
HOUSE BILL 2054

State of Washington

55th Legislature

1997 Regular Session

By Representatives Chandler, Clements, Mastin and Honeyford

Read first time 02/18/97. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to water resource management; amending RCW
2 90.54.020, 90.54.180, 43.84.092, 90.03.383, 90.03.330, and 90.14.140;
3 adding new sections to chapter 90.03 RCW; adding a new section to
4 chapter 34.05 RCW; adding a new chapter to Title 90 RCW; creating new
5 sections; and providing expiration dates.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 PART I

8 BASIN PLANS AND INSTREAM FLOWS

9 NEW SECTION. Sec. 101. Unless the context clearly requires
10 otherwise, the definitions in this section apply throughout this
11 chapter.

12 (1) "Department" means the department of ecology.

13 (2) "WRIA" means a water resource inventory area established in
14 chapter 173-500 WAC as it existed on January 1, 1997.

15 (3) "Water supply utility" means a water, combined water-sewer,
16 irrigation, reclamation, or public utility district that provides water
17 to persons or other water users within the district or a division or

1 unit responsible for administering a publicly governed water supply
2 system on behalf of a city, town, or county.

3 NEW SECTION. **Sec. 102.** The legislature finds that the local
4 development of watershed plans for managing water resources is vital to
5 both state and local interests. The local development of these plans
6 serves vital local interests by placing it in the hands of people: Who
7 have the greatest knowledge of both the resources and the aspirations
8 of those who live and work in the watershed; and who have the greatest
9 stake in the proper, long-term management of the resources. The
10 development of such plans serves the state's vital interests by
11 ensuring that the state's water resources are used wisely, by
12 protecting fish and other wildlife, by providing for the economic
13 well-being of the state's citizenry and communities, and by protecting
14 the health of the natural environment of the state, demanded by its
15 citizens and depended upon by its wildlife. Therefore, the legislature
16 highly encourages units of local government throughout the state to
17 engage in the orderly development of these watershed plans.

18 NEW SECTION. **Sec. 103.** Once a WRIA planning unit has been
19 organized and has established priorities under section 108 of this act,
20 it shall notify the department and may apply to the department for
21 funding assistance for conducting the planning. The department shall
22 provide five hundred thousand dollars per WRIA to each such planning
23 unit planning under this chapter and so applying. The moneys shall be:
24 Provided from and to the extent of appropriations made by the
25 legislature to the department expressly for this purpose; and provided
26 on a first-come, first-served basis to the extent of the appropriations
27 except that preference shall be given to planning units requesting
28 funding for conducting multi-WRIA planning under section 106 of this
29 act. Funding provided under this section shall be considered to be a
30 contractual obligation against the moneys appropriated for this
31 purpose.

32 NEW SECTION. **Sec. 104.** (1) This chapter shall not be construed as
33 creating a new cause of action against the state or any county, city,
34 town, or special purpose district.

35 (2) Notwithstanding RCW 4.92.090, 4.96.010, and 64.40.020, no claim
36 for damages may be filed against the state or any county, city, town,

1 or special purpose district that participates in a WRIA planning unit
2 for performing responsibilities under this chapter. The exclusion from
3 liability contained in this subsection does not apply to a county,
4 city, town, or special purpose district that votes to adopt provisions
5 in a WRIA plan that have been identified by the department as being in
6 conflict with state or federal law with regard to those provisions if
7 advice regarding the conflict was provided under section 110(2) of this
8 act.

9 NEW SECTION. **Sec. 105.** Except as provided in section 106 of this
10 act for multi-WRIA planning, the county with the largest population
11 residing within the boundaries of a WRIA may choose to initiate water
12 resource planning for the WRIA under this chapter. If it does so
13 choose, it shall convene a meeting of the members of the legislative
14 authorities of the counties with territory within a WRIA for the
15 appointment of a WRIA planning unit. The county shall also notify the
16 cities, water supply utilities, and conservation districts with
17 territory within the WRIA that these groups are to meet to appoint
18 their members of the WRIA planning unit. For the purposes of this
19 section and sections 106 and 110 of this act, a county is considered to
20 have territory within a WRIA only if the territory of the county
21 located in the WRIA constitutes at least fifteen percent of the area of
22 the WRIA. For conducting planning under this chapter for a WRIA that
23 is located east of the crest of the Cascade mountains, the county with
24 the largest population residing within the boundaries of the WRIA is
25 the lead agency for the WRIA planning, except as provided in section
26 106 of this act for multi-WRIA planning. For conducting planning under
27 this chapter for a WRIA that is located west of the crest of the
28 Cascade mountains, the water supply utility that is the largest water
29 purveyor using water from the WRIA shall be the lead agency for the
30 WRIA planning, except as provided in section 106 of this act for multi-
31 WRIA planning.

32 (2)(a) One WRIA planning unit shall be appointed for the WRIA as
33 provided by this section or for a multi-WRIA area as provided by
34 section 106 of this act for multi-WRIA planning. The planning unit
35 shall be composed of: One member from each county with territory in
36 the WRIA representing the county and appointed by the county; one
37 member for each county with territory in the WRIA, but not less than
38 two members, representing cities with territory in the WRIA and

1 appointed jointly by those cities; two members representing all water
2 supply utilities with territory within the WRIA and appointed jointly
3 by those districts; one member representing all conservation districts
4 with territory within the WRIA and appointed jointly by those
5 districts; four members representing the general citizenry, of which at
6 least two shall be holders of water rights, appointed jointly by the
7 counties with territory within the WRIA; and six members representing
8 various special interest groups appointed jointly by the counties with
9 territory within the WRIA.

10 (b) In addition, for a WRIA located within Pierce, King, or
11 Snohomish county, a representative of the water supply utility that is
12 the largest water purveyor using water from the WRIA shall be an ex
13 officio member of the planning unit whether the principal offices of
14 the purveyor are or are not located within the WRIA.

15 (3) Except for a person who is an ex officio member of the planning
16 unit under subsection (2)(b) of this section, each person appointed to
17 a WRIA planning unit shall have been a resident of the WRIA for at
18 least five years. No state employee or state official may be appointed
19 to the planning unit. In appointing persons to the WRIA planning unit
20 representing special interest groups, the counties shall consider
21 industrial water users, general businesses, hydroelectric and thermal
22 power producers, and irrigated agriculture, nonirrigated agriculture,
23 forestry, recreation, environmental, and fisheries interest groups and
24 other groups with interests in the WRIA.

