

FINAL BILL REPORT

SHB 2307

C 104 L 04

Synopsis as Enacted

Brief Description: Concerning appointment to a water conservancy board.

Sponsors: By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Schoesler, Linville, Sump, Cox, Delvin, Armstrong and Hinkle).

House Committee on Agriculture & Natural Resources
Senate Committee on Natural Resources, Energy & Water

Background:

Historically, applications for modifying existing water rights were filed with and processed by the Department of Ecology (DOE) and its predecessor agencies. An alternative processing system was established with the enactment of legislation in 1997 authorizing water conservancy boards. These three or five-member boards may be created by county legislative authorities with the approval of the DOE. The county legislative authorities appoint the members, called commissioners, of their boards. A board may process applications for transfers, changes, and amendments of existing surface and ground water rights. The decisions made by a board on the applications are subject to approval or disapproval by the DOE.

The laws authorizing the boards include provisions for prohibiting conflicts of interest by the members of the boards in their consideration of applications. In appointing the members of a board, a county must appoint at least one member who is not a water right holder.

The surface and ground water codes require persons wishing to establish a new right to divert or withdraw and use water to apply for and receive a permit for doing so from the DOE. Exempted from this permit requirement are certain withdrawals of ground water, generally called "exempt well" rights, which may include withdrawing not more than 5,000 gallons per day for residential use.

Summary:

For the purposes of determining a person's eligibility to be appointed as the non-water right holding commissioner of a water conservancy board, a person is not considered to be a water right holder:

- if the person receives his or her water from a municipal water supplier; or
- if the only water right held by the person is an "exempt well" right for the residential use of water and that right is for water from a well located in a county with a population that is not greater than 150,000 people.

Votes on Final Passage:

House	95	0
Senate	48	0

Effective: June 10, 2004