

SENATE BILL REPORT

SB 6108

As Reported By Senate Committee On:
Environment, Energy & Water, February 27, 2001

Title: An act relating to conducting the proof examination for issuance of a water right certificate.

Brief Description: Modifying the issuance of a water right certificate.

Sponsors: Senator Fraser.

Brief History:

Committee Activity: Environment, Energy & Water: 2/27/01 [DPS, DNP].

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & WATER

Majority Report: That Substitute Senate Bill No. 6108 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen and Patterson.

Minority Report: Do not pass.

Signed by Senators Hale, Honeyford and Morton.

Staff: Genevieve Pisarski (786-7488)

Background: Before an applicant for a water right can be issued a water right certificate, the applicant must demonstrate to the satisfaction of the Department of Ecology that the applicant has put the water to use according to the terms and conditions of the water right permit and as required by law.

Summary of Substitute Bill: The procedure and information necessary to demonstrate that water has been put to beneficial use and that the conditions of the water right permit have been complied with are established. A showing satisfactory to the Department of Ecology is required for both appropriation and change of a water right. A permit holder may use a certified water rights examiner to complete a proof of examination. The department must make a decision within 120 days of receiving an examiner's report.

Substitute Bill Compared to Original Bill: Provisions for use of certified water rights examiners are added.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Water is a public resource, and the public has the right to know that the requirements and conditions for a water right are met. Ecology has too much discretion now. Some permit conditions relate to protecting the continuing public interest in the water right; the public must be assured that it is protected. Complete description and documentation will be needed to determine compliance with the water right, in terms of purpose of use, appurtenance, and requirements to avoid relinquishment.

Testimony Against: At most, these requirements must be prospective only. They call for unnecessary detail and give Ecology too much discretion.

Testified: Rob Caldwell, Center for Environmental Law & Policy (pro); Doug Levy, City of Everett (con); Kathleen Collins, WA Water Policy Alliance (con).