

SENATE BILL REPORT

SB 5525

As of February 22, 2001

Title: An act relating to water right certificates.

Brief Description: Limiting the ability to revoke or diminish a certificate of ground water right.

Sponsors: Senators Honeyford, Deccio, Morton, Hale, McDonald, Parlette, Horn, Johnson, Hochstatter, Stevens and Sheahan.

Brief History:

Committee Activity: Environment, Energy & Water: 2/23/01.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & WATER

Staff: Genevieve Pisarski (786-7488)

Background: State law requires a showing satisfactory to the Department of Ecology that any appropriation of water has been perfected, before a water right certificate can be issued. The department has issued numerous water right certificates for municipal water supply on the basis of a showing that a delivery system was in place. The state Supreme Court has ruled, in the case of a public water system which was not a municipal corporation, that having a delivery system did not mean the appropriation was perfected, unless the water was actually being used.

Summary of Bill: A water right certificate that has not been relinquished cannot be revoked or diminished without specific legislative or judicial direction. The Department of Ecology may, however, revoke or adjust a certificate that has ministerial errors or has been obtained through misrepresentation.

Appropriation: None.

Fiscal Note: Not requested.

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