

SENATE BILL REPORT

SB 6091

As of April 5, 1999

Title: An act relating to the beneficial use of water under a water code permit by public water systems.

Brief Description: Changing provisions relating to beneficial water use by public water systems.

Sponsors: Senators Fraser and Swecker.

Brief History:

Committee Activity: Environmental Quality & Water Resources: 4/6/99.

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Staff: Genevieve Pisarski (786-7488)

Background: A water right under a permit is not perfected until it is put to actual beneficial use when it becomes certificated. In a recent decision regarding a public water system that was constructed by a private developer, the state Supreme Court ruled that a certificate can be issued only for water that has been put to use. The court's decision did not fully resolve the status of water right certificates issued to municipal water suppliers on the basis of pumps and pipes constructed, rather than water actually put to use. Applications for permits for municipal water supply are required to state the present population to be served and, as near as may be, the future requirements. Under "growing communities doctrine," the common law recognizes that municipal water rights are developed as the communities that they serve grow, in respect to both time and area. Any change of place of use must be approved.

Summary of Bill: Municipal water rights are certificated incrementally and permits are subject to a development schedule and performance standards, which include protection of streamflows. Certification occurs every six years for water perfected by actual use. Water not perfected by actual use continues to be developed under permit for the original place of use or the approved number of connections and service area. Development is subject to need, consistency with land use plans, and conservation. In areas with listed fish species, actions to restore and protect streamflows are taken under binding agreements with Ecology and Fish and Wildlife.

Appropriation: None.

Fiscal Note: Not requested.

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