25 (4) In voting to appoint the members of a WRIA planning unit, to
26 select a lead agency for water resource planning under section 106 of
27 this act, to approve a WRIA plan under section 110 of this act, or to
28 request or concur with a request for multi-WRIA planning under section
29 106 of this act, each county with territory within the WRIA shall have
30 three votes, divided equally among the members of the county's
31 legislative authority and these actions shall be made by majority vote
32 based on the votes allocated under this section. In voting to appoint
33 members of a WRIA planning unit: Each city with territory within the
34 WRIA shall have one vote and appointments shall be made by majority
35 vote of such cities; each water supply utility with territory within
36 the WRIA shall have one vote and appointments shall be made by majority
37 vote of such districts; and each conservation district with territory
38 within the WRIA shall have one vote and appointments shall be made by
39 majority vote of such districts. All appointments shall be made within

1 sixty days of the date the appointing authorities other than the
2 counties are notified to convene to make appointments or the
3 appointments shall be made by the counties with territory in the WRIA
4 in the same manner the counties make other appointments. A vacancy on
5 the planning unit shall be filled by appointment in the same manner
6 prescribed for appointing the position that has become vacant.

7 NEW SECTION. **Sec. 106.** (1) The counties with territory in a WRIA
8 may elect to conduct multi-WRIA planning with the counties with
9 territory in one or more other WRIAs. If the counties with territory
10 in these other WRIAs concur, all of the counties with territory in
11 these WRIAs shall convene and shall appoint one planning unit to
12 conduct the water resource planning for the multi-WRIA area.

13 (a) The planning unit shall be composed of: Up to one member, as
14 that number is determined by the counties jointly, for each county with
15 territory in the multi-WRIA area representing the counties and
16 appointed by the counties jointly; up to one member, as that number is
17 determined by the cities jointly, for each county with territory in the
18 multi-WRIA area, representing cities with territory in the multi-WRIA
19 area and appointed jointly by those cities; up to three members, as
20 that number is determined by the districts, representing all water
21 supply utilities with territory within the multi-WRIA area and
22 appointed jointly by those districts; up to two members, as that number
23 is determined by the districts, representing all conservation districts
24 with territory within the multi-WRIA area and appointed jointly by
25 those districts; four members representing the general citizenry, of
26 which at least two shall be holders of water rights, appointed jointly
27 by the counties with territory within the multi-WRIA area; and six
28 members representing various special interest groups appointed jointly
29 by the counties with territory within the multi-WRIA area.

30 (b) In addition, for a WRIA located within Pierce, King, or
31 Snohomish county, a representative of the largest water purveyor using
32 water from the multi-WRIA area shall be an ex officio member of the
33 planning unit whether the principal offices of the purveyor are or are
34 not located within the multi-WRIA area.

35 (c) Except for a person who is an ex officio member of the planning
36 unit under subsection (1)(b) of this section, each person appointed to
37 a multi-WRIA planning unit shall have been a resident of the multi-WRIA
38 area for at least five years. No state employee or state official may

1 be appointed to the planning unit. In appointing persons to the multi-
2 WRIA planning unit representing special interest groups the counties
3 shall consider industrial water users, general businesses,
4 hydroelectric and thermal power producers, and irrigated agriculture,
5 nonirrigated agriculture, forestry, recreation, environmental, and
6 fisheries interest groups and other groups with interests in the multi-
7 WRIA area.

8 (2) The counties in the multi-WRIA area shall select, by a majority
9 vote, a governmental entity in the multi-WRIA area to act as lead
10 agency for water resource planning in the multi-WRIA area under this
11 chapter. Such an entity shall serve as the lead agency if it agrees in
12 writing to do so. All appointments shall be made within sixty days of
13 the date the lead agency in the multi-WRIA area notifies the other
14 appointing authorities to convene to make appointments or the
15 appointments shall be made by the counties with territory in the multi-
16 WRIA area in the same manner the counties make other appointments. A
17 vacancy on the planning unit shall be filled by appointment in the same
18 manner prescribed for appointing the position that has become vacant.

19 (3) A planning unit for a multi-WRIA area shall perform all of the
20 functions assigned by this chapter to a WRIA planning unit and is
21 subject to all of the provisions of this chapter that apply to a WRIA
22 planning unit.

23 NEW SECTION. **Sec. 107.** The lead agency shall provide staff
24 support for the work of the WRIA planning unit. Each WRIA planning
25 unit may establish its own methods of operation that are consistent
26 with this chapter and may establish methods for reviewing the
27 operations of its lead agency. No planning unit appointed or selected
28 under this chapter may possess or exercise the power of eminent domain.
29 No planning unit appointed or selected under this chapter may take any
30 action that affects in any manner a general adjudication proceeding for
31 water rights, completed or ongoing. Each WRIA planning unit is
32 encouraged to: Consider information and plans that may have been
33 previously developed by other entities in establishing water resource
34 management plans for the WRIA; consider existing data regarding water
35 resources in the WRIA; and, for a WRIA that borders another state,
36 cooperate with local government counterparts in the adjacent state
37 regarding water resource planning. Water resource plans developed
38 under this chapter for a WRIA may not interfere in any manner with a

1 general adjudication of water rights, completed or ongoing. Such a
2 WRIA plan may not in any manner impair, diminish, or interfere with a
3 water right that exists before the adoption of the plan by the
4 department under section 110 of this act.

5 All meetings of a WRIA planning unit shall be conducted as public
6 meetings as required for such meetings by the open public meetings act,
7 chapter 42.30 RCW. Some time shall be set aside at the end of each
8 meeting of a WRIA planning unit for public comments.

9 No person who is a member of a WRIA planning unit may designate
10 another to act on behalf of the person as a member or to attend as a
11 member a meeting of the unit on behalf of the person. If a member of
12 a WRIA planning unit is absent from more than five meetings of the WRIA
13 planning unit that constitute twenty percent or more of the meetings
14 that have been conducted by the planning unit while the person is a
15 member of the unit and these absences have not been excused as provided
16 by this section, the member's position on the WRIA planning unit is to
17 be considered vacant. A person's absence from a meeting may be
18 excused: By the chair of the planning unit if a written request to do
19 so is received by the chair before the meeting from which the member is
20 to be absent; or by a majority vote of the members of the planning unit
21 at the meeting during which the member is absent.

22 NEW SECTION. **Sec. 108.** (1) Each WRIA planning unit shall develop
23 a water resource plan. The plan must contain the elements listed in
24 subsection (2) of this section and may include other elements added by
25 the planning unit. Once organized, the first task of the planning unit
26 is to prioritize these elements regarding their importance in the WRIA
27 and in developing a water resource plan for the WRIA. A plan shall not
28 be developed such that its provisions are in conflict with state or
29 federal law or impair, diminish, or interfere in any manner with a
30 water right existing prior to its adoption. Each plan shall
31 acknowledge that the water rights of citizens are private rights to
32 real property.

