

2 SSB 6467 - S AMD

3 By Senators Fraser, Sutherland and Hochstatter

4 ADOPTED 2/15/94

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that it is in the
8 public interest for water rights held by public water systems to be
9 managed and regulated in a manner that:

10 (1) Allows such systems to prolong and maximize the use of water
11 rights applied to municipal purposes consistent with the population
12 demand projections established in state-approved water system plans and
13 adopted growth management plans;

14 (2) Promotes water conservation, with enhanced efforts occurring in
15 water critical areas, promotes water system efficiencies, and
16 eliminates disincentives for investments in water efficient
17 technologies; and

18 (3) Delays, and where possible, avoids the need for new water
19 sources to be developed.

20 The department of ecology is therefore directed to administer water
21 rights laws consistent with the provisions of this act.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.03 RCW
23 to read as follows:

24 For the purposes of this chapter "municipal purpose" and "municipal
25 water supply purposes" mean water distributed by a public water system
26 purveyor as defined by chapter 70.116 RCW, and includes domestic,
27 commercial, and industrial water uses provided as an integral element
28 of the public water system. This definition does not include
29 commercial, industrial, irrigation, or other water systems that are not
30 designated as a public water system for potable water use recognized by
31 a state-approved public water system plan or withdrawals of public
32 ground waters excepted under RCW 90.44.050.

33 **Sec. 3.** RCW 90.03.320 and 1987 c 109 s 67 are each amended to read
34 as follows:

1 Actual construction work shall be commenced on any project for
2 which permit has been granted within such reasonable time as shall be
3 prescribed by the department, and shall thereafter be prosecuted with
4 diligence and completed within the time prescribed by the department.
5 The department, in fixing the time for the commencement of the work, or
6 for the completion thereof and the application of the water to the
7 beneficial use prescribed in the permit, shall take into consideration
8 the cost and magnitude of the project and the engineering and physical
9 features to be encountered, and shall allow such time as shall be
10 reasonable and just under the conditions then existing, having due
11 regard for the public welfare and public interests affected: and, for
12 good cause shown, it shall extend the time or times fixed as aforesaid,
13 and shall grant such further period or periods as may be reasonably
14 necessary, having due regard to the good faith of the applicant and the
15 public interests affected. In fixing public water system construction
16 schedules and the time, or extension of time, for application of water
17 to beneficial use for municipal use, the department shall also take
18 into consideration the term and amount of financing required to
19 complete the project, delays that may result from planned and existing
20 conservation and water use efficiency measures installed by the public
21 water system, and the supply needs of the public water system's service
22 area, consistent with an approved comprehensive plan under chapter
23 36.70A RCW, or in the absence of such a plan, a county-approved
24 comprehensive plan under 36.70 RCW or a plan approved under chapter
25 35.63 RCW, and related demand projections prepared by public water
26 systems in accordance with state law. If the terms of the permit or
27 extension thereof, are not complied with the department shall give
28 notice by registered mail that such permit will be canceled unless the
29 holders thereof shall show cause within sixty days why the same should
30 not be so canceled. If cause be not shown, said permit shall be
31 canceled.

32 **Sec. 4.** RCW 90.03.330 and 1987 c 109 s 89 are each amended to read
33 as follows:

34 (1) Upon a showing satisfactory to the department that any
35 appropriation has been perfected in accordance with the provisions of
36 this chapter, it shall be the duty of the department to issue to the
37 applicant a certificate stating such facts in a form to be prescribed

1 by ((him)) the director, and such certificate shall thereupon be
2 recorded with the department.

3 (2) For those public water supplies designed to accommodate future
4 growth as defined by a state-approved water system plan, the amount of
5 instantaneous diversion considered to be applied to beneficial use at
6 the time of perfection of the certificate shall be based upon the
7 capacity of the diversion structure or structures installed at such
8 time. Further, the amount of annual appropriation considered to be
9 applied to beneficial use at the time of perfection shall be based on
10 the growth projection contained in the most current state-approved
11 water system plan, provided, the department may not issue a certificate
12 for quantities of water in excess of those contained in a permit if a
13 permit has been issued. This subsection shall apply to the
14 administration of water rights existing on the effective date of this
15 act and prospectively issued water rights, but shall not apply to water
16 rights subject to the terms of final adjudication decrees entered in
17 accordance with this chapter.

18 (3) Any original water right certificate issued, as provided by
19 this chapter, shall be recorded with the department and thereafter, at
20 the expense of the party receiving the same, be by the department
21 transmitted to the county auditor of the county or counties where the
22 distributing system or any part thereof is located, and be recorded in
23 the office of such county auditor, and thereafter be transmitted to the
24 owner thereof."

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28 On page 1, line 1 of the title, after "purposes;" strike the
29 remainder of the title and insert "amending RCW 90.03.320 and
30 90.03.330; adding a new section to chapter 90.03 RCW; and creating a
31 new section."

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