

2 **SHB 1791** - H AMD TO H AMD (H-2456.3/95)**345 ADOPTED 3/13/95**

3 By Representative Sheldon and others

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5 On page 54, after line 12 of the amendment, insert the following:

6

"PART VII

7

GENERAL PERMITS

8 NEW SECTION. **Sec. 57.** The legislature finds that the present
9 delay in the processing of water right applications is not beneficial
10 to the citizens of the state nor is it in keeping with the goal of
11 managing the resource to the highest possible standard and maximum net
12 benefit.

13 The legislature further finds that water conservation efforts would
14 be greatly enhanced by a permit system that encourages water right
15 applicants to use only for the amount of water actually necessary to
16 meet their needs.

17 NEW SECTION. **Sec. 58.** A new section is added to chapter 90.03 RCW
18 to read as follows:

19 (1) The department shall develop a general permit system for
20 appropriating water for nonconsumptive, nonbypass uses. This system
21 must be designed and used to accurately identify and register any water
22 right application that qualifies for the streamlined process of
23 appropriation of water by meeting the requirements in this section and
24 registering the use. The general permit system must be applicable
25 state-wide, and all waters of the state shall be eligible for coverage
26 under the system. The evaluation and report required for an
27 application under RCW 90.03.290 are not required for applications
28 processed under the general permit system. For the purposes of this
29 section:

30 (a) "Nonconsumptive, nonbypass use" means a use of water in which
31 water is diverted from a stream or drawn from an aquifer and following
32 its use is discharged back into or near the point of diversion or
33 withdrawal without diminishment in quality and less than five thousand
34 gallons of net consumption per day excluding evaporation, seepage, or

1 recycling; and

2 (b) "Without diminishment of quality" means that, before being
3 discharged back to its source, the water being discharged meets state
4 water quality standards adopted under chapter 90.48 RCW.

5 (2) The department shall, by January 1, 1996, establish the general
6 permit system by adopting rules in accordance with chapter 34.05 RCW.
7 Before the adoption of rules for a system, the department shall consult
8 with representatives of the following interest groups: Agriculture;
9 aquaculture; home construction and development; county government; city
10 government; surface mining; and the environmental community. At least
11 four public hearings must be held at various locations around the
12 state. The rules must identify criteria for proposed uses of water for
13 which applications might be processed under the system and must
14 establish procedures for filing and processing applications and issuing
15 water rights certificates under the general permit system.

16 (3) The fee for general permits authorized under chapter . . . ,
17 Laws of 1995 (this act) shall be two hundred fifty dollars.

18 NEW SECTION. Sec. 59. A new section is added to chapter 90.03 RCW
19 to read as follows:

20 An application for registration as a nonconsumptive, nonbypass
21 water user under the general permit system established under section 58
22 of this act must be made on a form adopted and provided by the
23 department. Within sixty days of receipt of a completed application,
24 the department shall determine whether the proposed use is eligible to
25 be processed under the general permit system. If the department
26 determines that the proposed use is eligible to be processed under the
27 system, the application must be processed under the system within the
28 next sixty days. The priority date of the water right established
29 pursuant to this section shall be the date that the application is
30 submitted. If the department determines that the proposed use is not
31 eligible for the processing, the department shall explain to the
32 applicant in writing the reasons for its determination. For a proposed
33 use determined ineligible for the processing, if the department finds
34 that the information contained on the application form substantially
35 satisfies the information requirements for an application for a use
36 that would normally be filed for processing the application outside of
37 the general permit system, the department shall notify the applicant of
38 its finding and shall process the application as if it were filed for

1 processing outside of the system. If the department finds that the
2 information does not substantially satisfy the requirements, the
3 application must be considered to be incomplete for the processing and
4 the applicant must be notified of this consideration.

5 NEW SECTION. **Sec. 60.** Nothing in sections 58 and 59 of this act
6 authorizes the impairment or operates to impair any existing water
7 rights. A water right holder under sections 58 and 59 of this act
8 shall not make withdrawals that impair a senior water right. A holder
9 of a senior water right who believes his or her water right is impaired
10 may file a complaint with the department of ecology. Where such
11 complaints of impairment have been received, the department of ecology
12 shall make all reasonable efforts to resolve them in a timely manner
13 through agreement of the parties or through available administrative
14 remedies."

15 Renumber the remaining sections and parts consecutively, correct
16 any internal references accordingly, and correct the title.

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