33 (2) The plan must include the following:

34 (a) An assessment of water supply and use in the WRIA, including:

35 (i) A quantitative estimation of the amount of surface and ground
36 water present in the planning unit, using United States geological
37 survey information and other existing sources of information;

1 (ii) A quantitative estimation using existing sources of
2 information, of the amount of surface and ground water available, using
3 currently available or likely available technologies, collectively for
4 both current and future water uses, including for instream and for
5 withdrawal;

6 (iii) A quantitative estimation using existing sources of
7 information, of the amount of surface and ground water actually being
8 used, both in-stream and by withdrawal, for agricultural, industrial,
9 fisheries, recreational, environmental, municipal, and residential
10 purposes, and including amounts claimed, permitted, or certificated for
11 future municipal needs; and

12 (iv) A quantitative estimation of the amount of water,
13 approximately, that is represented by amounts in claims in the water
14 rights claims registry, in water use permits, in certificated rights,
15 and in rules establishing instream flows;

16 (b) A quantitative description of future water-based instream and
17 out-of-stream needs in the planning unit, based on projected population
18 and agricultural and other economic growth. That is, an identification
19 of the water needed collectively for use for agricultural, fisheries,
20 recreational, environmental, industrial, municipal, and residential
21 purposes;

22 (c) Instream flow requirements. Notwithstanding any other
23 provisions of state law, the planning unit may make adjustments to
24 flows that have been set by the state before the adoption of the
25 planning unit's plan and will set instream flows as part of the plan
26 for the other rivers, streams, and lakes in the WRIA, or in the
27 multi-WRIA area for multi-WRIA planning under section 106 of this act,
28 for which flows have not been set. An instream flow or base flow or
29 level set for a body of water in a WRIA plan adopted by the department
30 under section 110 of this act supersedes any other such flow or level
31 previously established for the body of water. Planning units are
32 encouraged to set the flow levels as soon as is practicable;

33 (d) A quantitative description of the ground water and of the
34 surface water available for further appropriation. As used in this
35 subsection (2)(d), "available" means available on the date the plan
36 takes effect as a rule under section 110 of this act;

37 (e) An identification of areas that provide for the recharge of
38 aquifers from the surface and areas where aquifers recharge surface
39 bodies of water;

1 (f) Strategies for increasing water supplies in the WRIA,
2 including:

3 (i) Conservation measures; and

4 (ii) Storage enhancements, including modifications to existing
5 reservoirs and new reservoirs. Any quantity of water made available
6 under these strategies is a quantity that is in addition to the water
7 declared available for appropriation under (d) of this subsection; and

8 (g) An identification of areas where voluntary habitat improvement
9 projects or voluntary transactions providing for the purchase of
10 habitat or habitat easements would provide the greatest benefit to
11 water-related habitat in the WRIA, and a prioritization of the areas
12 based on their potential for providing such benefits. The purpose of
13 this element of the plan is to provide a means of coordinating
14 nonregulatory, voluntary efforts for improving water-related habitat in
15 the WRIA. No aspect of the plan may establish standards for water
16 quality or regulate water quality in any manner whatsoever.

17 (3) A plan shall not be developed under this chapter to require
18 directly or indirectly the implementation of laws, rules, or programs
19 that are designed primarily to control water pollution or discharges of
20 pollutants to water, to regulate effluent discharges or wastewater
21 treatment systems or facilities, or to establish or require the
22 achievement of water quality standards, including but not limited to
23 chapter 90.48 RCW and rules adopted under chapter 90.48 RCW, the
24 national pollutant discharge elimination system permit program, and the
25 state waste discharge permit program.

26 NEW SECTION. **Sec. 109.** (1) Water resource management plans
27 developed pursuant to the process in this chapter and subsequently
28 adopted by the department under section 110 of this act are presumed
29 valid. This presumption shall apply in any petition or action filed
30 against a plan.

31 (2) Any action taken by a state agency regarding or affecting water
32 resources within a WRIA for which a plan has been adopted under section
33 110 of this act and any planning conducted by a state agency regarding
34 or affecting water resources within a WRIA for which a plan has been
35 adopted under section 110 of this act shall be taken or conducted in a
36 manner that is consistent with the plan. All actions and decisions of
37 the department regarding water resources in the WRIA shall be
38 consistent with and based upon such an adopted plan for the WRIA. Any

1 other authority of the department exercised within the WRIA regarding
2 or affecting water resources shall be exercised in a manner that is
3 consistent with such an adopted plan.

4 NEW SECTION. **Sec. 110.** (1) Upon completing a proposed water
5 resource plan for the WRIA, the WRIA planning unit shall conduct at
6 least one public hearing in the WRIA on the proposed plan. After
7 considering the public comments presented at the hearing or hearings,
8 the planning unit shall submit a copy of its proposed plan to the
9 department. A proposed plan may be submitted to the department only if
10 the unit has provided interim approval of the plan for this purpose by
11 a majority vote of the members of the planning unit.

12 (2) The department shall conduct at least one public hearing,
13 announced in accordance with chapter 34.05 RCW, on each proposed WRIA
14 water resource plan submitted under this section. The department shall
15 provide advice as to any specific subsections or sections of the plan
16 that the department believes to be in conflict with state or federal
17 law and may provide other recommendations regarding the plan. The
18 department shall transmit its advice and recommendations regarding the
19 plan to the WRIA planning unit within sixty days of receiving it for
20 review.

21 (3) The WRIA planning unit shall vote on each recommendation
22 provided by the department and on the department's advice regarding any
23 subsections or sections of the proposed WRIA plan the department
24 believed to be in conflict with state or federal law. The planning
25 unit may adopt such a recommendation or provide changes to respond to
26 the advice of the department by a majority vote of the members of the
27 planning unit.

28 The WRIA planning unit shall approve a water resource plan for the
29 WRIA by a two-thirds majority vote of the members of the planning unit.
30 An approved plan shall be submitted to the counties with territory
31 within the WRIA for adoption. If a WRIA planning unit receives funding
32 for WRIA or multi-WRIA planning under section 103 of this act and does
33 not approve a plan for submission to the counties within four years of
34 the date the planning unit receives the first of that funding from the
35 department for the planning, the department shall develop and adopt a
36 water resource plan for the WRIA or multi-WRIA area.

