
HOUSE BILL 2800

State of Washington 55th Legislature 1998 Regular Session

By Representatives Cairnes, Cooke, Chandler, Pennington and Robertson

Read first time 01/20/98. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to temporary water rights for cities with
2 populations no greater than five thousand; adding new sections to
3 chapter 90.44 RCW; creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout sections 1 through 3 of this act unless the context clearly
7 requires otherwise.

8 (1) "Firm," if used to describe water supply, means a source or
9 supply of water that is continuously available and is not subject to
10 interruption or curtailment under a contract or the terms and
11 conditions of an intertie.

12 (2) "Intertie" has the same meaning as in RCW 90.03.383(2).

13 NEW SECTION. **Sec. 2.** The legislature finds that an application to
14 withdraw ground water filed with the department serves overriding
15 considerations of the public interest when all of the following
16 criteria are met:

1 (1) The application is either filed or held, through assignment or
2 otherwise, by a city with a population no greater than five thousand at
3 the time the application is filed;

4 (2) The city has a sole source of firm water supply and that source
5 might be at risk of failure due to contamination or to source location
6 factors including but not limited to steep slope and other geologic
7 hazards;

8 (3) The city has a comprehensive plan approved under chapter 36.70A
9 RCW and the plan includes an urban growth area that the city will be
10 required to serve;

11 (4) The city's current water supply is insufficient to meet the
12 future demand forecasted in the plan throughout the ten-year period
13 beginning with the adoption by the city of the plan;

14 (5) The city has no currently available reasonable alternative
15 source or supplier of water to meet the demand; and

16 (6) The city has identified a permanent alternative firm supply of
17 water to meet the forecasted demand that the city reasonably expects to
18 become available within ten years of the date of the adoption by the
19 city of the plan.

20 NEW SECTION. **Sec. 3.** The department shall approve an application
21 to withdraw ground water that meets the conditions of section 1 of this
22 act within one hundred twenty days of a city's request to have the
23 city's application considered under sections 1 through 3 of this act.

24 (1) The department may issue a permit to the city for such amounts
25 as requested in the application as are reasonably necessary to meet the
26 city's future demand forecasted in the city's approved plan; or

27 (2) The department shall issue a temporary permit for an amount
28 sufficient to enable the city to safely and reliably meet the city's
29 future demand forecasted in the city's approved plan throughout the
30 ten-year period beginning with the date of application. A temporary
31 permit issued under this subsection may have a duration of no more than
32 ten years, and the department shall cancel a permit so issued earlier
33 if the city obtains a permanent alternative firm supply of water
34 sufficient to meet the demand forecasted in the city's plan during the
35 referenced ten-year period. If a city that holds a temporary permit
36 issued under this subsection files, before the permit's expiration, a
37 verified report demonstrating continued need for the temporary permit
38 and describing the specific steps taken by the city to obtain a

1 sufficient permanent alternative firm supply of water, then the
2 temporary permit must be extended for one or more additional five-year
3 periods if reasonable progress is being made toward securing a
4 permanent firm supply. A temporary permit issued under this subsection
5 is not an appropriation capable of perfection and RCW 90.03.330 does
6 not apply to the temporary permit.

7 NEW SECTION. **Sec. 4.** This act applies to applications for permits
8 to withdraw ground water, regardless of when the permits are filed with
9 the department of ecology. To the extent that an application was filed
10 before the effective date of this section, this act applies
11 retroactively, but in all other instances it applies prospectively.

12 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act are each
13 added to chapter 90.44 RCW.

14 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and takes effect
17 immediately.

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