

SENATE BILL REPORT

HB 1881

As of March 19, 1997

Title: An act relating to public water systems.

Brief Description: Changing provisions relating to public water systems.

Sponsors: Representatives Wensman, Scott, Linville, Wolfe, D. Schmidt and Chandler.

Brief History:

Committee Activity: Agriculture & Environment: 3/25/97.

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Staff: Bob Lee (786-7404)

Background: Current statutory procedure for processing water right applications includes a requirement that actual construction work on a project for which a water right permit has been granted is to be commenced within a reasonable time as prescribed by the department. Such construction work is to proceed with diligence and be completed within the time prescribed by the department. In establishing the time for commencement and completion of the work, the department is to take into consideration the cost and magnitude of the project, the engineering and physical features to be encountered, and is to allow such time that is reasonable and just.

Also, the department is to grant extensions of the construction schedule when good cause is shown, having regard for the good faith of the applicant and the public interests affected.

When a water right *permit* is issued, construction work can begin and the water can be placed to beneficial use. Once the water has been deemed to have been placed to beneficial use, a *certificate* of water right is to be issued. There have been different interpretations as to the proper way to measure the quantity of water that has been placed to beneficial use: whether it is based on the installed capacity of facilities that have been constructed, or based on the amount that has been actually delivered and placed to beneficial use.

Under the Growth Management Act, the development of comprehensive plans are required in counties who meet certain population criteria. Other counties may choose to plan under the act. Based upon population projections by the Office of Financial Management, counties that are required or have opted to plan under the act are to specify urban growth areas that accommodate the urban growth that is projected to occur in the county for the succeeding 20 year period. Also required is a utility plan element that is to consist of the location and capacity of all existing and proposed utilities. The capital facilities plan element is to show how capital facilities will be financed for the upcoming six-year period.

Currently, there is no definition of "municipal purpose" or "municipal water supply purposes" in either the Surface or Ground Water Codes.

Public water system– is defined as those systems with at least two connections that provide water for human consumption or other domestic uses.

Summary of Bill: A statement of legislative findings concludes that it is in the public interest that public water systems be allowed to prolong and maximize the use of water rights applied to municipal purposes consistent with population demand projections, to promote water conservation and to eliminate disincentives for investments in water efficient technology.

Municipal purpose– and municipal water supply purposes– are defined as water distributed by a public water system purveyor and includes domestic, commercial, and industrial water uses provided as an integral element of the public water system. It is not to include commercial, industrial, irrigation, or other water systems that are not designated as a public water system.

In fixing and granting extensions to public water system construction schedules for application of water to beneficial use, the Department of Ecology is to take into consideration the term and amount of financing required to complete the project, delays that may result from planned and existing conservation measures, and the supply needs of the public water system’s service area as determined in comprehensive land use plans.

For public water supplies designed to accommodate future growth as defined by a state-approved water system plan, the amount of water applied to beneficial use, at the time the certificate of water right is issued, is to be based on (1) installed capacity and (2) on growth projections contained in the most current state-approved water system plan. This requirement applies to water rights existing on the effective date of this act, and to water rights that are issued in the future. This requirement does not apply to water rights for which final adjudication decrees have been entered.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.