37 (4) The legislative authority of each of the counties with
38 territory within the WRIA shall conduct at least two public hearings on

1 the WRIA plan submitted to the county under this section. After the
2 public hearings, the legislative authorities of these counties shall
3 convene in joint session to consider the plan. The counties may
4 approve or reject the plan, but may not amend the plan. Approval of a
5 plan, or of recommendations for a plan that is not approved, shall be
6 made by a majority vote of the members of the various legislative
7 authorities of the counties with territory in the WRIA based on the
8 votes allocated under section 102 of this act.

9 If the plan is not approved, it shall be returned to the WRIA
10 planning unit with recommendations for revisions. Any revised plan
11 prepared by the planning unit shall be submitted to the department and
12 to the counties as provided by this section for WRIA water resource
13 plans generally.

14 (5) If the plan is approved by the members of the legislative
15 authorities, the plan shall be transmitted to the department for
16 adoption. The department shall adopt such an approved WRIA water
17 resource plan by rule. The department has no discretion to amend or
18 reject the plan. A copy of the plan and notice of its adoption as
19 rules shall be published in the state register under chapter 34.05 RCW.

20 (6) If the department advises a planning unit that an element of
21 its WRIA plan is in conflict with state or federal law and the unit
22 does not remove the conflict created by the element from its plan, the
23 state is not liable for any judgment that may be awarded regarding the
24 conflict. This subsection shall not be construed as establishing such
25 state liability for any other element of the plan adopted as rules.

26 NEW SECTION. **Sec. 111.** The WRIA planning units may accept grants,
27 funds, and other financing, as well as enter into cooperative
28 agreements with private and public entities for planning assistance and
29 funding.

30 NEW SECTION. **Sec. 112.** A new section is added to chapter 90.03
31 RCW to read as follows:

32 (1) The department shall rule in a timely manner upon applications
33 to appropriate public surface and ground water. For applications that
34 seek to appropriate water from within a WRIA for which a WRIA plan has
35 been adopted, the department shall grant or deny the application within
36 one hundred eighty days of the date the properly completed application
37 is filed with the department, except as provided in subsection (2) of

1 this section. For applications that seek to appropriate water from
2 within a WRIA for which no WRIA plan has been adopted, the department
3 shall grant or deny the application within one year of the date the
4 properly completed application is filed with the department, except as
5 provided in subsection (2) of this section. The times allowed in this
6 section to rule upon an application shall not include the time it takes
7 the applicant to respond to an explicit request for additional
8 information reasonably required to make a determination on the
9 application. The department shall be allowed only one such request for
10 additional information. The cost of obtaining such information shall
11 be reasonable in relation to the quantity and value of the water right
12 applied for. Once the applicant responds to an information request,
13 the stay of the time allowed for the permit decision shall end.

14 (2) If a detailed statement, generally referred to as an
15 environmental impact statement, must be prepared under chapter 43.21C
16 RCW for or in regard to an application to appropriate water, the
17 department shall grant or deny the application within ninety days of
18 the date the final environmental impact statement is available from the
19 official responsible for it under chapter 43.21C RCW.

20 NEW SECTION. **Sec. 113.** A new section is added to chapter 34.05
21 RCW to read as follows:

22 (1) Once the department of ecology receives a water resource plan
23 submitted by a WRIA planning unit for advice and recommendations under
24 section 110 of this act, the department shall conduct at least one
25 public hearing on the plan and shall provide notice of the hearing and
26 proposed plan as provided in RCW 34.05.320 for the proposal of a rule.
27 The department shall maintain a file for the plan. Once the plan has
28 been adopted by the counties in the WRIA under section 110 of this act
29 and the plan has been submitted to the department of ecology, the
30 department shall file the plan with the code reviser along with an
31 order adopting the plan as rules. The code reviser shall cause the
32 order and the water resource plan to be published in the Washington
33 state register in the manner provided for the adoption of final rules
34 and shall incorporate the plan into the Washington Administrative Code.
35 No other aspect of this chapter that establishes procedures for the
36 adoption of rules applies to the adoption of the plan by the
37 department.

1 (2) For the purposes of this section, "WRIA" has the meaning
2 established in section 101 of this act.

3 **PART II**

4 **STORAGE**

5 **Sec. 201.** RCW 90.54.020 and 1989 c 348 s 1 are each amended to
6 read as follows:

7 Utilization and management of the waters of the state shall be
8 guided by the following general declaration of fundamentals:

9 (1) Uses of water for domestic, stock watering, industrial,
10 commercial, agricultural, irrigation, hydroelectric power production,
11 mining, fish and wildlife maintenance and enhancement, recreational,
12 and thermal power production purposes, and preservation of
13 environmental and aesthetic values, and all other uses compatible with
14 the enjoyment of the public waters of the state, are declared to be
15 beneficial.

16 (2) Allocation of waters among potential uses and users shall be
17 based generally on the securing of the maximum net benefits for the
18 people of the state. Maximum net benefits shall constitute total
19 benefits less costs including opportunities lost.

20 (3) The quality of the natural environment shall be protected and,
21 where possible, enhanced as follows:

22 (a) Perennial rivers and streams of the state shall be retained
23 with base flows necessary to provide for preservation of wildlife,
24 fish, scenic, aesthetic and other environmental values, and
25 navigational values. Lakes and ponds shall be retained substantially
26 in their natural condition. Withdrawals of water which would conflict
27 therewith shall be authorized only in those situations where it is
28 clear that overriding considerations of the public interest will be
29 served.

30 (b) Waters of the state shall be of high quality. Regardless of
31 the quality of the waters of the state, all wastes and other materials
32 and substances proposed for entry into said waters shall be provided
33 with all known, available, and reasonable methods of treatment prior to
34 entry. Notwithstanding that standards of quality established for the
35 waters of the state would not be violated, wastes and other materials
36 and substances shall not be allowed to enter such waters which will
37 reduce the existing quality thereof, except in those situations where

1 it is clear that overriding considerations of the public interest will
2 be served. Technology-based effluent limitations or standards for
3 discharges for municipal water treatment plants located on the
4 Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted
5 to reflect credit for substances removed from the plant intake water
6 if:

7 (i) The municipality demonstrates that the intake water is drawn
8 from the same body of water into which the discharge is made; and

9 (ii) The municipality demonstrates that no violation of receiving
10 water quality standards or appreciable environmental degradation will
11 result.

12 (4) The development of multipurpose water storage facilities shall
13 be a high priority for programs of water allocation, planning,
14 management, and efficiency. The department, other state agencies,
15 local governments, and planning units formed under section 102 or 106
16 of this act shall evaluate the potential for the development of new
17 storage projects and the benefits of storage in reducing damage to
18 stream banks and property, increasing the use of land, providing water
19 for municipal, industrial, agricultural, power generation, and other
20 beneficial uses, and improving stream flow regimes for fisheries and
21 other instream uses.

