

2 **SSB 5783** - H COMM AMD **ADOPTED 4-11-97**
3 By Committee on Agriculture & Ecology

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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; and

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.

18 The department of ecology is therefore directed to administer water
19 rights laws consistent with RCW 90.03.320 and 90.03.330 and section 2
20 of this act.

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

23 (1) For the purposes of this chapter and RCW 90.14.140, "municipal
24 water supply purposes" means water distributed by a group A public
25 water system as defined by RCW 70.119.020, and includes domestic,
26 commercial, and industrial water uses provided as an integral element
27 of the public water system and includes industrial water uses provided
28 on the effective date of this act under RCW 54.16.030 which are
29 included in a comprehensive water system plan. Except as stated above,
30 this definition does not include commercial, industrial, irrigation, or
31 other water systems that are not designated as a public water system
32 for potable water use recognized by a state-approved public water
33 system plan or withdrawals of public ground waters exempt from permit
34 requirements under RCW 90.44.050.

1 (2) For the purposes of RCW 90.14.140, the amount of water held for
2 municipal water supply purposes is limited to the water that is deemed
3 to be an efficient use and that meets the needs of the public water
4 system's service area as determined by plans in RCW 90.03.320. Water
5 uses that are deemed as efficient uses of water are those that are in
6 full compliance with the department of health's conservation guidelines
7 for such systems. This section applies only to those public water
8 systems that are required to develop water conservation plans pursuant
9 to the department of health's conservation guidelines.

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

12 Actual construction work shall be commenced on any project for
13 which permit has been granted within such reasonable time as shall be
14 prescribed by the department, and shall thereafter be prosecuted with
15 diligence and completed within the time prescribed by the department.
16 The department, in fixing the time for the commencement of the work, or
17 for the completion thereof and the application of the water to the
18 beneficial use prescribed in the permit, shall take into consideration
19 the cost and magnitude of the project and the engineering and physical
20 features to be encountered, and shall allow such time as shall be
21 reasonable and just under the conditions then existing, having due
22 regard for the public welfare and public interests affected: and, for
23 good cause shown, it shall extend the time or times fixed as aforesaid,
24 and shall grant such further period or periods as may be reasonably
25 necessary, having due regard to the good faith of the applicant and the
26 public interests affected. In fixing construction schedules and the
27 time, or extension of time, for application of water to beneficial use
28 for municipal water supply purposes, the department shall also take
29 into consideration the term and amount of financing required to
30 complete the project, delays that may result from planned and existing
31 conservation and water use efficiency measures implemented by the
32 public water system, and the supply needs of the public water system's
33 service area, consistent with an approved comprehensive plan under
34 chapter 36.70A RCW, or in the absence of such a plan, a county-approved
35 comprehensive plan under chapter 36.70 RCW or a plan approved under
36 chapter 35.63 RCW, and related water demand projections prepared by
37 public water systems in accordance with state law. An existing
38 comprehensive plan under chapter 36.70A or 36.70 RCW, plan under

1 chapter 35.63 RCW, or demand projection may be used. If the terms of
2 the permit or extension thereof, are not complied with the department
3 shall give notice by registered mail that such permit will be canceled
4 unless the holders thereof shall show cause within sixty days why the
5 same should not be so canceled. If cause ~~((be))~~ is not shown, ~~((said))~~
6 the permit shall be canceled.

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

9 (1) Upon a showing satisfactory to the department that any
10 appropriation has been perfected in accordance with the provisions of
11 this chapter, it shall be the duty of the department to issue to the
12 applicant a certificate stating such facts in a form to be prescribed
13 by ~~((him))~~ the director, and such certificate shall thereupon be
14 recorded with the department.

15 (2) For those public water supplies that fulfill municipal water
16 supply purposes and are designed to accommodate future growth as
17 defined by a state-approved water system plan, the amount of
18 instantaneous diversion or withdrawal considered to be applied to
19 beneficial use at the time of perfection of the certificate shall be
20 based upon the design capacity of the diversion structures and
21 mainlines or withdrawal facilities and mainlines installed at such
22 time. Further, the amount of annual appropriation considered to be
23 applied to beneficial use at the time of perfection shall be based on
24 the growth projection contained in the most current state-approved
25 water system plan. However, the department may not issue a certificate
26 for quantities of water in excess of those contained in a permit if a
27 permit has been issued. This subsection shall apply to the
28 administration of water rights existing on the effective date of this
29 section and prospectively issued water rights, but shall not apply to
30 water rights subject to the terms of final adjudication decrees entered
31 in accordance with this chapter. Withdrawal of ground water shall be
32 in compliance with RCW 90.44.100.

33 (3) Any original water right certificate issued, as provided by
34 this chapter, shall be recorded with the department and thereafter, at
35 the expense of the party receiving the same, be by the department
36 transmitted to the county auditor of the county or counties where the
37 distributing system or any part thereof is located, and be recorded in

1 the office of such county auditor, and thereafter be transmitted to the
2 owner thereof."

3 Correct the title.

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