Water Right Transfers, Water Banking, and Trust

DRAFT Legislative Report and Recommendations
Trust Policy & Guidance
• Implements statute
• Does not change statute
• Finalized

Water Banking Pilot Grants Program
• Legislature funded grants
• Current grant round ongoing

Recommendations
• Water right transfers
• Trust Water Rights Program
• Water Banking
Concerns

General concerns about private investors acquiring and selling water rights.

• Out-of-basin water right transfers
• Speculation using the trust water rights program (TWRP)
• Private investment and water banking
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<td>Continue funding grant program</td>
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<td>Limit temporary donations</td>
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<td>Limit who can use the TWRP</td>
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<td>Only WA entities can use the TWRP</td>
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Concepts recommended:

1. Continue funding pilot water banking grant program
2. Water right ownership and sales disclosure
3. Legislature further define public interest evaluation criteria and extend public interest evaluations to surface water changes
Concepts that warrant further analysis:

1. Fee for transferring water rights out-of-basin
2. Time and re-enrollment limits on temporary donations
3. “Cool-off” period for changes after a right is removed from temporary donation
4. Permanent streamflow dedication for new water banks
5. Regulate water bank prices like other water utilities
6. Charge a fee for new water banks
Concepts considered but not recommended at this time:

1. Right of first refusal for local governments
2. Mechanism to transfer water rights upstream
3. Allow rulemaking to close some basins to out-of-basin water right transfers
4. Ban out-of-basin water right transfers
5. Cap the size of temporary donations
6. Only allow new public/public-private partnership water banks
7. Only allow WA entities to use the water banking
8. Direct Ecology to actively promote water markets
• Available for public comment through September 6.
  • Links are on the [WRAC page](#) for the August 8 meeting.

• Finalize report.

• Final report to the Legislature by December 1, 2022.
Thank you

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