22 (5) Adequate and safe supplies of water shall be preserved and
23 protected in potable condition to satisfy human domestic needs.

24 ((+5)) (6) Multiple-purpose impoundment structures are to be
25 preferred over single-purpose structures. Due regard shall be given to
26 means and methods for protection of fishery resources in the planning
27 for and construction of water impoundment structures and other
28 artificial obstructions.

29 ((+6)) (7) Federal, state, and local governments, individuals,
30 corporations, groups and other entities shall be encouraged to carry
31 out practices of conservation as they relate to the use of the waters
32 of the state. In addition to traditional development approaches,
33 improved water use efficiency and conservation shall be emphasized in
34 the management of the state's water resources and in some cases will be
35 a potential new source of water with which to meet future needs
36 throughout the state.

37 ((+7)) (8) Development of water supply systems, whether publicly
38 or privately owned, which provide water to the public generally in
39 regional areas within the state shall be encouraged. Development of

1 water supply systems for multiple domestic use which will not serve the
2 public generally shall be discouraged where water supplies are
3 available from water systems serving the public.

4 ~~((+8+))~~ (9) Full recognition shall be given in the administration
5 of water allocation and use programs to the natural interrelationships
6 of surface and ground waters.

7 ~~((+9+))~~ (10) Expressions of the public interest will be sought at
8 all stages of water planning and allocation discussions.

9 ~~((+10+))~~ (11) Water management programs, including but not limited
10 to, water quality, flood control, drainage, erosion control and storm
11 runoff are deemed to be in the public interest.

12 **Sec. 202.** RCW 90.54.180 and 1989 c 348 s 5 are each amended to
13 read as follows:

14 Consistent with the fundamentals of water resource policy set forth
15 in this chapter, state and local governments, individuals,
16 corporations, groups and other entities shall be encouraged to carry
17 out water use efficiency and conservation programs and practices
18 consistent with the following:

19 (1) Water efficiency and conservation programs should utilize an
20 appropriate mix of economic incentives, cost share programs, regulatory
21 programs, and technical and public information efforts. Programs which
22 encourage voluntary participation are preferred.

23 (2) Increased water use efficiency should receive consideration as
24 a potential source of water in state and local water resource planning
25 processes. In determining the cost-effectiveness of alternative water
26 sources, consideration should be given to the benefits of conservation,
27 including waste water recycling, and ~~((impoundment))~~ storage of waters.

28 (3) In determining the cost-effectiveness of alternative water
29 sources, full consideration should be given to the benefits of storage
30 which can reduce the damage to stream banks and property, increase the
31 utilization of land, provide water for municipal, industrial,
32 agricultural, and other beneficial uses, provide for the generation of
33 electric power from renewable resources, and improve stream flow
34 regimes for fishery and other instream uses.

35 (4) Entities receiving state financial assistance for construction
36 of water source expansion or acquisition of new sources shall develop,
37 and implement if cost-effective, a water use efficiency and

1 conservation element of a water supply plan pursuant to RCW
2 43.20.230(1).

3 (5) State programs to improve water use efficiency should focus on
4 those areas of the state in which water is overappropriated; areas that
5 experience diminished streamflows or aquifer levels; and areas where
6 projected water needs, including those for instream flows, exceed
7 available supplies.

8 (6) Existing and future generations of citizens of the state of
9 Washington should be made aware of the importance of the state's water
10 resources and the need for wise and efficient use and development of
11 this vital resource. In order to increase this awareness, state
12 agencies should integrate public education on increasing water use
13 efficiency into existing public information efforts. This effort shall
14 be coordinated with other levels of government, including local
15 governments and Indian tribes.

16 **PART III**

17 **GENERAL ADJUDICATIONS - ESCROW ACCOUNT**

18 NEW SECTION. **Sec. 301.** A new section is added to chapter 90.03
19 RCW to read as follows:

20 The legislature finds that the lack of certainty regarding water
21 rights within a water resource basin may impede management and planning
22 for water resources. The legislature further finds that planning units
23 conducting water resource planning under chapter 90.-- RCW (sections
24 101 through 111 of this act) may find that the certainty provided by a
25 general adjudication of water rights under this chapter is required for
26 water planning or water management in a water resource inventory area
27 or in a portion of the area. Therefore, such planning units may
28 petition the department to conduct such a general adjudication and the
29 department shall give high priority to such a request in initiating any
30 such general adjudications under this chapter.

31 **Sec. 302.** RCW 43.84.092 and 1996 c 262 s 4 are each amended to
32 read as follows:

33 (1) All earnings of investments of surplus balances in the state
34 treasury shall be deposited to the treasury income account, which
35 account is hereby established in the state treasury.

1 (2) The treasury income account shall be utilized to pay or receive
2 funds associated with federal programs as required by the federal cash
3 management improvement act of 1990. The treasury income account is
4 subject in all respects to chapter 43.88 RCW, but no appropriation is
5 required for refunds or allocations of interest earnings required by
6 the cash management improvement act. Refunds of interest to the
7 federal treasury required under the cash management improvement act
8 fall under RCW 43.88.180 and shall not require appropriation. The
9 office of financial management shall determine the amounts due to or
10 from the federal government pursuant to the cash management improvement
11 act. The office of financial management may direct transfers of funds
12 between accounts as deemed necessary to implement the provisions of the
13 cash management improvement act, and this subsection. Refunds or
14 allocations shall occur prior to the distributions of earnings set
15 forth in subsection (4) of this section.

16 (3) Except for the provisions of RCW 43.84.160, the treasury income
17 account may be utilized for the payment of purchased banking services
18 on behalf of treasury funds including, but not limited to, depository,
19 safekeeping, and disbursement functions for the state treasury and
20 affected state agencies. The treasury income account is subject in all
21 respects to chapter 43.88 RCW, but no appropriation is required for
22 payments to financial institutions. Payments shall occur prior to
23 distribution of earnings set forth in subsection (4) of this section.

