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HOUSE BILL 2966

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State of Washington

56th Legislature

2000 Regular Session

By Representatives G. Chandler, Reardon, B. Chandler, Linville,  
Schoesler and Grant

Read first time 01/25/2000. Referred to Committee on Agriculture &  
Ecology.

1 AN ACT Relating to prioritizing and processing water rights  
2 changes; amending RCW 90.03.015; and adding a new section to chapter  
3 90.03 RCW.

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

5 **Sec. 1.** RCW 90.03.015 and 1987 c 109 s 65 are each amended to read  
6 as follows:

7 As used in this chapter unless the context clearly requires  
8 otherwise:

9 (1) "Application for change" means an application filed under RCW  
10 90.03.380, 90.03.390, 90.44.100, or 90.44.105.

11 (2) "Department" means the department of ecology(~~(i)~~).

12 (~~((2))~~) (3) "Director" means the director of ecology(~~(i) and~~).

13 (~~((3))~~) (4) "Person" means any firm, association, water users'  
14 association, corporation, irrigation district, or municipal  
15 corporation, as well as an individual.

16 (5) "Same water source" means a ground water body or surface water  
17 body, including a stream, stream system, lake, or reservoir and any  
18 spring water or underground water that is part of or tributary to the

1 surface water body or aquifer, that the department determines to be an  
2 independent water body for the purposes of water rights administration.

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

5 (1)(a) The department may process and render decisions on an  
6 application for change before processing and making decisions on  
7 pending applications for new water rights from the same water source  
8 regardless of the date on which the applications were filed with the  
9 department.

10 (b) Neither the department nor any other state agency may require  
11 the applicant to give up a legal right or claim to any part of the  
12 applicant's water right under this subsection (1), except as authorized  
13 in RCW 90.14.140 through 90.14.190.

14 (2) Pending applications for new water rights are not entitled to  
15 protection from impairment or given priority for any available water if  
16 the department processes and renders a decision on an application for  
17 change from the same water source. New water rights issued after an  
18 application for change is approved from the same water source are not  
19 entitled to protection from impairment or priority for any available  
20 water in relation to the changed water right regardless of the dates on  
21 which the applications were filed with the department.

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