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**SUBSTITUTE SENATE BILL 5412**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Environment, Energy & Water (originally sponsored by Senators Fraser, Morton, Jacobsen, Honeyford, Eide, Fairley, Spanel, Regala, Parlette, McAuliffe and Rasmussen)

READ FIRST TIME 02/21/01.

1 AN ACT Relating to establishing levels of service for rendering  
2 decisions by the department of ecology on applications for a water  
3 right, transfer, or change; adding a new section to chapter 90.03  
4 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** There is in the state a growing demand for  
7 water and a desire to reallocate water among uses and users due to  
8 growing population and economic development. This has resulted in  
9 growing numbers of applications for a water right, transfer, or  
10 change. As this has occurred, the time required for the state to  
11 render decisions on applications has grown longer due to  
12 increasing complexity of impairment and public interest analysis  
13 and to lack of funding. Consequently, a large backlog of pending  
14 applications has accumulated, and it is estimated that, in some  
15 cases, it may take up to twenty years before a decision can be  
16 rendered. Applications that will almost certainly be approved are  
17 facing unreasonable delay. Individuals and communities are facing

1 avoidable economic loss. Water bodies that are vulnerable are  
2 facing avoidable adverse effects from increasing numbers of  
3 unpermitted uses.

4 By this act, the legislature intends: (1) To adopt a policy of  
5 adequately funding the rendering of decisions on applications; (2)  
6 to establish a process, based on adoption of level of service  
7 standards, that will help the department of ecology and the  
8 legislature to make informed and objective choices regarding  
9 funding; and (3) to provide for the reduction of the current large  
10 accumulation of pending applications to a reasonable level over a  
11 reasonable period of time.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.03  
13 RCW to read as follows:

14 It is the policy of the state to assure that rendering  
15 decisions on applications for a water right, transfer, or change  
16 occurs in a manner that is timely and fair to applicants, protects  
17 existing water rights and the environment, and results in an  
18 accumulation of no more than five hundred applications, including  
19 applications submitted after the effective date of this act for  
20 which investigation cannot commence due to lack of funding. By  
21 September 1, 2001, in consultation with affected interests, the  
22 department of ecology shall: Develop level of service standards for  
23 rendering decisions on applications for a water right, transfer,  
24 or change; determine the existing levels of service in each water  
25 resource inventory area established in chapter 173-500 WAC;  
26 develop strategies and funding requirements for achieving levels  
27 of service; and present alternative levels of service for  
28 rendering decisions on applications to the legislature together  
29 with funding estimates. Conditions to be addressed by level of  
30 service standards shall include, but not be limited to, the  
31 requirements of RCW 90.80.080, other statutory requirements that  
32 affect the time needed to render a decision on an application,  
33 priorities adopted by the department, agreements under RCW  
34 90.03.265, and specific requests of applicants. Strategies for  
35 achieving improved levels of service may include expedited  
36 treatment of applications that require straightforward or minimal  
37 investigation, broader classification of beneficial uses, improved

1 procedures, or any other methods that may or may not require  
2 legislative action. The department shall reduce the accumulation of  
3 applications as it exists on June 30, 2001, by a minimum of one  
4 thousand by June 30, 2002. By September 1, 2001, the department  
5 shall submit to the governor and the legislature a proposal for  
6 reducing by a minimum of one thousand by June 30, 2002, the  
7 accumulation of applications as it exists on June 30, 2001, and a  
8 plan, including estimates of biennial budget requests, for  
9 reducing to no more than five hundred applications the  
10 accumulation of applications on June 30, 2007, for which  
11 investigation cannot commence due to lack of funding.

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