

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5783**

55th Legislature  
1997 Regular Session

Passed by the Senate April 23, 1997  
YEAS 32 NAYS 15

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**President of the Senate**

Passed by the House April 11, 1997  
YEAS 69 NAYS 27

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**Speaker of the  
House of Representatives**

Approved

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5783** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

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Governor of the State of Washington

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5783**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

**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; adding a new section to chapter 90.03 RCW; and creating a  
3 new section.

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

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

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

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

16            The department of ecology is therefore directed to administer water  
17 rights laws consistent with RCW 90.03.320 and 90.03.330 and section 2  
18 of this act.

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

3        (1) For the purposes of this chapter and RCW 90.14.140, "municipal  
4 water supply purposes" means water distributed by a group A public  
5 water system as defined by RCW 70.119.020, and includes domestic,  
6 commercial, and industrial water uses provided as an integral element  
7 of the public water system and includes industrial water uses provided  
8 on the effective date of this act under RCW 54.16.030 which are  
9 included in a comprehensive water system plan. Except as stated above,  
10 this definition does not include commercial, industrial, irrigation, or  
11 other water systems that are not designated as a public water system  
12 for potable water use recognized by a state-approved public water  
13 system plan or withdrawals of public ground waters exempt from permit  
14 requirements under RCW 90.44.050.

15        (2) For the purposes of RCW 90.14.140, the amount of water held for  
16 municipal water supply purposes is limited to the water that is deemed  
17 to be an efficient use and that meets the needs of the public water  
18 system's service area as determined by plans in RCW 90.03.320. Water  
19 uses that are deemed as efficient uses of water are those that are in  
20 full compliance with the department of health's conservation guidelines  
21 for such systems. This section applies only to those public water  
22 systems that are required to develop water conservation plans pursuant  
23 to the department of health's conservation guidelines.

24        **Sec. 3.**    RCW 90.03.320 and 1987 c 109 s 67 are each amended to read  
25 as follows:

26        Actual construction work shall be commenced on any project for  
27 which permit has been granted within such reasonable time as shall be  
28 prescribed by the department, and shall thereafter be prosecuted with  
29 diligence and completed within the time prescribed by the department.  
30 The department, in fixing the time for the commencement of the work, or  
31 for the completion thereof and the application of the water to the  
32 beneficial use prescribed in the permit, shall take into consideration  
33 the cost and magnitude of the project and the engineering and physical  
34 features to be encountered, and shall allow such time as shall be  
35 reasonable and just under the conditions then existing, having due  
36 regard for the public welfare and public interests affected: and, for  
37 good cause shown, it shall extend the time or times fixed as aforesaid,  
38 and shall grant such further period or periods as may be reasonably

1 necessary, having due regard to the good faith of the applicant and the  
2 public interests affected. In fixing construction schedules and the  
3 time, or extension of time, for application of water to beneficial use  
4 for municipal water supply purposes, the department shall also take  
5 into consideration the term and amount of financing required to  
6 complete the project, delays that may result from planned and existing  
7 conservation and water use efficiency measures implemented by the  
8 public water system, and the supply needs of the public water system's  
9 service area, consistent with an approved comprehensive plan under  
10 chapter 36.70A RCW, or in the absence of such a plan, a county-approved  
11 comprehensive plan under chapter 36.70 RCW or a plan approved under  
12 chapter 35.63 RCW, and related water demand projections prepared by  
13 public water systems in accordance with state law. An existing  
14 comprehensive plan under chapter 36.70A or 36.70 RCW, plan under  
15 chapter 35.63 RCW, or demand projection may be used. If the terms of  
16 the permit or extension thereof, are not complied with the department  
17 shall give notice by registered mail that such permit will be canceled  
18 unless the holders thereof shall show cause within sixty days why the  
19 same should not be so canceled. If cause ((be)) is not shown, ((said))  
20 the permit shall be canceled.

21 **Sec. 4.** RCW 90.03.330 and 1987 c 109 s 89 are each amended to read  
22 as follows:

23 (1) Upon a showing satisfactory to the department that any  
24 appropriation has been perfected in accordance with the provisions of  
25 this chapter, it shall be the duty of the department to issue to the  
26 applicant a certificate stating such facts in a form to be prescribed  
27 by ((him)) the director, and such certificate shall thereupon be  
28 recorded with the department.

29 (2) For those public water supplies that fulfill municipal water  
30 supply purposes and are designed to accommodate future growth as  
31 defined by a state-approved water system plan, the amount of  
32 instantaneous diversion or withdrawal considered to be applied to  
33 beneficial use at the time of perfection of the certificate shall be  
34 based upon the design capacity of the diversion structures and  
35 mainlines or withdrawal facilities and mainlines installed at such  
36 time. Further, the amount of annual appropriation considered to be  
37 applied to beneficial use at the time of perfection shall be based on  
38 the growth projection contained in the most current state-approved

1 water system plan. However, the department may not issue a certificate  
2 for quantities of water in excess of those contained in a permit if a  
3 permit has been issued. This subsection shall apply to the  
4 administration of water rights existing on the effective date of this  
5 section and prospectively issued water rights, but shall not apply to  
6 water rights subject to the terms of final adjudication decrees entered  
7 in accordance with this chapter. Withdrawal of ground water shall be  
8 in compliance with RCW 90.44.100.

9 (3) Any original water right certificate issued, as provided by  
10 this chapter, shall be recorded with the department and thereafter, at  
11 the expense of the party receiving the same, be by the department  
12 transmitted to the county auditor of the county or counties where the  
13 distributing system or any part thereof is located, and be recorded in  
14 the office of such county auditor, and thereafter be transmitted to the  
15 owner thereof.

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