
HOUSE BILL 1713

State of Washington

59th Legislature

2005 Regular Session

By Representatives Woods, Grant, Sump and Haler

Read first time 02/02/2005. Referred to Committee on Economic Development, Agriculture & Trade.

1 AN ACT Relating to water appropriation applications for a domestic
2 water supply to fourteen or fewer service connections; amending RCW
3 90.03.260; and reenacting and amending RCW 90.14.140.

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

5 **Sec. 1.** RCW 90.03.260 and 2003 1st sp.s. c 5 s 4 are each amended
6 to read as follows:

7 (1) Each application for permit to appropriate water shall set
8 forth the name and post office address of the applicant, the source of
9 water supply, the nature and amount of the proposed use, the time
10 during which water will be required each year, the location and
11 description of the proposed ditch, canal, or other work, the time
12 within which the completion of the construction and the time for the
13 complete application of the water to the proposed use.

14 (2) If for agricultural purposes, the application shall give the
15 legal subdivision of the land and the acreage to be irrigated, as near
16 as may be, and the amount of water expressed in acre feet to be
17 supplied per season. If for power purposes, it shall give the nature
18 of the works by means of which the power is to be developed, the head

1 and amount of water to be utilized, and the uses to which the power is
2 to be applied.

3 (3) If for construction of a reservoir, the application shall give
4 the height of the dam, the capacity of the reservoir, and the uses to
5 be made of the impounded waters.

6 (4) If for community or multiple domestic water supply, the
7 application shall give the projected number of service connections
8 sought to be served. However((7)):

9 (a) For a municipal water supplier that has an approved water
10 system plan under chapter 43.20 RCW or an approval from the department
11 of health to serve a specified number of service connections, the
12 service connection figure in the application or any subsequent water
13 right document is not an attribute limiting exercise of the water right
14 as long as the number of service connections to be served under the
15 right is consistent with the approved water system plan or specified
16 number; and

17 (b) For a domestic water supply to fourteen or fewer service
18 connections, the service connection figure in the application or any
19 subsequent water right documents is not an attribute limiting exercise
20 of the water right as long as the amount of water withdrawn or diverted
21 under the water right does not exceed the instantaneous or annual
22 amounts authorized by the permit or such subsequent documents for the
23 water right.

24 (5) If for municipal water supply, the application shall give the
25 present population to be served, and, as near as may be estimated, the
26 future requirement of the municipality. However, for a municipal water
27 supplier that has an approved water system plan under chapter 43.20 RCW
28 or an approval from the department of health to serve a specified
29 number of service connections, the population figures in the
30 application or any subsequent water right document are not an attribute
31 limiting exercise of the water right as long as the population to be
32 provided water under the right is consistent with the approved water
33 system plan or specified number.

34 (6) If for mining purposes, the application shall give the nature
35 of the mines to be served and the method of supplying and utilizing the
36 water; also their location by legal subdivisions.

37 (7) All applications shall be accompanied by such maps and

1 drawings, in duplicate, and such other data, as may be required by the
2 department, and such accompanying data shall be considered as a part of
3 the application.

4 **Sec. 2.** RCW 90.14.140 and 2001 c 240 s 1, 2001 c 237 s 27, and
5 2001 c 69 s 5 are each reenacted and amended to read as follows:

6 (1) For the purposes of RCW 90.14.130 through 90.14.180,
7 "sufficient cause" shall be defined as the nonuse of all or a portion
8 of the water by the owner of a water right for a period of five or more
9 consecutive years where such nonuse occurs as a result of:

10 (a) Drought, or other unavailability of water;

11 (b) Active service in the armed forces of the United States during
12 military crisis;

13 (c) Nonvoluntary service in the armed forces of the United States;

14 (d) The operation of legal proceedings;

15 (e) Federal or state agency leases of or options to purchase lands
16 or water rights which preclude or reduce the use of the right by the
17 owner of the water right;

18 (f) Federal laws imposing land or water use restrictions either
19 directly or through the voluntary enrollment of a landowner in a
20 federal program implementing those laws, or acreage limitations, or
21 production quotas;

22 (g) Temporarily reduced water need for irrigation use where such
23 reduction is due to varying weather conditions, including but not
24 limited to precipitation and temperature, that warranted the reduction
25 in water use, so long as the water user's diversion and delivery
26 facilities are maintained in good operating condition consistent with
27 beneficial use of the full amount of the water right;

28 (h) Temporarily reduced diversions or withdrawals of irrigation
29 water directly resulting from the provisions of a contract or similar
30 agreement in which a supplier of electricity buys back electricity from
31 the water right holder and the electricity is needed for the diversion
32 or withdrawal or for the use of the water diverted or withdrawn for
33 irrigation purposes;

34 (i) Water conservation measures implemented under the Yakima river
35 basin water enhancement project, so long as the conserved water is
36 reallocated in accordance with the provisions of P.L. 103-434;

1 (j) Reliance by an irrigation water user on the transitory presence
2 of return flows in lieu of diversion or withdrawal of water from the
3 primary source of supply, if such return flows are measured or reliably
4 estimated using a scientific methodology generally accepted as reliable
5 within the scientific community; or

6 (k) The reduced use of irrigation water resulting from crop
7 rotation. For purposes of this subsection, crop rotation means the
8 temporary change in the type of crops grown resulting from the exercise
9 of generally recognized sound farming practices. Unused water
10 resulting from crop rotation will not be relinquished if the remaining
11 portion of the water continues to be beneficially used.

12 (2) Notwithstanding any other provisions of RCW 90.14.130 through
13 90.14.180, there shall be no relinquishment of any water right:

14 (a) If such right is claimed for power development purposes under
15 chapter 90.16 RCW and annual license fees are paid in accordance with
16 chapter 90.16 RCW;

17 (b) If such right is used for a standby or reserve water supply to
18 be used in time of drought or other low flow period so long as
19 withdrawal or diversion facilities are maintained in good operating
20 condition for the use of such reserve or standby water supply;

21 (c) If such right is claimed for a determined future development to
22 take place either within fifteen years of July 1, 1967, or the most
23 recent beneficial use of the water right, whichever date is later;

24 (d) If such right is claimed for municipal water supply purposes or
25 for domestic water supply under chapter 90.03 RCW;

26 (e) If such waters are not subject to appropriation under the
27 applicable provisions of RCW 90.40.030;

28 (f) If such right or portion of the right is leased to another
29 person for use on land other than the land to which the right is
30 appurtenant as long as the lessee makes beneficial use of the right in
31 accordance with this chapter and a transfer or change of the right has
32 been approved by the department in accordance with RCW 90.03.380,
33 90.03.383, 90.03.390, or 90.44.100;

34 (g) If such a right or portion of the right is authorized for a
35 purpose that is satisfied by the use of agricultural industrial process
36 water as authorized under RCW 90.46.150; or

37 (h) If such right is a trust water right under chapter 90.38 or
38 90.42 RCW.

1 (3) In adding provisions to this section by chapter 237, Laws of
2 2001, the legislature does not intend to imply legislative approval or
3 disapproval of any existing administrative policy regarding, or any
4 existing administrative or judicial interpretation of, the provisions
5 of this section not expressly added or revised.

--- END ---