

SENATE BILL REPORT

SB 5546

As of February 8, 1999

Title: An act relating to water resources.

Brief Description: Changing water resources provisions.

Sponsors: Senator Fraser.

Brief History:

Committee Activity: Environmental Quality & Water Resources: 2/9/99.

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Staff: Genevieve Pisarski (786-7488)

Background: To issue a permit for development of a water right, the Department of Ecology must find that water is available, that it will be put to a beneficial use, that the use will not impair existing rights, and that the use will not be detrimental to the public welfare.

The Department of Ecology is authorized to enforce water rights and water laws through regulatory orders and civil and criminal penalties. The water code has been interpreted as requiring a general stream adjudication as the only means for establishing the order of priority among both water right claims and certificated water rights for purposes of enforcement.

A water master, appointed and supervised by the department, is authorized to enforce water laws and protect water rights within a district, if there is need. A general adjudication of water rights is a necessary prerequisite for a water master. The water master has authority to supervise stream patrolmen, whose duties are similar to those of the water master, but restricted to a designated stream or streams. At present, there is only one water master in the state, due to significant budgetary constraints.

If a water right is not used for five consecutive years and does not qualify for an exemption, it can revert to the state.

Summary of Bill: A 60-day public comment period on water right permit applications is established and the Department of Ecology is required to consider public comments before issuing a permit.

The department is authorized to establish a stream keeper volunteer program and assign the volunteers to any water resource. Their duties are limited to providing information and assistance to water users, facilitating cooperative arrangements during shortages, seeing and reporting perceived violations, collecting data, and other duties as assigned by the department. The department is to work with WSU Extension to find and train volunteers.

The department is authorized to enforce the water code among all water right holders. Absent any water rights decree, the department finds seniority based on facts and records. An affected party receives notice and hearing before any order issues.

Waste, as well as non-use, is deemed to be failure to beneficially use water for purposes of relinquishment.

Appropriation: None.

Fiscal Note: Requested on January 28, 1999.

Effective Date: Ninety days after adjournment of session in which bill is passed.