

SENATE BILL REPORT

SB 5333

As Passed Senate, March 13, 2001

Title: An act relating to preliminary permit timelines.

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

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

Brief History:

Committee Activity: Environment, Energy & Water: 2/2/01, 2/20/01 [DP].

Passed Senate: 3/13/01, 45-2.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & WATER

Majority Report: Do pass.

Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald, Morton and Patterson.

Staff: Genevieve Pisarski (786-7488)

Background: RCW 90.03.290 of the water code establishes the requirements for rendering a decision on a water rights application. In respect to making necessary findings, the Department of Ecology is allowed to issue a preliminary permit that requires the applicant to obtain sufficient information. The period of such a permit is not to exceed three years, but, if specified requirements are met, can be extended for a maximum of two additional years. If the applicant fails to comply with the conditions of the preliminary permit, the permit and the application are automatically cancelled.

Summary of Bill: In the case of a preliminary permit that relates to a water source that is closed by a state or federal moratorium in effect during the period of the permit, the initial three-year permit period must be extended for three years following the moratorium. A preliminary permit affected by a moratorium on the Columbia River between 1990 and 1998 is extended through June 30, 2002, and any cancelled application and preliminary permit are reinstated and the permit extended until June 30, 2002.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This does not assure approval of new water rights. It only extends the time for preliminary permits that acquire necessary information for making a decision. The moratorium on water rights in the Columbia River caused inequities that need to be corrected.

Testimony Against: This is not consistent with salmon recovery. Columbia River flows are insufficient. A minimum instream flow must be established, before new water rights are processed.

Testified: PRO: Ken Slattery, Department of Ecology; Darryll Olsen, Benton County WCB; Bob Albert, City of Pasco; Kathleen Collins, Washington Water Policy Alliance; CON: Carl Samuelson, WDFW.

House Amendment(s): Extension of preliminary permits, in general, due to a moratorium is deleted. The provision relating to the Columbia River moratorium is changed to include an application and preliminary permit for providing regional water supply to one or more urban growth areas and areas near them from an existing structure. Authority is granted to so modify a canceled application or permit.