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**Agriculture & Natural Resources  
Committee**

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**ESSB 6215**

**Brief Description:** Identifying certain irrigation or dairy use water rights as water rights being used for municipal water supply purposes.

**Sponsors:** Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Padden, Warnick, Pearson and Becker).

**Brief Summary of Engrossed Substitute Bill**

- Expands the definition of "municipal water supply purposes" in the state Water Code to include certain, limited irrigation and dairy purposes of water rights use for the purpose of documenting that a water right is correctly identified as being for municipal water supply purposes.

**Hearing Date:** 2/24/16

**Staff:** Jason Callahan (786-7117).

**Background:**

Municipal Water Supply Purposes.

The state Water Code provides a definition for the term "municipal water supply purposes," and provides specific procedures relating to those water rights held for those purposes. The definition includes beneficial uses of water for residential purposes above a set number of service connections and for governmental or governmental proprietary purposes by local government. If a portion of the water in a water right is used beneficially for municipal water supply purposes, then any other beneficial use of the water that is generally associated with the municipal use is also considered a municipal water supply purpose. This includes any beneficial uses for commercial purposes, industrial purposes, irrigation of parks and open spaces, institutional purposes, landscaping, fire flow, water system maintenance and repair, or other purposes. A

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water right being used for municipal water supply purposes may also be considered to be beneficially used if it is used to benefit instream resources or is needed to implement an environmental obligation under a watershed plan, a habitat conservation plan, or a hydropower license.

The Department of Ecology (DOE) must amend the documentation for a water right owned by a municipal water supplier in a manner that ensures the water right is correctly identified as being for municipal water supply purposes when requested to do so by a municipal water right supplier or upon processing a change to a municipal water supply purpose water right. A water right that has been identified as being for municipal water supply purposes is not subject to relinquishment for non-use and is subject to specific change of use and transfer criteria.

### Watershed Planning.

The Watershed Planning Act establishes a process through which local groups can develop and implement plans for managing and protecting local water resources and rights. The local groups authorized to develop watershed plans are organized by water resource inventory areas (WRIAs). A WRIA is, generally speaking, an area determined to be a distinct watershed.

There are 64 WRIAs identified by the DOE. Each WRIA is identified by a number and may contain a local watershed planning group with an identified lead entity. Spokane County is home to a part of five WRIAs. They are numbers 34 (Palouse), 54 (Lower Spokane), 55 (Little Spokane), 56 (Hangman), and 57 (Middle Spokane).

### **Summary of Bill:**

The definition of "municipal water supply purposes" is expanded as it applies to the DOE's documentation that a water right is for municipal water supply purposes. The expansion of the definition for this purpose includes irrigation or agricultural irrigation purpose of use, and dairy purpose of use, but only if the water right was held or acquired by a municipal water supplier prior to July 1, 2016 and the water right is located in WRIA 54 (Lower Spokane), 55 (Little Spokane), 56 (Hangman), or 57 (Middle Spokane).

There is intent stated that the municipal water supplier holding the qualifying water rights should retain the affected water rights, but there is no requirement for the municipal water supplier to do so.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.