

ANALYSIS OF HB 2303

House Agriculture & Ecology Committee

January 14, 1998

BACKGROUND:

Interties. Interties are connections between public water systems that allow an exchange or delivery of water between them. Interties were expressly acknowledged by statute in 1991, and new interties were authorized under certain circumstances. (Section 1, Chapter 350, Laws of 1991.) As specified by the 1991 statute, interties include such connections between systems for the delivery water that serve as primary or secondary sources of supply, but do not include the development of new sources of supply to meet future demand. Nor is the use of water for emergency purposes an intertie use of the water. (RCW 90.03.383(2)(a).) The exchange or delivery of water between public water systems made through an intertie must be within the established instantaneous and annual withdrawal rates specified in their existing water rights. (RCW 90.03.383(2)(a) and (4).)

Applications for Water Rights. An application for a water use permit is to be filed with the Department of Ecology. (RCW 90.03.250.) The Department is to investigate the application and determine whether water is available for appropriation to the applicant and the use or uses to which the water may be applied. In general, if the Department finds that there is water available for the appropriation and the appropriation will not impair existing rights or be detrimental to the public welfare, it is to issue the permit. However, the Department may approve the permit for less than the amount applied for if the Department has substantial reasons for doing so. (RCW 90.03.290.)

SUMMARY:

Interties. The exchange or delivery of water between public water systems made through an intertie must be within the established instantaneous and annual withdrawal rates specified in the supplying system's existing water rights. (Section 1(2)(a).) With regard to an intertie the use of which began after January 1, 1991, the receiving public water system's use may exceed its water right authorization if its withdrawal does not exceed the instantaneous or annual withdrawal rate specified in the receiving public water system's water right authorization. (Section 1(4).)

Applications for Water Rights. The Department of Ecology must not consider the existence of interties when it makes a determination on applications for new water rights, changes, or

transfers by a public water system that is receiving or may receive water through an intertie.
(Section 2.)