

SENATE BILL REPORT

ESHB 2303

As Reported By Senate Committee On:
Agriculture & Environment, February 26, 1998

Title: An act relating to water rights.

Brief Description: Regulating public water systems.

Sponsors: House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Regala, Huff, Kastama, Bush, McDonald, Sullivan and Linville).

Brief History:

Committee Activity: Agriculture & Environment: 2/26/98 [DPA].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: Do pass as amended.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Newhouse, Oke and Rasmussen.

Staff: Bob Lee (786-7404)

Background: Interties are connections between public water systems that allow an exchange or delivery of water between them. Interties were expressly acknowledged by statute in 1991, and new interties were authorized under certain circumstances. As specified by the 1991 statute, interties include such connections between systems for the delivery of water that serve as primary or secondary sources of supply, but do not include the development of new sources of supply to meet future demand; nor is the use of water for emergency purposes an intertie use of the water. The exchange or delivery of water between public water systems made through an intertie must be within the established instantaneous and annual withdrawal rates specified in their existing water rights.

The Department of Health is responsible for reviewing proposals for new interties. The Department of Health must determine whether the intertie satisfies certain criteria, including whether the intertie improves overall system reliability, or delays or avoids the need to develop new water sources. The criteria does not include whether long-term supply is addressed in the intertie agreement between the systems.

An application for a water use permit is to be filed with the Department of Ecology. The department is to investigate the application and determine whether water is available for appropriation to the applicant and the use or uses to which the water may be applied. In general, if the department finds that there is water available for the appropriation and the appropriation will not impair existing rights or be detrimental to the public welfare, it is to issue the permit. However, the department may approve the permit for less than the amount applied for if the department has substantial reasons for doing so.

Summary of Amended Bill: The receiving public water system's use may exceed its water right authorization if its withdrawal does not exceed the instantaneous or annual withdrawal rate specified in the receiving public water system's water right authorization.

When making a determination on an application for new water rights by a public water system which is a party to an existing intertie agreement, the Department of Ecology must consider the existence, nature, economics, and terms of the agreement between the intertied public water systems.

Amended Bill Compared to Substitute Bill: The provision is deleted that if an intertie agreement provides water on a temporary basis, that the water cannot be discontinued unless a permanent replacement supply is available.

The provision is deleted that development of new sources of supply does not include changes in point of use of existing water right permits, certificates and claims.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: There is need for clarification of existing law relating to municipal interties.

Testimony Against: Concern was expressed regarding legislative action that overrides contracts that provide water only on a temporary basis. Concern was expressed about allowing the transfer of inchoate water rights; those water rights that have not yet been placed to beneficial use.

Testified: PRO: James Haneline, Water Cooperative of Pierce County; Mike Krautkramer, Robinson & Noble Inc.; Jim Miller, City of Everett; John Kounts, WA PUD Association; Al Aldrich, Snohomish PUD; Tony Meinhardt, WASWP; Steve Lindstrom, Sno-King Water District Coalition; CON: Joseph Hattersley, Safe Water Coalition of WA; Judy Turpin, WA Environmental Council; Ken Slattery, Department of Ecology.