

E2SHB 1338 - S COMM AMD

By Committee on Natural Resources, Energy & Water

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 90.03.015 and 1987 c 109 s 65 are each amended to
4 read as follows:

5 ~~((As used in this chapter:))~~ The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

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

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

9 (3) "Municipal water supplier" means:

10 (a) A purveyor, as defined in RCW 70.119A.020, that: (i) Owns or
11 operates a group A water system as defined in RCW 70.119.020 that is
12 entitled or obligated to serve existing or additional customers and
13 uses within one or more approved water service areas to the extent such
14 customers and uses are allowed under an applicable land use plan; and
15 (ii) has an approved water system plan or small water system management
16 program under chapter 43.20 or 70.116 RCW;

17 (b) An irrigation district organized under chapter 87.03 RCW;

18 (c) A county appointed as the receiver of a failing water system
19 under RCW 43.70.195, approved as a satellite system management agency
20 under RCW 70.116.134, or that holds rights for use in its own
21 governmental or proprietary operations; or

22 (d) A city, town, or county that holds rights for use in its own
23 governmental or proprietary operations;

24 (4) "Municipal water supply purposes" means any beneficial use for
25 which water is or is anticipated to be provided by a municipal water
26 supplier. However, nothing in this subsection (4) affects the
27 requirements under this chapter and chapter 90.44 RCW to obtain
28 approval to change the purpose of an existing water right that is not
29 a municipal water supply purpose right to municipal water supply
30 purposes; and

1 (5) "Person" means any firm, association, water users' association,
2 corporation, irrigation district, or municipal corporation, as well as
3 an individual.

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

6 (1) Within service areas established pursuant to chapters 43.20 and
7 70.116 RCW, the department of ecology and the department of health
8 shall coordinate approval procedures to ensure compliance and
9 consistency with the approved water system plan or small water system
10 management program.

11 (2) For a municipal water supplier's public water system, the
12 maximum number of service connections, or maximum population to be
13 served, or size or location of the place of use, as described or
14 specified on a water right application, permit, certificate, or claim
15 or as described or specified in related supporting documents may not be
16 an attribute limiting exercise of the water right if an annual quantity
17 limit can be determined from the permit, certificate, or claim.
18 However, if a water system plan or small water system management
19 program is required to be approved for the municipal water supplier's
20 public water system under chapter 43.20 RCW or as part of a coordinated
21 water system plan under chapter 70.116 RCW, the number of service
22 connections or population served under the water right may be further
23 expanded only during such time as the public water system is in
24 compliance with the requirements of its approved water system plan or
25 small water system management program.

26 (3) The place of use of water rights held by a municipal water
27 supplier for a public water system is the larger of the place of use in
28 the water right certificate or the service area described in the
29 system's water system plan or small water system management program
30 approved under chapter 43.20 RCW or approved as part of a coordinated
31 water system plan under chapter 70.116 RCW, as any such plan or program
32 may be amended from time to time.

33 (4) Subsection (3) of this section does not apply to a municipal
34 water supplier's public water system with ten thousand or more service
35 connections unless the system adopts a conservation element, as

1 specified in this subsection, within a water system plan or small water
2 system management program developed under chapter 43.20 RCW or within
3 a coordinated water system plan developed under chapter 70.116 RCW.

4 (a) If a municipal water supplier can demonstrate, through source
5 and service metering, that unaccounted-for water within the public
6 water system does not exceed fifteen percent of the total water used
7 within the system, the conservation element shall include regular
8 system leak detection analysis and:

9 (i) Consumer education;

10 (ii) Increasing block-rate billing; or

11 (iii) Low-flow consumer plumbing retrofitting.

12 (b) If a municipal water supplier's public water system is not
13 completely source and service metered or unaccounted-for water exceeds
14 fifteen percent of the total water used within the system, the
15 conservation element shall include:

16 (i) Regular system leak detection analysis;

17 (ii) Increasing block-rate billing where service meters exist;

18 (iii) Consumer education; and

19 (iv) Low-flow consumer plumbing retrofitting.

20 (c) For purposes of this subsection (4), "unaccounted-for water"
21 does not include water delivered to metered customers or water for
22 system flushing and maintenance, fire flow, or fire training.

23 (5) The purpose of use of water rights held by a municipal water
24 supplier for a public water system is municipal water supply purposes.

25 (6) The department shall modify records concerning municipal water
26 rights as necessary as individual records come up for review.

27 NEW SECTION. Sec. 3. (1) The department of health shall, in
28 cooperation with the water supply advisory committee created pursuant
29 to RCW 70.119A.160, examine current and historical water conservation
30 efforts and evaluate the overall effectiveness, including cost-
31 effectiveness, of such efforts. The examination should review:

32 (a) Different approaches taken to conserve water;

33 (b) Efforts taken throughout the state by large and small public
34 water systems, as the term "public water system" is defined in RCW
35 70.116.030, that rely on either surface water, ground water, or both as
36 sources of supply;

1 (c) Costs of conservation and the impact of such costs on rates;
2 and

3 (d) Methods of recovering costs of conservation.

4 (2) The department of health shall report its findings and
5 recommendations to the legislature by December 1, 2003. The
6 recommendations may include legislation or administrative rule changes
7 that, if enacted or adopted, would encourage cost-effective water
8 conservation.

9 NEW SECTION. **Sec. 4.** If specific funding for the purposes of this
10 act, referencing this act by bill or chapter number, is not provided by
11 June 30, 2003, in the omnibus appropriations act, this act is null and
12 void.

13 NEW SECTION. **Sec. 5.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected."

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17 On page 1, line 2 of the title, after "water;" strike the remainder
18 of the title and insert "amending RCW 90.03.015 and 90.03.386; and
19 creating new sections."

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