

# SENATE BILL REPORT

## SB 5412

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As Reported By Senate Committee On:  
Environment, Energy & Water, February 20, 2001

**Title:** An act relating to establishing levels of service for rendering decisions by the department of ecology on applications for a water right, transfer, or change.

**Brief Description:** Developing standards to process applications for a water right, transfer, or change.

**Sponsors:** Senators Fraser, Morton, Jacobsen, Honeyford, Eide, Fairley, Spanel, Regala, Parlette, McAuliffe and Rasmussen.

**Brief History:**

**Committee Activity:** Environment, Energy & Water: 1/25/01, 2/20/01 [DPS-WM].

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### SENATE COMMITTEE ON ENVIRONMENT, ENERGY & WATER

**Majority Report:** That Substitute Senate Bill No. 5412 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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

**Staff:** Genevieve Pisarski (786-7488)

**Background:** As a result of growing population and economic development, applications to the state for new water rights and for changes and transfers of existing water rights have continued to increase, as has the complexity of the analysis that is required, in order to render decisions on them. Among other requirements, state law allows approval of an application, only if it will not impair any other existing water rights. By law, applications for new water rights that have not yet been approved must be treated as existing rights and applications must be considered in the order of the date on which they were filed. For purposes of efficiency, however, the law does allow all applications for the same source of supply to be analyzed as a group, even though there may exist older applications whose group, according to source of supply, is still awaiting consideration. Due to limited funding, increasing numbers of applications, and the complexity of analysis, which results both from large numbers of pending applications and large numbers of existing rights, there is an accumulation of over 7,000 pending applications, many of which will not be able to be considered for many years.

**Summary of Substitute Bill:** It is the policy of the state to assure timely decisions on water rights applications and limit to 500 the accumulation of applications that cannot be considered because of lack of funding. By September 1, 2001, in consultation with affected interests, the Department of Ecology must develop level of service standards for rendering decisions on applications, determine current levels of service, develop strategies and funding requirements for achieving levels of service, and present alternative levels of service and corresponding funding estimates to the Legislature. By September 1, 2001, the department

must submit a proposal for reducing the current accumulation of applications by 1000 by June 30, 2002, and a plan for reducing to 500 the accumulation of applications that cannot be considered because of lack of funding by June 30, 2007. The department will reduce the accumulation by 1,000 by June 30, 2002.

**Substitute Bill Compared to Original Bill:** The requirement that the department reduce the backlog of applications by 1,000 is added.

**Appropriation:** None.

**Fiscal Note:** Requested on January 24, 2001.

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

**Testimony For:** In addition to providing for reduction of the backlog of applications, this will show how resources provided for processing applications are actually used.

**Testimony Against:** None.

**Testified:** Ken Slattery, WDOE (pro); Kathleen Collins, WA Water Policy Alliance; Dave Williams, Assn. WA Cities; Paul Parker, WA Assn. of Counties (pro); Josh Baldi, WEC (pro).