

**FINAL BILL REPORT**

**2SSB 5358**

**C 350 L 91**

**SYNOPSIS AS ENACTED**

**Brief Description:** Providing for exchanges of water through interties.

**SPONSORS:** Senate Committee on Ways & Means (originally sponsored by Senators Barr and Madsen; by request of Jnt Sel Com on Water Resource Policy).

**SENATE COMMITTEE ON AGRICULTURE & WATER RESOURCES**

**SENATE COMMITTEE ON WAYS & MEANS**

**HOUSE COMMITTEE ON NATURAL RESOURCES & PARKS**

**BACKGROUND:**

Interties are interconnections between existing public water systems permitting exchange of water between those systems on an intermittent or permanent basis. Interties are used by water utilities for various purposes. They can serve as the primary supply source or as the backup supply source during shortages due to system problems. In addition, interties can be used as permanent supply sources to augment existing supplies, or they can be used to recharge groundwater supplies by importing water through an intertie.

Interties have been increasingly used by larger water utilities and water utilities in areas of rapid growth to ensure a reliable, safe supply of drinking water. Interties have been encouraged by the Department of Health when reliability, efficiency, and safety of supply can be advanced. The Department of Health reviews intertie proposals for technical sufficiency and to ensure that desired outcomes are achieved. There is no specific process for public review of intertie proposals or review by the Department of Ecology for assessment of potential impacts on existing water rights.

The increasing use of interties has raised some issues concerning their legality under current water law. Water rights are granted through a permitting process which includes designation of the geographic area the water will be used. Exchange of water outside the specific parameters for place of use may be an expansion of the water right.

**SUMMARY:**

The Legislature finds that it is in the public interest to recognize existing interties and to modify associated water rights to reflect current use. Interties are defined as

interconnections between water systems permitting exchange or delivery of water between those systems.

Public water systems are to provide notice of interties existing and in use as of January 1, 1991 to the Departments of Health and Ecology prior to June 30, 1996. If the intertie is part of a state approved plan and if no outstanding complaints were filed prior to September 1, 1991, the Department of Ecology must modify the water right to reflect the place of use through the intertie.

Interties commencing use after January 1, 1991 must be consistent with regional water system plans. Proposals for future interties must be incorporated into water system plans under Chapter 43.20 RCW or coordinated water system plans under Chapter 70.116 RCW. The Department of Health is responsible for review and approval, except for water right considerations which are the responsibility of the Department of Ecology.

If the Department of Health determines a proposed intertie is necessary to address emergent public health or safety concerns, an expedited process occurs for the Department of Ecology to determine if existing water rights are impaired. If it is not necessary to address public health or safety, the normal water right modification process applies. The Department of Health may approve intertie proposals prior to modification of the water right, but construction work may not begin until the water right is modified.

The Departments of Health and Ecology must coordinate approval procedures for interties.

The bill is contingent on funding in the budget.

**VOTES ON FINAL PASSAGE:**

Senate	48	0	
House	98	0	(House amended)
Senate	43	0	(Senate concurred)

**EFFECTIVE:** July 28, 1991