

SENATE BILL REPORT

SB 6092

As of April 5, 1999

Title: An act relating to public water systems.

Brief Description: Changing provisions relating to public water systems.

Sponsors: Senators Fraser and Swecker.

Brief History:

Committee Activity: Environmental Quality & Water Resources: 4//6/99.

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Staff: Genevieve Pisarski (786-7488)

Background: A water right under a permit is not perfected until it is put to actual beneficial use when it becomes certificated. In a recent decision regarding a public water system that was constructed by a private developer, the state Supreme Court ruled that a certificate can be issued only for water that has been put to use. The court's decision did not fully resolve the status of water right certificates issued to municipal water suppliers on the basis of pumps and pipes constructed, rather than water actually put to use. Applications for permits for municipal water supply are required to state the present population to be served and, as near as may be, the future requirements. Under "growing communities doctrine," the common law recognizes that municipal water rights are developed as the communities that they serve grow, in respect to both time and area. Any change of place of use must be approved.

Summary of Bill: Within a system of incremental certification and permit development subject to performance standards, changes and transfers of undeveloped water can occur according to regional integrated water supply management agreements or designation of regional water supply utilities, which address streamflows. Agreements are made by public water suppliers and tribes. Counties can participate. Agreements are approved by the Department of Ecology, following public comment and consultation with the departments of Health, Community, Trade, and Economic Development, Fish and Wildlife, local government and tribes. Agreements cover streamflows, conservation, reclaimed water, and interties. Agreements are consistent with land use and water supply planning. Ecology approves changes to water rights according to combined service areas. Public utility districts can become regional water supply utilities, which are formed and approved similarly to regional integrated water supply management agreements. Ecology approves changes to water rights of public water systems included in a regional water supply utility, subject to consistency with water supply plans, conservation, and instream flows.

Appropriation: None.

Fiscal Note: Not requested.

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