

Agriculture & Ecology Committee

SB 5333

Brief Description: Concerning preliminary permits for water closed to diversions due to a federal moratorium.

Sponsors: By Senators Honeyford, Hale, Morton, Hochstatter, Hewitt, Swecker and Sheahan.

Brief Summary of Bill

- *Extends the periods during which applications for and preliminary water rights permits are valid in areas governed by state or federal moratoria on new water diversions or withdrawals.*

Hearing Date: 3/29/01

Staff: Kenneth Hirst (786-7105).

Background:

The Surface Water Code of 1917 created a permit system for establishing new rights to use surface waters. In 1945, the permit system was expanded to apply to establishing new rights to use ground waters, except for certain "exempt well" uses. The permit system is administered by the Department of Ecology.

If an application for a water right permit does not contain sufficient information on which to base findings for issuing the permit and the applicant does not promptly furnish the information, the DOE may issue the applicant a preliminary permit. The preliminary permit is valid for not more than 3 years, during which time the applicant is to be required to make the surveys, investigations, studies, and progress reports, as in the opinion of the DOE are necessary. If the applicant fails to comply with the conditions of the preliminary permit, it and the application or applications on which it is based are automatically canceled. If, before its expiration, the holder of a preliminary permit files with the DOE a verified report of expenditures made and work done under the preliminary permit, which establishes the good faith, intent, and ability of the applicant to carry on the proposed

development, the expiration of the preliminary permit may be extended to a date that is 5 years from the date the preliminary permit was issued. Such an extension requires the approval of the Governor. (RCW 90.03.290.)

Summary of Bill:

The period during which a preliminary permit is valid is extended if:

- the preliminary permit is issued for diverting or withdrawing water from a water source;*
- the water source is closed to further diversions or withdrawals by a state or federally imposed moratorium; and*
- the moratorium is in effect during the time the preliminary permit is in effect.*

In such a case, the initial 3-year period during which the preliminary period is valid must be extended for 3 years from the date the moratorium is lifted.

If a preliminary permit was issued, but the availability of water was directly affected by a moratorium on further diversions from the Columbia River from 1990 to 1998, the preliminary permit is extended through June 30, 2002. If the preliminary permit and the application for the permit were cancelled, the application and preliminary permit are reinstated and the preliminary permit is extended until June 30, 2002.

Appropriation: *None.*

Fiscal Note: *Not Requested.*

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