

---

**Rural Development, Agriculture, &  
Natural Resources Committee**

---

**ESSB 6278**

**Brief Description:** Concerning water withdrawals for commercial bottled water production.

**Sponsors:** Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Carlyle, Braun, Van De Wege, Rolfes, Nguyen, Saldaña, Das, Billig and Hasegawa).

**Brief Summary of Engrossed Substitute Bill**

- Provides that, for applications for new surface water withdrawals received by the Department of Ecology after January 1, 2019, any use of water for the commercial production of bottled water is deemed to be detrimental to the public welfare and the public interest.
- Establishes certain exceptions to the above limitation, such as in states of emergency or drought.

**Hearing Date:** 2/26/20

**Staff:** Robert Hatfield (786-7117).

**Background:**

Washington operates under a water right permit system. With certain exceptions, new rights to use water must be established according to the permit system. When the Department of Ecology (Ecology) receives an application for a permit to appropriate surface waters, Ecology must investigate the application, and determine what water, if any, is available for appropriation, and find and determine to what beneficial use or uses it can be applied.

If Ecology finds that there is water available for appropriation for a beneficial use, and that the proposed appropriation of water will not impair existing rights or be detrimental to the public

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

welfare, Ecology must issue a permit stating the amount of water to which the applicant is entitled and the beneficial use or uses to which the water may be applied.

Where the proposed use of water threatens to prove detrimental to the public interest, Ecology must reject the application and must refuse to issue the requested permit.

**Summary of Bill:**

For applications for new surface water withdrawals received by the Department of Ecology (Ecology) after January 1, 2019, any use of water for the commercial production of bottled water is deemed to be detrimental to the public welfare and the public interest.

For purposes of the above limitation, "bottled water" includes all water that is labeled or marketed for sale as "water" in containers, including plastic bottles. "Bottled water" also includes the category of bottled waters known as "spring water" or "enhanced waters," but does not include any other product made from water that is not marketed as "water."

The above limitation does not apply if the Governor has declared a state of emergency or has issued an order of drought emergency. The above limitation also does not apply if there is a public health emergency and bottled water is needed because of a public water system's inability to provide water service to its customers.

The above limitation does not apply to an application for new surface water withdrawals from a municipal water supplier.

**Appropriation:** None.

**Fiscal Note:** Available.

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