

# SENATE BILL REPORT

## SHB 2800

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As of February 14, 1998

**Title:** An act relating to temporary water rights for cities with populations no greater than five thousand.

**Brief Description:** Prescribing procedures for temporary water rights for small cities.

**Sponsors:** House Committee on Agriculture & Ecology (originally sponsored by Representatives Cairnes, Cooke, Chandler, Pennington and Robertson).

**Brief History:**

**Committee Activity:** Agriculture & Environment: 2/18/98.

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### SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

**Staff:** Bob Lee (786-7404)

**Background:** The Growth Management Act requires the designation of urban growth areas in which urban growth is to be encouraged. Urban growth areas are to include areas and densities sufficient to accommodate the urban growth that is projected in the county for the next 20-year period. The Office of Financial Management is required to prepare a 20-year growth management population projection at least every ten years for each county. Population forecasts do not take into account the amount of water that is available to accommodate the growth.

**Summary of Bill:** A city with a population of 5,000 or less may file an application to withdraw groundwater with the Department of Ecology if: the city has a sole source of continuously available water supply which may not be interrupted, and that source may be at risk of failure due to contamination or to source location factors such as steep slopes; the city has an approved comprehensive plan under the Growth Management Act and the plan includes an urban growth area that the city will be required to serve; the city's current water supply is insufficient to meet the future population demand forecasted in the plan throughout the entire ten-year time period beginning with the adoption by the city of the plan; the city has no currently available reasonable alternative source or supplier to meet the demand; and the city has identified a permanent alternative firm supply of water to meet the forecasted demand, and the city reasonably expects that source of water will be available within ten years of the date of the city's adoption of the plan.

The Department of Ecology is required to approve an application from a city to withdraw groundwater within 120 days after the filing of the application if all the criteria for filing an application has been met. The department may either issue a permit to the city for the amount of water requested in the application as is reasonably necessary to meet the city's forecasted future demand; or the department may issue a temporary permit to the city for an amount sufficient to enable the city to meet the demand forecasted in the city's approved plan throughout the ten-year period beginning with the date of the application.

A temporary permit may not be issued for a time period beyond ten years. If a city files a verified report demonstrating the continued need for the temporary permit before the permit's expiration, and the report describes specific steps by the city to obtain a sufficient permanent supply of water, then the department must extend the duration of the temporary permit for one or more additional five-year periods if reasonable progress is being made toward securing the permanent supply.

When a temporary water permit is issued to a city, and the city expects to receive water through an intertie as the permanent alternative source of water, water delivered through the intertie to the city is attributed to the water right of the public water system delivering the water.

A temporary water permit may not be perfected as a water right, and no water right certificate may be issued for a temporary water permit. A temporary water permit may not be used to provide water to a golf course.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.