

FINAL BILL REPORT

SSB 5276

PARTIAL VETO

C 360 L 97

Synopsis as Enacted

Brief Description: Providing an alternative for persons whose water rights permits were conditioned due to impact on existing rights or established flows.

Sponsors: Senate Committee on Agriculture & Environment (originally sponsored by Senators Swecker, Roach and Oke).

Senate Committee on Agriculture & Environment

House Committee on Agriculture & Ecology

Background: Water right applications can be denied or conditioned in order to protect existing water rights. Under current law, existing water rights include instream flows established by rule by the Department of Ecology.

Applications for ground water rights are reviewed for potential impact to surface waters if the surface and ground waters are determined to be hydraulically connected.

During the 1996 session, legislation was enacted that requires the Department of Ecology, when considering an application for a water right, to take into consideration benefits of water impoundments that are included as a component of an application. The department is to consider any increase in water supply from the impoundment including the recharge of any ground water that may occur. Provision for impoundment in an application is at the sole discretion of the water right applicant.

Currently, there is no explicit provision that allows a water right applicant the option to provide a means to offset the impact that a proposed water right application has on existing water rights.

Summary: The Department of Ecology is to take into consideration the benefits of an impoundment or other resource management techniques that offset the impact of the proposed water diversion when proposed by a water right applicant.

When evaluating a water right application, the department must take into account the recharge of ground water from septic tanks in an amount that is equivalent to the proposed indoor use of water. The department is required to use hydrogeologic data to determine the amount of recharge.

In addition to considering the benefits of impoundments, the costs and environmental effects must be considered.

Votes on Final Passage:

Senate	37	11	
House	95	0	(House amended)
Senate	37	3	(Senate concurred)

Effective: July 27, 1997

Partial Veto Summary: Deleted is the provision that requires the department, when considering a water right application, to take into account the amount of water that is returned to the ground from a proposed indoor use of water.