

HOUSE BILL REPORT

HB 1517

As Reported By House Committee On:

Agriculture and Ecology

Title: An act relating to the definition of municipal water supply purposes.

Brief Description: Defining "municipal water supply purposes."

Sponsors: Representatives G. Chandler, Linville, Koster, Grant, Sump, Cooper, McDonald, Buck, Fortunato, Delvin, Carrell, Bush, Kastama, Schoesler, Anderson, Miloscia, Stensen, Reardon, O'Brien, Talcott, B. Chandler, Campbell and Parlette.

Brief History:

Committee Activity:

Agriculture and Ecology: 2/9/99, 2/25/99 [DPS].

Brief Summary of Substitute Bill

- A definition of "municipal water supply purposes" is provided for the purposes of perfecting a water right and for relinquishment.

HOUSE COMMITTEE ON AGRICULTURE AND ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Staff: Bill Lynch (786-7092).

Background:

The Department of Ecology is required to prescribe the time for commencing and completing work on any project for which a water right permit has been granted, as well as the time for the application of the water to beneficial use. The department is directed to cancel the permit for noncompliance with the terms of the permit or permit extension. If a water right permit is granted for municipal water supply purposes, the department

must consider when fixing the time frames for the construction schedules and for applying water to beneficial use, the term and amount of financing required to complete the project, delays that may result from conservation and water use efficiency measures implemented by the public water system, the supply needs of the public water system's service area consistent with an approved comprehensive plan, and related water demand projections prepared by the public water system.

If a person fails to put water to beneficial use without sufficient cause for a period of five successive years, the right or portion of the right to withdraw or divert the water is relinquished and reverts to the state. There are several exemptions to the general relinquishment provision, including a water right claimed for municipal water supply purposes.

The Legislature enacted a definition of "municipal water supply purposes" during the 1997 legislative session, but this definition was vetoed by the Governor.

Summary of Substitute Bill:

A definition is provided for "municipal water supply purposes." This definition is to be used by the Department of Ecology when determining whether due diligence is being exercised in constructing a project for which a water permit has been granted, and for applying the exemption from relinquishment for a water right for municipal water supply purposes.

"Municipal water supply purposes" means the use of water to satisfy the needs of a city, town, public utility district, water-sewer district, county, port district, an irrigation district providing water for purposes in addition to irrigation, or a group A water system which meets certain criteria. The group A water system must deliver water to serve domestic use as well as at least two of the associated uses of commercial, industrial, or public facilities water use; and must be required to serve potential customers under a coordinated water system plan or the public water system requirements of the Department of Health. For purposes of the group A water system requirements, "public facilities" means public buildings occupied by full-time public employees, but does not include fire protection systems of mains and hydrants, irrigation systems, unstaffed structures, or other unoccupied public facilities.

Substitute Bill Compared to Original Bill: Counties, port districts and irrigation districts providing water for purposes other than irrigation are added to the entities who provide water for municipal water supply purposes. The same definition is added to the relinquishment chapter to ensure the provisions are interpreted in the same manner. The definitions are limited to the relinquishment and the exercise of due diligence sections and do not affect the interpretation of the term "person" as defined in those chapters.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Original bill) Many citizens are served by systems that aren't city or town systems. The municipal water rights work group has been working this issue. Only water rights that have been put to beneficial use are affected, so inchoate rights are not affected. Water conservation shouldn't differ between local governments. Bond issues are linked to using water. It is important to remove disincentives to conservation.

Testimony Against: (Original bill) The definition should be added to the relinquishment chapter. The bill would be stronger if there was a requirement for the conservation measure to be adopted in accordance with a comprehensive plan, and met Department of Health standards.

Testified: (In support) Mark Hullinger, Lakewood Water District; Jeff Johnson, Spanaway Water Company; and Tony Meinhardt, Washington Association of Sewer-Water District.

(In support with concerns) Ken Slattery, Department of Ecology.