
SENATE BILL 5441

State of Washington

54th Legislature

1995 Regular Session

By Senators Swecker, Rasmussen, Hochstatter, Bauer, Morton, Heavey, Owen, Oke, Palmer, Hargrove, Schow, A. Anderson, Deccio and Winsley

Read first time 01/24/95. Referred to Committee on Senate Select Committee on Water Policy.

1 AN ACT Relating to water resources; and adding a new section to
2 chapter 43.27A 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 43.27A RCW
5 to read as follows:

6 (1) The legislature finds that the department of ecology is
7 currently unable to expediently process the water rights applications
8 before it, and that this failure is due to the inability of the
9 department of ecology to set appropriate administrative procedures
10 relating to specific issues. It is therefore necessary for the
11 legislature to provide specific direction to facilitate efficient
12 execution of its intent under chapters 90.03, 90.44, and 90.54 RCW.
13 Further, since the situation is directly traceable to the failure of
14 the department of ecology to successfully execute the intent of RCW
15 90.54.030, 90.54.040, and 90.54.060, the directives under subsection
16 (2) of this section are in effect until such time as the department of
17 ecology demonstrates all of the following:

18 (a) That the intent of chapters 90.03, 90.44, and 90.54 RCW and RCW
19 90.54.030, 90.54.040, and 90.54.060 has been fully met;

1 (b) The current backlog of water rights applications has been
2 acceptably dispatched; and

3 (c) The efficient processing of new applications has been achieved.

4 (2) The legislature directs the department of ecology to adhere to
5 the following:

6 (a) Any limitations on the diversion of surface waters of the state
7 of Washington may affect ground water appropriations only where there
8 exists a clear and direct relationship between a closed or restricted
9 surface water body and the ground water source from which water would
10 be withdrawn. The relationship must be demonstrable through a
11 reasonable and repeatable test, or tests, that can be applied in the
12 field, and that apply generally accepted methods of hydrogeologic
13 science; and

14 (b) Where closure or restrictions are established by the Washington
15 Administrative Code and the Washington Administrative Code makes use of
16 terms such as "significant impact," "measurable impact," or "noticeable
17 impact," these terms shall be interpreted to mean that field evidence
18 is to be applied and that the relationship demonstrated meets a common
19 and appropriate use of the term as defined in a standard lexicon of the
20 English language. The denial of withdrawal from a proposed ground
21 water source based on hydraulic continuity with a closed or restricted
22 surface water body may only occur when a clear, significant, and
23 demonstrable impact can be shown.

--- END ---