
SENATE BILL 5358

State of Washington

52nd Legislature

1992 Regular Session

By Senators Barr and Madsen; by request of Jnt Sel Com on Water Resource Policy

Read first time 01/29/91. Referred to Committee on Agriculture & Water Resources.

1 AN ACT Relating to public water system interties; amending RCW
2 90.03.390; and adding a new section to chapter 90.03 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.03 RCW
5 to read as follows:

6 (1) The legislature recognizes the value of interties for improving
7 the reliability of public water systems, enhancing their management,
8 and more efficiently utilizing the increasingly limited resource.
9 Given the continued growth in the most populous areas of the state, the
10 increased complexity of public water supply management, and the trend
11 toward regional planning and regional solutions to resource issues,
12 interconnections of public water systems through interties provide a
13 valuable tool to ensure reliable public water supplies for the citizens
14 of the state. For the purposes of this section, interties are defined

1 as interconnections between existing public water systems permitting
2 exchange of water between those systems for other than emergency supply
3 purposes, resulting in better utilization and management of public
4 water supply consistent with existing rights and obligations.
5 Interties do not include extensions of service by public water systems
6 to new retail customers or development of new sources of supply to meet
7 future demand.

8 (2) Notwithstanding the provisions of RCW 90.03.380 and 90.44.100,
9 exchange of water through interties between two or more public water
10 systems is permitted where the exchange improves overall system
11 reliability, enhances the manageability of the systems, provides
12 opportunities for conjunctive use, or delays or avoids the need to
13 develop new water sources, provided that each public water system's
14 water use shall not exceed the instantaneous or annual withdrawal rate
15 specified in its water right authorization and that existing water
16 rights shall not be adversely affected by the exchange, and further
17 provided that such exchanges are not inconsistent with state-approved
18 plans such as water comprehensive plans or other plans which include
19 specific proposals for construction of interties.

20 (3) Proposals for interties shall be incorporated into a water
21 comprehensive plan requiring state approval. The plan shall state how
22 the proposed intertie will improve overall system reliability, enhance
23 the manageability of the systems, provide opportunities for conjunctive
24 use, or delay or avoid the need to develop new water sources.

25 (4) The department of health shall be responsible for review and
26 approval of proposed interties based upon a determination of whether
27 the requirements of subsection (1) of this section are met. If the
28 department of health determines the proposed intertie appears to meet
29 those requirements, it shall, as part of the review process, instruct
30 the proponents to publish notice of the proposal, in a form and within

1 a time prescribed by the agency, in a newspaper of general circulation
2 published in the county or counties in which the public water systems
3 are located, and in such other newspapers as the agency may direct,
4 once a week for two consecutive weeks. The department of health shall
5 provide a copy of the proposal to the department of ecology.

6 (5) Parties wishing to comment on a proposed intertie shall submit
7 written comments to the department of health within thirty days of the
8 final date of publication of the notice. Parties opposing a proposed
9 intertie must demonstrate that the proposal adversely affects their
10 existing water rights or otherwise fails to meet the requirements of
11 this section. If comments opposing the proposal are received that claim
12 the intertie will adversely affect existing water rights, copies of the
13 comments shall be provided to the department of ecology for review.

14 (6) The department of ecology shall review the proposal together
15 with any comments received in opposition to it. Within thirty days of
16 receiving the proposal or opposing comments, whichever comes later, the
17 department of ecology shall advise the department of health if existing
18 water rights are believed to be adversely affected. If no comment is
19 provided by the department of ecology within the thirty-day period, the
20 department of health shall proceed on the premise that existing rights
21 are not adversely affected by the proposed intertie. The department of
22 ecology may obtain an extension of the thirty-day comment period by
23 submitting a written notice to the responsible agency indicating a
24 definite date by which such comments will be available. No additional
25 extensions shall be granted and, in no event, shall the total review
26 period for the department of ecology exceed ninety days.

27 (7) The departments of health and ecology shall attempt to resolve,
28 where possible, the concerns upon which opposition to a proposed
29 intertie is based. In the event the department of ecology identifies
30 adverse impacts on existing water rights associated with a proposed

1 intertie that remain unresolved, the department of health shall not
2 approve the proposal. Parties disagreeing with the decision of the
3 department of ecology may appeal the decision to the pollution control
4 hearings board. In all other instances, the department of health shall
5 provide the response to proposals for interties through approval of the
6 water plan and shall notify in writing the department of ecology, and
7 all parties providing comments, of its decision.

8 (8) All entities with interties existing on the effective date of
9 this act who have not previously amended their water rights with
10 respect to place of use shall file written notice of those interties
11 with the department of ecology no later than December 31, 1991, and
12 shall submit applications for change to their existing water rights.
13 The notice shall identify the location and capacity of the intertie,
14 its purpose and current status, the public water systems involved, the
15 date of its first use, and any other information required by the
16 department of ecology. The entity shall include a copy of its existing
17 water right or water right claim. The department of ecology shall
18 process the application for change pursuant to RCW 90.03.380 or
19 90.44.100 as appropriate.

20 **Sec. 2.** RCW 90.03.390 and 1987 c 109 s 95 are each amended to read
21 as follows:

22 RCW 90.03.380 shall not be construed to prevent water users from
23 making a seasonal or temporary change of point of diversion or place of
24 use of water when such change can be made without detriment to existing
25 rights, but in no case shall such change be made without the permission
26 of the water master of the district in which such proposed change is
27 located, or of the department. Nor shall RCW 90.03.380 be construed to
28 prevent rotation in the use of water for bringing about a more
29 economical use of the available supply. Water users owning lands to

1 which water rights are attached may rotate in the use of water to which
2 they are collectively entitled, or an individual water user having
3 lands to which are attached water rights of a different priority, may
4 in like manner rotate in use when such rotation can be made without
5 detriment to other existing water rights, and has the approval of the
6 water master or department. RCW 90.03.380 shall not be construed to
7 prevent interties of public water supply systems to allow exchange of
8 water between suppliers during short-term emergency situations,
9 provided that such interties are not inconsistent with state-approved
10 plans such as coordinated water system plans, water system plans, and
11 water general plans, and further provided that such interties do not
12 adversely affect existing water rights.