
SENATE BILL 5412

State of Washington

57th Legislature

2001 Regular Session

By Senators Fraser, Morton, Jacobsen, Honeyford, Eide, Fairley, Spanel, Regala, Parlette, McAuliffe and Rasmussen

Read first time 01/22/2001. Referred to Committee on Environment, Energy & Water.

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. By September 1, 2001, the department shall
3 submit to the governor and the legislature a proposal for reducing
4 by a minimum of one thousand by June 30, 2002, the accumulation of
5 applications as it exists on June 30, 2001, and a plan, including
6 estimates of biennial budget requests, for reducing to no more
7 than five hundred applications the accumulation of applications on
8 June 30, 2007, for which investigation cannot commence due to lack
9 of funding.

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