

2 **SSB 6525 - H AMD 693 ADOPTED 3-9-00**

3 By Representative G. Chandler

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5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** In order to help reduce the current backlog
8 of applications for changes, transfers, or amendments of existing water
9 rights, the legislature intends to allow the processing of applications
10 for such changes, transfers, or amendments without regard to possible
11 impairment of pending applications for new water rights. While the
12 legislature intends to assist the processing of such changes,
13 transfers, and amendments, it does not intend to divert the department
14 of ecology's efforts or in any other way deter the processing of
15 applications for new water rights.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.03 RCW
17 to read as follows:

18 (1) The department may process and render decisions on an
19 application for change independently from processing and making
20 decisions on pending applications for new water rights from the same
21 water source without regard to the dates on which the applications for
22 the new rights were filed.

23 (2) Except as provided in this section, the department and a water
24 conservancy board shall process applications for change from the same
25 water source in the order in which they were filed with the department
26 or the board. The exceptions are:

27 (a) The proposed change would alleviate a public health and safety
28 emergency or otherwise preserve public health and safety or would
29 authorize an emergency withdrawal under RCW 43.83B.410;

30 (b) There is insufficient information to render a decision on a
31 senior application or applications for change, and the information
32 cannot be obtained in a timely manner;

33 (c) The proposed change was filed by a claimant in a water rights
34 adjudication, and a decision is needed expeditiously to ensure that

1 orders or decrees of the superior court will be representative of the
2 current water situation;

3 (d) The proposed change will move a point of diversion or
4 withdrawal, or replace a diversion with a withdrawal, or replace a
5 withdrawal with a diversion, or change the season of use, when it
6 assists in the recovery of fish listed under the federal endangered
7 species act as threatened or endangered;

8 (e) The proposed change or group of changes will result in
9 providing public water supplies for at least one city and one town or
10 at least two cities and will meet the general needs of the public for
11 a regional area; or

12 (f) The proposed change is for the purposes of RCW 90.03.390.

13 (3) The department, any other state agency, or a water conservancy
14 board shall not require an applicant to give any part of an applicant's
15 valid right or claim to a state agency, to the trust water rights
16 program, or to other parties.

17 (4) The department may adopt rules to implement this section, but
18 such rules must strictly adhere to the provisions of this section.

19 (5) Pending applications for new water rights are not entitled to
20 protection from impairment or given priority for any available water if
21 the department or a water conservancy board processes an application
22 for change from the same water source. New water rights issued after
23 an application for change is approved from the same water source are
24 not entitled to protection from impairment or priority for any
25 available water in relation to the changed, transferred, or amended
26 water right regardless of the dates on which the applications were
27 filed with the department or the board.

28 (6) Notice of an application for a change of a water right must be
29 published for the same period and in the same manner as prescribed for
30 an application for a permit by RCW 90.03.280 in the county or counties
31 in which water for the right is withdrawn or diverted and used,
32 although the department may also post notice of the application on the
33 internet at an electronic site containing other departmental
34 information. The department or water conservancy board shall consider
35 all comments received in writing by mail or personal delivery that are
36 received within thirty days of the date of the last newspaper
37 publication of the notice required under RCW 90.03.280.

38 (7) As used in this section:

1 (a) "Change of a water right" or "change" means a change or
2 transfer of a water right referred to in RCW 90.03.380 or 90.03.390 or
3 an amendment referred to in RCW 90.44.100 or 90.44.105; and
4 (b) "Water conservancy board" or "board" means a water conservancy
5 board created under chapter 90.80 RCW."

6 Correct the title.

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