

HOUSE BILL REPORT

2SSB 5358

*As Passed House
April 19, 1991*

Title: An act relating to public water system interties.

Brief Description: Providing for exchanges of water through interties.

Sponsor(s): Senate Committee on Ways & Means (originally sponsored by Senators Barr and Madsen; by request of Jnt Sel Com on Water Resource Policy).

Brief History:

Reported by House Committee on:
Natural Resources & Parks, April 5, 1991, DPA;
Passed House, April 19, 1991, 98-0.

**HOUSE COMMITTEE ON
NATURAL RESOURCES & PARKS**

Majority Report: *Do pass as amended.* Signed by 11 members: Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Dellwo; Fraser; Hargrove; Morton; Riley; Sheldon; and Wynne.

Staff: Randy Acker (786-7129).

Background: Interties are interconnections between existing public water systems permitting exchange of water between those systems on an intermittent or permanent basis. Interties are used by water utilities for various purposes. They can serve as backup supply sources during shortages due to system problems or primary source availability. Interties can be used as permanent supply sources to augment existing supplies rather than develop new sources at great expense. They can also be used to recharge groundwater supplies by importing water through an intertie.

Interties have been increasingly used by larger water utilities and water utilities in areas of rapid growth to ensure a reliable, safe supply of drinking water. Interties have been encouraged by the Department of Health (DOH) when reliability, efficiency, and safety of supply can be advanced. The DOH reviews intertie proposals for technical sufficiency and to ensure that desired outcomes are

achieved. There is no specific process for public review of intertie proposals or review by the Department of Ecology (DOE) for assessment of potential impacts on existing water rights.

The increasing use of interties has raised some issues concerning their legality under current water law. Water rights are granted through a permitting process which includes designation of the geographic area the water will be used. Exchange of water outside the specific parameters for place of use may be an expansion of the water right and thus illegal. The bill attempts to legitimize both present and future interties and set forth a process to ensure there is no impairment of existing water rights.

Summary of Bill: It is in the public interest to recognize existing interties and to modify associated water rights to reflect current use. Interties are defined to include interconnections between water systems permitting delivery of water between those systems, and a definition of service area is added.

Public water systems are to provide notice of existing interties to the departments of Health and Ecology prior to June 30, 1996. If the intertie is part of a state approved plan and if no outstanding complaints are filed prior to September 1, 1991, the DOE shall modify the water right to reflect the place of use through the intertie.

Interties commencing use after January 1, 1991, must be consistent with regional water system plans. Proposals for future interties must be incorporated into water system plans under Chapter 43.20 RCW or coordinated water system plans under Chapter 70.116 RCW. The DOH is responsible for review and approval, except for water right considerations which are the responsibility of the DOE.

If the DOH determines a proposed intertie is necessary to address emergent public health or safety concerns, an expedited process occurs for the DOE to determine if existing water rights are impaired. If it is not necessary to address public health or safety, the normal water right modification process applies. The DOH may approve intertie proposals prior to modification of the water right, but construction work may not begin until the water right is modified.

The departments of Health and Ecology must coordinate approval procedures for interties.

The bill is null and void unless funding is provided in the budget.

Fiscal Note: Requested March 29, 1991.

Effective Date: Ninety days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: Interties allow more efficient use of the state's water. The bill clarifies the procedure for developing interties.

Testimony Against: None.

Witnesses: Bob Wubben and Jim Miller, WA Utilities Council (pro); and Hedia Adelsman, Department of Ecology (not opposed).