master planned resort may be authorized by a county only
38 if:

39 (a) The comprehensive plan specifically identifies policies to
40 guide the development of master planned resorts;

1 (b) The comprehensive plan and development regulations include
2 restrictions that preclude new urban or suburban land uses in the
3 vicinity of the master planned resort, except in areas otherwise
4 designated for urban growth under RCW 36.70A.110;

5 (c) The county includes a finding as a part of the approval
6 process that the land is better suited, and has more long-term
7 importance, for the master planned resort than for the commercial
8 harvesting of timber or agricultural production, if located on land
9 that otherwise would be designated as forestland or agricultural land
10 under RCW 36.70A.170;

11 (d) The county ensures that the resort plan is consistent with
12 the development regulations established for critical areas; and

13 (e) On-site and off-site infrastructure and service impacts are
14 fully considered and mitigated.

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