24 (4) Monthly, the state treasurer shall distribute the earnings
25 credited to the treasury income account. The state treasurer shall
26 credit the general fund with all the earnings credited to the treasury
27 income account except:

28 (a) The following accounts and funds shall receive their
29 proportionate share of earnings based upon each account's and fund's
30 average daily balance for the period: The capitol building
31 construction account, the Cedar River channel construction and
32 operation account, the Central Washington University capital projects
33 account, the charitable, educational, penal and reformatory
34 institutions account, the common school construction fund, the county
35 criminal justice assistance account, the county sales and use tax
36 equalization account, the data processing building construction
37 account, the deferred compensation administrative account, the deferred
38 compensation principal account, the department of retirement systems
39 expense account, the Eastern Washington University capital projects

1 account, the education construction fund, the emergency reserve fund,
2 the federal forest revolving account, the health services account, the
3 public health services account, the health system capacity account, the
4 personal health services account, the highway infrastructure account,
5 the industrial insurance premium refund account, the judges' retirement
6 account, the judicial retirement administrative account, the judicial
7 retirement principal account, the local leasehold excise tax account,
8 the local real estate excise tax account, the local sales and use tax
9 account, the medical aid account, the mobile home park relocation fund,
10 the municipal criminal justice assistance account, the municipal sales
11 and use tax equalization account, the natural resources deposit
12 account, the perpetual surveillance and maintenance account, the public
13 employees' retirement system plan I account, the public employees'
14 retirement system plan II account, the Puyallup tribal settlement
15 account, the resource management cost account, the site closure
16 account, the special wildlife account, the state employees' insurance
17 account, the state employees' insurance reserve account, the state
18 investment board expense account, the state investment board commingled
19 trust fund accounts, the supplemental pension account, the teachers'
20 retirement system plan I account, the teachers' retirement system plan
21 II account, the transportation infrastructure account, the tuition
22 recovery trust fund, the University of Washington bond retirement fund,
23 the University of Washington building account, the volunteer fire
24 fighters' relief and pension principal account, the volunteer fire
25 fighters' relief and pension administrative account, the Washington
26 judicial retirement system account, the Washington law enforcement
27 officers' and fire fighters' system plan I retirement account, the
28 Washington law enforcement officers' and fire fighters' system plan II
29 retirement account, the Washington state patrol retirement account, the
30 Washington State University building account, the Washington State
31 University bond retirement fund, the water escrow account, the water
32 pollution control revolving fund, and the Western Washington University
33 capital projects account. Earnings derived from investing balances of
34 the agricultural permanent fund, the normal school permanent fund, the
35 permanent common school fund, the scientific permanent fund, and the
36 state university permanent fund shall be allocated to their respective
37 beneficiary accounts. All earnings to be distributed under this
38 subsection (4)(a) shall first be reduced by the allocation to the state
39 treasurer's service fund pursuant to RCW 43.08.190.

1 (b) The following accounts and funds shall receive eighty percent
2 of their proportionate share of earnings based upon each account's or
3 fund's average daily balance for the period: The aeronautics account,
4 the aircraft search and rescue account, the central Puget Sound public
5 transportation account, the city hardship assistance account, the
6 county arterial preservation account, the department of licensing
7 services account, the economic development account, the essential rail
8 assistance account, the essential rail banking account, the ferry bond
9 retirement fund, the gasohol exemption holding account, the grade
10 crossing protective fund, the high capacity transportation account, the
11 highway bond retirement fund, the highway construction stabilization
12 account, the highway safety account, the marine operating fund, the
13 motor vehicle fund, the motorcycle safety education account, the
14 pilotage account, the public transportation systems account, the Puget
15 Sound capital construction account, the Puget Sound ferry operations
16 account, the recreational vehicle account, the rural arterial trust
17 account, the safety and education account, the small city account, the
18 special category C account, the state patrol highway account, the
19 transfer relief account, the transportation capital facilities account,
20 the transportation equipment fund, the transportation fund, the
21 transportation improvement account, the transportation revolving loan
22 account, and the urban arterial trust account.

23 (5) In conformance with Article II, section 37 of the state
24 Constitution, no treasury accounts or funds shall be allocated earnings
25 without the specific affirmative directive of this section.

26 **PART IV**
27 **WATER PURVEYORS**

28 **Sec. 401.** RCW 90.03.383 and 1991 c 350 s 1 are each amended to
29 read as follows:

30 (1) The legislature recognizes the value of interties for improving
31 the reliability of public water systems, enhancing their management,
32 and more efficiently utilizing the increasingly limited resource.
33 Given the continued growth in the most populous areas of the state, the
34 increased complexity of public water supply management, and the trend
35 toward regional planning and regional solutions to resource issues,
36 interconnections of public water systems through interties provide a
37 valuable tool to ensure reliable public water supplies for the citizens

1 of the state. Public water systems have been encouraged in the past to
2 utilize interties to achieve public health and resource management
3 objectives. The legislature finds that it is in the public interest to
4 recognize interties existing and in use as of January 1, 1991, and to
5 have associated water rights modified by the department of ecology to
6 reflect current use of water through those interties, pursuant to
7 subsection (3) of this section. The legislature further finds it in
8 the public interest to develop a coordinated process to review
9 proposals for interties commencing use after January 1, 1991.

10 (2) For the purposes of this section, the following definitions
11 shall apply:

12 (a) "Interties" are interconnections between public water systems
13 permitting exchange, acquisition, or delivery of wholesale and/or
14 retail water between those systems for other than emergency supply
15 purposes, where such exchange, acquisition, or delivery is within
16 established instantaneous and annual withdrawal rates specified in the
17 systems' existing water right permits or certificates, or contained in
18 claims filed pursuant to chapter 90.14 RCW, and which results in better
19 management of public water supply consistent with existing rights and
20 obligations. Interties include interconnections between public water
21 systems permitting exchange, acquisition, or delivery of water to serve
22 as primary or secondary sources of supply(~~(, but do not include~~
23 ~~development of new sources of supply to meet future demand)~~).

24 (b) "Service area" is the area designated as the wholesale and/or
25 retail area in a water system plan or a coordinated water system plan
26 pursuant to chapter 43.20 or 70.116 RCW respectively. When a public
27 water system does not have a designated service area subject to the
28 approval process of those chapters, the service area shall be the
29 designated place of use contained in the water right permit or
30 certificate, or contained in the claim filed pursuant to chapter 90.14
31 RCW.

