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**SUBSTITUTE SENATE BILL 6108**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Environment, Energy & Water (originally sponsored by Senator Fraser)

READ FIRST TIME 03/05/01.

1 AN ACT Relating to conducting the proof examination for issuance of  
2 a water right certificate; and amending RCW 90.03.330.

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

4 **Sec. 1.** RCW 90.03.330 and 1987 c 109 s 89 are each amended to read  
5 as follows:

6 (1) After a permit holder has completed the project as provided in  
7 the permit and has put water to beneficial use, the permit holder must  
8 submit to the department a statement to that effect. The statement  
9 must be made on a form provided by the department and signed before a  
10 notary public.

11 (2) The department must review the following information before it  
12 issues a water right certificate under this section:

13 (a) A description and the location of any constructed works and  
14 other equipment or methods used for acquiring, storing, conveying, and  
15 making beneficial use of water, including the sizes and capacities of  
16 the facilities;

17 (b) An accurate and legible site map suitable for permanent  
18 recordkeeping that illustrates the location of facilities and the lands  
19 upon which water has been beneficially used;

1 (c) Photographs of major facilities and photographic evidence of  
2 beneficial use;

3 (d) The source or sources from which water is withdrawn or  
4 diverted;

5 (e) The beneficial uses of water that are served by the works;

6 (f) The date water was first beneficially used under the permit;

7 (g) The maximum instantaneous and annual quantity of water that has  
8 been put to beneficial use based on measurements of flow through the  
9 system during operation;

10 (h) A legal description of the lands on which water has been  
11 beneficially used;

12 (i) For irrigation, the acreage that has been irrigated, the crops  
13 grown, and the type of irrigation system employed;

14 (j) For domestic or municipal water supply, the number and type of  
15 housing units, businesses, or other end uses that have received and  
16 beneficially used water from the system;

17 (k) For hydroelectric power, the head, the maximum flow used during  
18 generation, the capacity of turbines, and the maximum electrical  
19 output;

20 (l) Evidence that the conditions of the permit have been complied  
21 with including, but not limited to, the proper installation and  
22 operation of any required measuring devices, fish screens, well  
23 inspection ports, well identification tags, and well surface seals; and

24 (m) Any other information the department determines is necessary to  
25 confirm that the permit holder has completed the project and has put  
26 water to beneficial use.

27 (3) Upon a showing satisfactory to the department that any  
28 appropriation or change of water right has been perfected in accordance  
29 with the provisions of this chapter, it shall be the duty of the  
30 department to issue to the applicant a certificate stating such facts  
31 in a form to be prescribed by ((him)) the department, and such  
32 certificate shall thereupon be recorded with the department. Any  
33 original water right certificate issued, as provided by this chapter,  
34 shall be recorded with the department and thereafter, at the expense of  
35 the party receiving the same, be transmitted by the department  
36 ((transmitted)) to the county auditor of the county or counties where  
37 the distributing system or any part thereof is located, and be recorded  
38 in the office of such county auditor, and thereafter be transmitted to  
39 the owner thereof.

1       (4) The permit holder may choose at his or her expense to use a  
2 water rights examiner certified by the department to conduct the proof  
3 examination in subsection (2) of this section. If the person elects to  
4 use a certified water rights examiner, the examiner must prepare a  
5 report of the proof examination and submit it to the department. The  
6 first page of the report and the first page of any attachments to the  
7 report, including any map or maps, must have the written certification  
8 and signature of the water rights examiner and the permit holder  
9 attesting to the truth and accuracy of the contents. The form of the  
10 written certification must be specified by the department.

11       (5) The department shall make its decision whether to issue a  
12 certificate within one hundred twenty days of receiving the report of  
13 a certified water rights examiner provided to the department under this  
14 section.

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