
SENATE BILL 5579

State of Washington

54th Legislature

1995 Regular Session

By Senators Swecker, Rasmussen, Morton, Wood, Moyer, Palmer and Haugen

Read first time 01/27/95. Referred to Committee on Senate Select
Committee on Water Policy.

1 AN ACT Relating to a general permit system for appropriating water;
2 adding new sections to chapter 90.03 RCW; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the present delay
5 in the processing of water right applications is not beneficial to the
6 citizens of the state nor is it in keeping with the goal of managing
7 the resource to the highest possible standard and maximum net benefit.

8 The legislature further finds that water conservation efforts would
9 be greatly enhanced by a permit system that encourages water right
10 applicants to use only for the amount of water actually necessary to
11 meet their needs.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.03 RCW
13 to read as follows:

14 (1) The department shall develop a general permit system for
15 appropriating water for nonconsumptive, nonbypass uses. This system
16 must be designed and used to streamline the consideration of
17 applications for nonconsumptive, nonbypass water uses. The general
18 permit system must be applicable state-wide, and all waters of the

1 state shall be eligible for coverage under the system unless the
2 department in consultation with the affected county or counties
3 determines that insufficient waters are available in a specific area to
4 allow additional allocations. The evaluation and report required for
5 an application under RCW 90.03.290 are not required for applications
6 processed under the general permit system. For the purposes of this
7 section:

8 (a) "Nonconsumptive, nonbypass use" means a use of water in which
9 water is diverted from a stream or withdrawn from an aquifer and
10 following its use is discharged, as determined by the department, back
11 to or near the point of diversion or withdrawal without diminishment in
12 quantity or quality. Hydraulic permit approval by the department of
13 fish and wildlife, in accordance with chapter 75.20 RCW, shall be
14 evidence of satisfactory consideration of fish and wildlife habitat
15 protection for any use; and

16 (b) "Without diminishment of quality" means that, before being
17 discharged back to its source, the water being discharged meets state
18 water quality standards adopted under chapter 90.48 RCW.

19 (2) The department shall, by January 1, 1996, establish the general
20 permit system by adopting rules in accordance with chapter 34.05 RCW.
21 Before the adoption of rules for a system, the department shall consult
22 with representatives of the following interest groups: Agriculture;
23 aquaculture; home construction and development; county government; city
24 government; tribal governments; and the environmental community. At
25 least four public hearings must be held at various locations around the
26 state. The rules must identify criteria for proposed uses of water for
27 which applications might be processed under the system and must
28 establish procedures for filing and processing applications under the
29 general permit system.

30 (3) The fee for general permits authorized under chapter . . . ,
31 Laws of 1995 (this act) shall be the same as the fee charged on the
32 same quantity of water now or hereafter established under chapter 90.03
33 RCW.

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.03 RCW
35 to read as follows:

36 An application for appropriating water under the general permit
37 system established under section 2 of this act must be made on a form
38 adopted and provided by the department. Within sixty days of receipt

1 of a completed application, the department shall determine whether the
2 proposed use is eligible to be processed under the general permit
3 system. If the department determines that the proposed use is eligible
4 to be processed under the system, the application must be processed
5 under the system within the next sixty days. The priority date of the
6 water right established pursuant to this section shall be the date that
7 the application is submitted. If the department determines that the
8 proposed use is not eligible for the processing, the department shall
9 explain to the applicant in writing the reasons for its determination.
10 For a proposed use determined ineligible for the processing, if the
11 department finds that the information contained on the application form
12 substantially satisfies the information requirements for an application
13 for a use that would normally be filed for processing the application
14 outside of the general permit system, the department shall notify the
15 applicant of its finding and shall process the application as if it
16 were filed for processing outside of the system. If the department
17 finds that the information does not substantially satisfy the
18 requirements, the application must be considered to be incomplete for
19 the processing and the applicant must be notified of this
20 consideration.

21 NEW SECTION. **Sec. 4.** Nothing in sections 2 and 3 of this act
22 authorizes the impairment or operates to impair any existing water
23 rights. A water right holder under sections 2 and 3 of this act shall
24 not make withdrawals that impair a senior water right. A holder of a
25 senior water right who believes his or her water right is impaired may
26 file a complaint with the department of ecology. Where such complaints
27 of impairment have been received, the department of ecology shall make
28 all reasonable efforts to resolve them in a timely manner through
29 agreement of the parties or through available administrative remedies.

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