
SENATE BILL 5577

State of Washington

54th Legislature

1995 Regular Session

By Senators Swecker, Rasmussen, Morton, Wood, Moyer, Hochstatter, Palmer, Schow and Roach

Read first time 01/27/95. Referred to Committee on Senate Select Committee on Water Policy.

1 AN ACT Relating to a general permit system for appropriating
2 agricultural and multi-unit residential water; adding new sections to
3 chapter 90.03 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the present delay
6 in the processing of water right applications is not beneficial to the
7 citizens of the state nor is it in keeping with the goal of managing
8 the resource to the highest possible standard and maximum net benefit.

9 The legislature further finds that a general, streamlined permit
10 processing system would result in diminished reliance on single-family
11 residence wells and more widespread use of group water systems, thus
12 resulting in fewer wells and a greater efficiency in the allocation and
13 use of water.

14 The legislature further finds that water conservation efforts would
15 be greatly enhanced by a permit system that encourages water right
16 applicants to use only the amount of water actually necessary to meet
17 their needs.

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

3 (1) The department shall develop a general permit system for
4 appropriating water for agricultural and multi-unit residential uses.
5 These systems must be designed and used to streamline the consideration
6 of applications for agricultural and multi-unit residential water uses.
7 The general permit system must be applicable state-wide, and all waters
8 of the state shall be eligible for coverage under the system unless the
9 department in consultation with the affected county or counties
10 determines that insufficient waters are available in a specific area to
11 allow additional allocations. The evaluation and report required for
12 an application under RCW 90.03.290 are not required for applications
13 processed under the general permit system. For the purposes of this
14 section:

15 (a) "Agricultural use" means a use of not more than one-tenth of
16 one cubic foot per second of ground water or water collected from
17 artesian wells or springs, where there is an historical pattern of use,
18 for any purpose generally accepted as integral to agricultural
19 production;

20 (b) "Multi-unit residential use" means a use of not more than one-
21 tenth of one cubic foot per second of ground water to provide domestic
22 water to housing developments of more than one unit; and

23 (c) "Ground water" means all waters that exist beneath the land
24 surface within the boundaries of this state, whatever may be the
25 geological formation or structure in which such water stands or flows,
26 percolates, or otherwise moves.

27 (2) The department shall, by January 1, 1996, establish the general
28 permit system by adopting rules in accordance with chapter 34.05 RCW.
29 Before the adoption of rules for a system, the department shall consult
30 with representatives of the following interest groups: Agriculture;
31 aquaculture; home construction and development; county government; city
32 government; tribal governments; and the environmental community. At
33 least four public hearings must be held at various locations around the
34 state. The rules must identify criteria for proposed uses of water for
35 which applications might be processed under the system and must
36 establish procedures for filing and processing applications under the
37 general permit system.

38 (3) The fee for general permits authorized under chapter . . . ,
39 Laws of 1995 (this act) shall be the same as the fee charged on the

1 same quantity of water now or hereafter established under chapter 90.03
2 RCW.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.03 RCW
4 to read as follows:

5 An application for appropriating water under the general permit
6 system established under section 2 of this act must be made on a form
7 adopted and provided by the department. Within sixty days of receipt
8 of a completed application, the department shall determine whether the
9 proposed use is eligible to be processed under the general permit
10 system. If the department determines that the proposed use is eligible
11 to be processed under the system, the application must be processed
12 under the system within the next sixty days. The priority date of the
13 water right established pursuant to this section shall be the date that
14 the application is submitted. If the department determines that the
15 proposed use is not eligible for the processing, the department shall
16 explain to the applicant in writing the reasons for its determination.
17 For a proposed use determined ineligible for the processing, if the
18 department finds that the information contained on the application form
19 substantially satisfies the information requirements for an application
20 for a use that would normally be filed for processing the application
21 outside of the general permit system, the department shall notify the
22 applicant of its finding and shall process the application as if it
23 were filed for processing outside of the system. If the department
24 finds that the information does not substantially satisfy the
25 requirements, the application must be considered to be incomplete for
26 the processing and the applicant must be notified of this
27 consideration.

28 NEW SECTION. **Sec. 4.** Nothing in sections 2 and 3 of this act
29 authorizes the impairment or operates to impair any existing water
30 rights. A water right holder under sections 2 and 3 of this act shall
31 not make withdrawals that impair a senior water right. A holder of a
32 senior water right who believes his or her water right is impaired may
33 file a complaint with the department of ecology. Where such complaints
34 of impairment have been received, the department of ecology shall make

1 all reasonable efforts to resolve them in a timely manner through
2 agreement of the parties or through available administrative remedies.

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