32 (3) Public water systems with interties existing and in use as of
33 January 1, 1991, or that have received written approval from the
34 department of health prior to that date, shall file written notice of
35 those interties with the department of health and the department of
36 ecology. The notice may be incorporated into the public water system's
37 five-year update of its water system plan, but shall be filed no later
38 than June 30, 1996. The notice shall identify the location of the
39 intertie; the dates of its first use; the purpose, capacity, and

1 current use; the intertie agreement of the parties and the service
2 areas assigned; and other information reasonably necessary to modify
3 the public water system's water right (~~(permit)~~). Notwithstanding the
4 provisions of RCW 90.03.380 and 90.44.100, for public water systems
5 with interties existing and in use or with written approval as of
6 January 1, 1991, the department of ecology, upon receipt of notice
7 meeting the requirements of this subsection, shall, as soon as
8 practicable, modify the place of use descriptions in the water right
9 permits, certificates, or claims to reflect the actual use through such
10 interties, provided that the place of use is within service area
11 designations established in a water system plan approved pursuant to
12 chapter 43.20 RCW, or a coordinated water system plan approved pursuant
13 to chapter 70.116 RCW, and further provided that the water used is
14 within the instantaneous and annual withdrawal rates specified in the
15 water rights (~~(permit)~~) and that no outstanding complaints of
16 impairment to existing water rights have been filed with the department
17 of ecology prior to September 1, 1991. Where such complaints of
18 impairment have been received, the department of ecology shall make all
19 reasonable efforts to resolve them in a timely manner through agreement
20 of the parties or through available administrative remedies.

21 (4) Notwithstanding the provisions of RCW 90.03.380 and 90.44.100,
22 exchange, acquisition, or delivery of water through interties approved
23 by the department of health commencing use after January 1, 1991, shall
24 be permitted when the intertie improves overall system reliability,
25 enhances the manageability of the systems, provides opportunities for
26 conjunctive use, or delays or avoids the need to develop new water
27 sources, and otherwise meets the requirements of this section, provided
28 that each public water system's water use shall not exceed the
29 instantaneous or annual withdrawal rate specified in its water right
30 authorization, shall not adversely affect existing water rights, and
31 shall not be inconsistent with state-approved plans such as water
32 system plans or other plans which include specific proposals for
33 construction of interties. Interties approved and commencing use after
34 January 1, 1991, shall not be inconsistent with regional water resource
35 plans developed pursuant to chapter 90.54 RCW or chapter 90.-- RCW
36 (sections 101 through 111 of this act).

37 (5) For public water systems subject to the approval process of
38 chapter 43.20 RCW or chapter 70.116 RCW, proposals for interties
39 commencing use after January 1, 1991, shall be incorporated into water

1 system plans pursuant to chapter 43.20 RCW or coordinated water system
2 plans pursuant to chapter 70.116 RCW and submitted to the department of
3 health and the department of ecology for review and approval as
4 provided for in subsections (5) through (9) of this section. The plan
5 shall state how the proposed intertie will improve overall system
6 reliability, enhance the manageability of the systems, provide
7 opportunities for conjunctive use, or delay or avoid the need to
8 develop new water sources.

9 (6) The department of health shall be responsible for review and
10 approval of proposals for new interties. In its review the department
11 of health shall determine whether the intertie satisfies the criteria
12 of subsection (4) of this section, with the exception of water rights
13 considerations, which are the responsibility of the department of
14 ecology, and shall determine whether the intertie is necessary to
15 address emergent public health or safety concerns associated with
16 public water supply.

17 (7) If the intertie is determined by the department of health to be
18 necessary to address emergent public health or safety concerns
19 associated with public water supply, the public water system shall
20 amend its water system plan as required and shall file an application
21 with the department of ecology to change its existing water right to
22 reflect the proposed use of the water as described in the approved
23 water system plan. The department of ecology shall process the
24 application for change pursuant to RCW 90.03.380 or 90.44.100 as
25 appropriate, except that, notwithstanding the requirements of those
26 sections regarding notice and protest periods, applicants shall be
27 required to publish notice one time, and the comment period shall be
28 fifteen days from the date of publication of the notice. Within sixty
29 days of receiving the application, the department of ecology shall
30 issue findings and advise the department of health if existing water
31 rights are determined to be adversely affected. If no determination is
32 provided by the department of ecology within the sixty-day period, the
33 department of health shall proceed as if existing rights are not
34 adversely affected by the proposed intertie. The department of ecology
35 may obtain an extension of the sixty-day period by submitting written
36 notice to the department of health and to the applicant indicating a
37 definite date by which its determination will be made. No additional
38 extensions shall be granted, and in no event shall the total review
39 period for the department of ecology exceed one hundred eighty days.

1 (8) If the department of health determines the proposed intertie
2 appears to meet the requirements of subsection (4) of this section but
3 is not necessary to address emergent public health or safety concerns
4 associated with public water supply, the department of health shall
5 instruct the applicant to submit to the department of ecology an
6 application for change to the underlying water right or claim as
7 necessary to reflect the new place of use. The department of ecology
8 shall consider the applications pursuant to the provisions of RCW
9 90.03.380 and 90.44.100 as appropriate. The department of ecology
10 shall not deny or limit a change of place of use for an intertie on the
11 grounds that the holder of a permit has not yet put all of the water
12 authorized in the permit to beneficial use. If in its review of
13 proposed interties and associated water rights the department of
14 ecology determines that additional information is required to act on
15 the application, the department may request applicants to provide
16 information necessary for its decision, consistent with agency rules
17 and written guidelines. Parties disagreeing with the decision of the
18 department of ecology ((œ)) to approve or deny the application for
19 change in place of use may appeal the decision to the pollution control
20 hearings board.

21 (9) The department of health may approve plans containing intertie
22 proposals prior to the department of ecology's decision on the water
23 right application for change in place of use. However, notwithstanding
24 such approval, construction work on the intertie shall not begin until
25 the department of ecology issues the appropriate water right document
26 to the applicant consistent with the approved plan.

27 (10) The 1997 amendments to this section in this act are null and
28 void if any one of sections 101 through 113 of this act is vetoed by
29 June 30, 1997.

30 **Sec. 402.** RCW 90.03.330 and 1987 c 109 s 89 are each amended to
31 read as follows:

32 (1) Upon a showing satisfactory to the department that any
33 appropriation has been perfected in accordance with the provisions of
34 this chapter, it shall be the duty of the department to issue to the
35 applicant a certificate stating such facts in a form to be prescribed
36 by him, and such certificate shall thereupon be recorded with the
37 department. Any original water right certificate issued, as provided
38 by this chapter, shall be recorded with the department and thereafter,

1 at the expense of the party receiving the same, be by the department
2 transmitted to the county auditor of the county or counties where the
3 distributing system or any part thereof is located, and be recorded in
4 the office of such county auditor, and thereafter be transmitted to the
5 owner thereof.

6 (2) If a public water system is providing water for municipal
7 supply purposes under a certificated water right, the instantaneous and
8 annual withdrawal rates specified in the certificate are deemed valid
9 and perfected.

