

SENATE BILL REPORT

SB 6093

As of April 5, 1999

Title: An act relating to public water supply management.

Brief Description: Changing public water supply management provisions.

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: Fish habitat and regional public water supply needs are addressed through coordinated water supply planning and interties, which also guide development of municipal water rights. Coordinated water supply service areas are designated on the basis of water supply needs for both fish habitat and public water systems. Coordinated water system plans work to implement local land use plans for growth, water quality and water resource plans, habitat conservation plans and licensing requirements. Water suppliers, local governments, the departments of Health, Ecology, and Fish and Wildlife coordinate on establishing service areas and developing plans. Municipal water rights grow into service areas designated in coordinated water system plans. Interties implement coordinated water system plans and receive public review.

Appropriation: None.

Fiscal Note: Not requested.

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