
HOUSE BILL 1875

State of Washington

57th Legislature

2001 Regular Session

By Representatives G. Chandler, Linville and Woods

Read first time 02/07/2001. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to municipal water suppliers; amending RCW
2 90.03.015, 90.03.330, 90.03.460, and 90.03.386; adding a new section to
3 chapter 90.03 RCW; and adding a new section to chapter 43.20 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.03 RCW
6 to read as follows:

7 It is in the public interest for municipal water suppliers to be
8 able to use water resources to meet the current and future water supply
9 needs of the public generally and to achieve the objectives of the
10 state's growth management act, chapter 36.70A RCW, where applicable.
11 A growing communities doctrine, that acknowledges the distinctive role
12 of municipal water suppliers to maintain sufficient water to support
13 future growth within the state, has been implicitly recognized in our
14 statutes and is hereby explicitly adopted. Accordingly, the
15 legislature declares that water rights shall be interpreted and
16 administered in recognition of the distinctive role and legal duties
17 that municipal water suppliers have to serve growing communities,
18 specifically including but not limited to the following: Municipal
19 water suppliers may acquire and retain water rights for reasonably

1 anticipated future needs; water rights held by municipal water
2 suppliers shall have a place of use consistent with applicable growth
3 management and water system planning statutes; and reasonable diligence
4 for fully developing new and existing water rights held by municipal
5 water suppliers shall be interpreted consistent with the needs of
6 growing communities for reasonable assurance of continued future water
7 supply. It is further the intent of the legislature that municipal
8 water suppliers shall comply with applicable environmental laws and
9 rules, including those that provide for protection of fish habitat, and
10 applicable state water conservation requirements.

11 **Sec. 2.** RCW 90.03.015 and 1987 c 109 s 65 are each amended to read
12 as follows:

13 As used in this chapter and chapters 90.14 and 90.44 RCW:

14 (1) "Department" means the department of ecology;

15 (2) "Director" means the director of ecology; (~~and~~)

16 (3) "Municipal water supplier" means a purveyor, as defined in RCW
17 70.116.030(4), that is either: (a) A municipal corporation; or (b) an
18 entity that (i) owns or operates a public water system that is entitled
19 or obligated to serve existing and additional customers and uses within
20 one or more approved water service areas to the extent such customers
21 and uses are allowed under an applicable land use plan, and (ii) has an
22 approved water system plan pursuant to chapter 43.20 RCW that includes
23 supplies of water for domestic use, commercial use, and use by publicly
24 owned institutions or structures;

25 (4) "Municipal water supply purposes" means any use for which water
26 is or is anticipated to be provided by a municipal water supplier; and

27 (5) "Person" means any firm, association, water users' association,
28 corporation, irrigation district, or municipal corporation, as well as
29 an individual.

30 **Sec. 3.** RCW 90.03.330 and 1987 c 109 s 89 are each amended to read
31 as follows:

32 (1) Upon a showing satisfactory to the department that any
33 appropriation has been perfected in accordance with the provisions of
34 this chapter, it shall be the duty of the department to issue to the
35 applicant a certificate stating such facts in a form to be prescribed
36 by (~~him~~) the director, and such certificate shall thereupon be
37 recorded with the department. Any original water right certificate

1 issued, as provided by this chapter, shall be recorded with the
2 department and thereafter, at the expense of the party receiving the
3 same, be by the department transmitted to the county auditor of the
4 county or counties where the distributing system or any part thereof is
5 located, and be recorded in the office of such county auditor, and
6 thereafter be transmitted to the owner thereof.

7 (2) A water right certificate issued before the effective date of
8 this act and held by a municipal water supplier is a right in good
9 standing where: (a) The water has been applied to beneficial use; or
10 (b) the water is to be used for reasonably anticipated future needs.

11 (3) Except as set forth in RCW 90.03.240, the department shall not
12 rescind or reissue any water right certificate without the consent of
13 the water right holder. Nothing in this section prohibits the
14 department from correcting ministerial errors in a water right
15 certificate. Nor shall this section be construed to prohibit the
16 department from issuing a certificate pursuant to RCW 90.03.380 or an
17 amendment pursuant to RCW 90.44.100, when the certificate holder
18 applies to the department for a transfer or change pursuant to RCW
19 90.03.380 or for an amendment pursuant to RCW 90.44.100.

20 **Sec. 4.** RCW 90.03.460 and 1917 c 117 s 43 are each amended to read
21 as follows:

22 (1) Nothing in this chapter contained shall operate to effect an
23 impairment of any inchoate right to divert and use water while the
24 application of the water in question to a beneficial use is being
25 prosecuted with reasonable diligence, having due regard to the
26 circumstances surrounding the enterprise, including the magnitude of
27 the project for putting the water to a beneficial use and the market
28 for the resulting water right for irrigation or power or other
29 beneficial use, in the locality in question.

30 (2) A municipal water supplier prosecutes its water right with
31 reasonable diligence when the right has been or is identified to meet
32 existing or reasonably anticipated future needs in an approved water
33 system plan pursuant to chapter 43.20 RCW or an approved coordinated
34 water system plan pursuant to chapter 70.116 RCW. This subsection
35 shall not be interpreted to limit or exclude other methods or means of
36 prosecuting a water right with reasonable diligence, including, without
37 limitation, installed system capacity.

1 (3) Municipal water suppliers shall have a minimum of fifty years
2 from the latest approval of a plan identified in subsection (2) of this
3 section to put to use their water rights identified for reasonably
4 anticipated future use. Municipal water suppliers may have additional
5 time based on the particular facts and circumstances, including,
6 without limitation, the size and nature of the water diversion or
7 conveyance project, projected useful life of facilities, size and
8 nature of service areas, growth projections, system interconnections,
9 water conservation, and financing requirements.

10 **Sec. 5.** RCW 90.03.386 and 1991 c 350 s 2 are each amended to read
11 as follows:

12 Within service areas established pursuant to chapters 43.20 and
13 70.116 RCW, the department of ecology and the department of health
14 shall coordinate approval procedures to ensure compliance and
15 consistency with the approved water system plan. For water
16 appropriations held by a municipal water supplier, the place of use
17 shall be the water service areas in the municipal water supplier's
18 water system plan approved pursuant to chapter 43.20 RCW or coordinated
19 water system plan approved pursuant to chapter 70.116 RCW, as either
20 plan may be amended from time to time.

21 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.20 RCW
22 to read as follows:

23 The department of health shall adopt as rules conservation and
24 water system efficiency standards and safeguards that shall apply to
25 municipal water suppliers. The standards shall apply to a municipal
26 water supplier that has at least one thousand service connections.

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