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**SUBSTITUTE SENATE BILL 5086**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Honeyford, Doumit, Hewitt, Deccio, Hale, Sheahan, Morton, Parlette, Mulliken and Rasmussen)

READ FIRST TIME 02/07/03.

1       AN ACT Relating to the water-related actions of the department of  
2 ecology; and adding a new section to chapter 43.21B RCW.

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

4       NEW SECTION.   **Sec. 1.** A new section is added to chapter 43.21B RCW  
5 to read as follows:

6       (1) A person who is aggrieved or adversely affected by a water  
7 quantity decision may appeal the decision to the pollution control  
8 hearings board under RCW 43.21B.310, or to the superior court where the  
9 land is located upon which the water is or would be used. Any appeal  
10 to the superior court shall be de novo.

11       (2) A person who appeals a decision to the pollution control  
12 hearings board under subsection (1) of this section may appeal the  
13 board's decision directly to the court of appeals.

14       (3) For purposes of this section, a "water quantity decision"  
15 includes the following:

16       (a) A decision to grant or deny a permit or certificate for a right  
17 to the beneficial use of water or to amend, change, or transfer such a  
18 right; and

1           (b) A decision to enforce the conditions of a permit for, or right  
2 to, the beneficial use of water or to require any person to discontinue  
3 the use of water.

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