

HOUSE BILL REPORT

SB 5333

As Reported by House Committee On:
Agriculture & Ecology

Title: An act relating to preliminary permit timelines.

Brief Description: Concerning preliminary permits for water closed to diversions due to a federal moratorium.

Sponsors: By Senators Honeyford, Hale, Morton, Hochstatter, Hewitt, Swecker and Sheahan.

Brief History:

Committee Activity:

Agriculture & Ecology: 3/29/01 [DPA].

Brief Summary of Bill
(As Amended by House Committee)

- Reinstates an application and preliminary water right permit for water from the Columbia River under certain circumstances.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass as amended. Signed by 13 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler, Delvin, Dunshee, Grant, Hunt, Quall, Roach, Schoesler and Sump.

Staff: Kenneth Hirst (786-7105).

Background:

The Surface Water Code of 1917 created a permit system for establishing new rights to use surface waters. In 1945 the permit system was expanded to apply to establishing new rights to use ground waters, except for certain "exempt well" uses. The permit system is administered by the Department of Ecology (DOE).

If an application for a water right permit does not contain sufficient information on which

to base findings for issuing the permit and the applicant does not promptly furnish the information, the DOE may issue the applicant a preliminary permit. The preliminary permit is valid for not more than three years, during which time the applicant is to be required to make the surveys, investigations, studies, and progress reports, as in the opinion of the DOE are necessary. If the applicant fails to comply with the conditions of the preliminary permit, it and the application or applications on which it is based are automatically canceled. If, before its expiration, the holder of a preliminary permit files with the DOE a verified report of expenditures made and work done under the preliminary permit, which establishes the good faith, intent, and ability of the applicant to carry on the proposed development, the expiration of the preliminary permit may be extended to a date that is five years from the date the preliminary permit was issued. Such an extension requires the approval of the Governor.

Summary of Amended Bill:

If an application was filed and a preliminary water right permit was issued for water from the Columbia River and the availability of water was directly affected by a moratorium on further diversions from 1990 to 1998, the application and permit are reinstated and the period during which the permit is valid is extended until June 30, 2002, under certain circumstances. The application and permit must be for, or must be modified to be for: (a) providing regional water supplies in more than one urban growth area and one or more nearby areas, and (b) providing such regional supplies through the use of existing intake or diversion structures. The authority to make such modifications to the application and permit is granted.

Amended Bill Compared to Bill:

The amendment restricts the provisions of the bill to applying only to applications and permits affected by a moratorium on further withdrawals from the Columbia River from 1990 to 1998 and provides the conditions under which they are reinstated.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: (Original bill): The city of Richland had been issued a preliminary permit for Columbia River water and the DOE had indicated that it would work with the city to allow use of the water under the application and permit for four cities in the Richland area and a portion of the Hanford area. The department found it could not

extend the permit to do so, but the Superior Court has recently directed it to continue processing the application.

Testimony Against: None.

Testified: (In favor, original bill): Senator Honeyford, prime sponsor; Bob Albers, city of Pasco; and Tim Boyd, Columbia/Snake River Irrigators' Association.

(In favor, with amendment): Keith Phillips, Department of Ecology.