10 (3) If a federal reclamation project is providing water for
11 reclamation purposes under a certificated water right, the
12 instantaneous and annual withdrawal rates specified in the certificate
13 are deemed valid and perfected.

14 (4) If an irrigation district is providing water for the purposes
15 authorized by chapter 87.03 RCW under a certificated water right, the
16 instantaneous and annual withdrawal rates specified in the certificate
17 are deemed valid and perfected.

18 (5) The 1997 amendments to this section in this act are null and
19 void if any one of sections 101 through 113 of this act is vetoed by
20 June 30, 1997.

21 **PART V**
22 **RELINQUISHMENT**

23 **Sec. 501.** RCW 90.14.140 and 1987 c 125 s 1 are each amended to
24 read as follows:

25 (1) For the purposes of RCW 90.14.130 through 90.14.180,
26 "sufficient cause" shall be defined as the nonuse of all or a portion
27 of the water by the owner of a water right for a period of five or more
28 consecutive years where such nonuse occurs as a result of:

- 29 (a) Drought, or other unavailability of water;
30 (b) Active service in the armed forces of the United States during
31 military crisis;
32 (c) Nonvoluntary service in the armed forces of the United States;
33 (d) The operation of legal proceedings;
34 (e) Federal laws imposing land or water use restrictions either
35 directly or through the voluntary enrollment of a landowner in a
36 federal program implementing those laws, or acreage limitations, or
37 production quotas.

1 (2) Notwithstanding any other provisions of RCW 90.14.130 through
2 90.14.180, there shall be no relinquishment of any water right:

3 (a) If such right is claimed for power development purposes under
4 chapter 90.16 RCW and annual license fees are paid in accordance with
5 chapter 90.16 RCW, or

6 (b) If such right is used for a standby or reserve water supply to
7 be used in time of drought or other low flow period so long as
8 withdrawal or diversion facilities are maintained in good operating
9 condition for the use of such reserve or standby water supply, or

10 (c) If such right is claimed for a determined future development to
11 take place ((either)) at any time within fifteen years of either July
12 1, 1967, or the most recent beneficial use of the water right,
13 whichever date is later, or

14 (d) If such right is claimed for municipal water supply purposes
15 under chapter 90.03 RCW, or

16 (e) If such waters are not subject to appropriation under the
17 applicable provisions of RCW 90.40.030 as now or hereafter amended.

18 **PART VI**
19 **GENERAL PERMITS**

20 NEW SECTION. **Sec. 601.** The legislature finds that the present
21 delay in the processing of water right applications is not beneficial
22 to the citizens of the state nor is it in keeping with the goal of
23 managing the resource to the highest possible standard and maximum net
24 benefit.

25 The legislature further finds that water conservation efforts would
26 be greatly enhanced by a permit system that encourages water right
27 applicants to use only the amount of water actually necessary to meet
28 their needs.

29 NEW SECTION. **Sec. 602.** A new section is added to chapter 90.03
30 RCW to read as follows:

31 (1) The department shall develop a general permit system for
32 appropriating water for nonconsumptive, nonbypass uses. This system
33 must be designed and used to accurately identify and register any water
34 right application that qualifies for the streamlined process of
35 appropriation of water by meeting the requirements in this section and
36 registering the use. The general permit system must be applicable

1 state-wide, and all waters of the state shall be eligible for coverage
2 under the system. The evaluation and report required for an
3 application under RCW 90.03.290 are not required for applications
4 processed under the general permit system. For the purposes of this
5 section:

6 (a) "Nonconsumptive, nonbypass use" means a use of water in which
7 water is diverted from a stream or drawn from an aquifer and following
8 its use is discharged back into or near the point of diversion or
9 withdrawal without diminishment in quality and less than five thousand
10 gallons of net consumption per day; and

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

14 (2) The department shall, by January 1, 1998, establish the general
15 permit system by adopting rules in accordance with chapter 34.05 RCW.
16 Before the adoption of rules for a system, the department shall consult
17 with representatives of the following interest groups: Agriculture;
18 aquaculture; home construction and development; county government; city
19 government; surface mining; and the environmental community. At least
20 four public hearings must be held at various locations around the
21 state, not less than two of which shall be east of the crest of the
22 Cascade mountains. The rules must identify criteria for proposed uses
23 of water for which applications might be processed under the system and
24 must establish procedures for filing and processing applications and
25 issuing water rights certificates under the general permit system.

26 NEW SECTION. **Sec. 603.** A new section is added to chapter 90.03
27 RCW to read as follows:

28 An application for registration as a nonconsumptive, nonbypass
29 water user under the general permit system established under section
30 602 of this act must be made on a form adopted and provided by the
31 department. Within sixty days of receipt of a properly completed
32 application, the department shall determine whether the proposed use is
33 eligible to be processed under the general permit system. If the
34 department determines that the proposed use is eligible to be processed
35 under the system, the application must be processed under the system
36 within the next sixty days. The priority date of the water right
37 established pursuant to this section shall be the date that the
38 properly completed application is submitted. If the department

1 determines that the proposed use is not eligible for the processing,
2 the department shall explain to the applicant in writing the reasons
3 for its determination. For a proposed use determined ineligible for
4 the processing, if the department finds that the information contained
5 on the application form substantially satisfies the information
6 requirements for an application for a use that would normally be filed
7 for processing the application outside of the general permit system,
8 the department shall notify the applicant of its finding and shall
9 process the application as if it were filed for processing outside of
10 the system. If the department finds that the information does not
11 substantially satisfy the requirements, the application must be
12 considered to be incomplete for the processing and the applicant must
13 be notified of this consideration.

14 NEW SECTION. **Sec. 604.** A new section is added to chapter 90.03
15 RCW to read as follows:

16 Nothing in sections 602 and 603 of this act authorizes the
17 impairment or operates to impair any existing water rights. A water
18 right holder under sections 602 and 603 of this act shall not make
19 withdrawals that impair a senior water right. A holder of a senior
20 water right who believes his or her water right is impaired may file a
21 complaint with the department of ecology. Where such complaints of
22 impairment have been received, the department of ecology shall make all
23 reasonable efforts to resolve them in a timely manner through agreement
24 of the parties. Nothing in section 602 or 603 of this act may be
25 construed as waiving any requirement established under chapter 90.48
26 RCW or federal law that a permittee secure a discharge permit regarding
27 water quality.

28 **PART VII**
29 **MISCELLANEOUS**

30 NEW SECTION. **Sec. 701.** As used in this act, part headings
31 constitute no part of the law.

32 NEW SECTION. **Sec. 702.** Sections 101 through 111 of this act shall
33 constitute a new chapter in Title 90 RCW.

--- END ---