
SUBSTITUTE SENATE BILL 5783

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Agriculture & Environment (originally sponsored by Senators Swecker, Haugen, Anderson, Rasmussen and Morton)

Read first time 03/05/97.

1 AN ACT Relating to public water systems; amending RCW 90.03.320 and
2 90.03.330; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that it is in the
5 public interest for water rights held by public water systems to be
6 managed and regulated in a manner that:

7 (1) Allows such systems to prolong and maximize the use of water
8 rights applied to municipal purposes consistent with the population
9 demand projections established in state-approved water system plans and
10 adopted growth management plans; and

11 (2) Promotes water conservation, with enhanced efforts occurring in
12 water critical areas, promotes water system efficiencies, and
13 eliminates disincentives for investments in water efficient
14 technologies.

15 The department of ecology is therefore directed to administer water
16 rights laws consistent with the provisions of sections 2 and 3 of this
17 act.

1 **Sec. 2.** RCW 90.03.320 and 1987 c 109 s 67 are each amended to read
2 as follows:

3 Actual construction work shall be commenced on any project for
4 which permit has been granted within such reasonable time as shall be
5 prescribed by the department, and shall thereafter be prosecuted with
6 diligence and completed within the time prescribed by the department.
7 The department, in fixing the time for the commencement of the work, or
8 for the completion thereof and the application of the water to the
9 beneficial use prescribed in the permit, shall take into consideration
10 the cost and magnitude of the project and the engineering and physical
11 features to be encountered, and shall allow such time as shall be
12 reasonable and just under the conditions then existing, having due
13 regard for the public welfare and public interests affected: and, for
14 good cause shown, it shall extend the time or times fixed as aforesaid,
15 and shall grant such further period or periods as may be reasonably
16 necessary, having due regard to the good faith of the applicant and the
17 public interests affected. In fixing construction schedules and the
18 time, or extension of time, for application of water to beneficial use
19 for public water systems in urban growth areas, the department shall
20 also take into consideration the term and amount of financing required
21 to complete the project, delays that may result from planned and
22 existing conservation and water use efficiency measures installed by
23 the public water system, and the supply needs of the public water
24 system's service area for the next twenty-year period, consistent with
25 an approved comprehensive plan under chapter 36.70A RCW, or in the
26 absence of such a plan, a county-approved comprehensive plan under
27 chapter 36.70 RCW or a plan approved under chapter 35.63 RCW, and
28 related demand projections for the next twenty-year period prepared by
29 public water systems in accordance with state law. An existing
30 comprehensive plan under chapter 36.70A or 36.70 RCW, plan under
31 chapter 35.63 RCW, or demand projection may be used if it is based on
32 a twenty-year period. If the terms of the permit or extension thereof,
33 are not complied with the department shall give notice by registered
34 mail that such permit will be canceled unless the holders thereof shall
35 show cause within sixty days why the same should not be so canceled.
36 If cause be not shown, said permit shall be canceled.

37 **Sec. 3.** RCW 90.03.330 and 1987 c 109 s 89 are each amended to read
38 as follows:

1 (1) Upon a showing satisfactory to the department that any
2 appropriation has been perfected in accordance with the provisions of
3 this chapter, it shall be the duty of the department to issue to the
4 applicant a certificate stating such facts in a form to be prescribed
5 by ((him)) the director, and such certificate shall thereupon be
6 recorded with the department.

7 (2) For those public water supplies in urban growth areas designed
8 to accommodate future growth as defined by a state-approved water
9 system plan, the amount of instantaneous diversion considered to be
10 applied to beneficial use at the time of perfection of the certificate
11 shall be based upon the capacity of the diversion structures installed
12 at such time. Further, the amount of annual appropriation considered
13 to be applied to beneficial use at the time of perfection shall be
14 based on the growth projection for the next twenty-year period
15 contained in the most current state-approved water system plan,
16 provided, the department may not issue a certificate for quantities of
17 water in excess of those contained in a permit if a permit has been
18 issued. This subsection shall apply to the administration of water
19 rights existing on the effective date of this section and prospectively
20 issued water rights, but shall not apply to water rights subject to the
21 terms of final adjudication decrees entered in accordance with this
22 chapter.

23 (3) Any original water right certificate issued, as provided by
24 this chapter, shall be recorded with the department and thereafter, at
25 the expense of the party receiving the same, be by the department
26 transmitted to the county auditor of the county or counties where the
27 distributing system or any part thereof is located, and be recorded in
28 the office of such county auditor, and thereafter be transmitted to the
29 owner thereof.

--- END ---