
ENGROSSED SUBSTITUTE SENATE BILL 6467

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Energy & Utilities (originally sponsored by Senators Fraser, Hochstatter, Morton and M. Rasmussen)

Read first time 02/04/94.

1 AN ACT Relating to water rights for municipal purposes; amending
2 RCW 90.03.320 and 90.03.330; adding a new section to chapter 90.03 RCW;
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that it is in the
6 public interest for water rights held by public water systems to be
7 managed and regulated in a manner that:

8 (1) Allows such systems to prolong and maximize the use of water
9 rights applied to municipal purposes consistent with the population
10 demand projections established in state-approved water system plans and
11 adopted growth management plans;

12 (2) Promotes water conservation, with enhanced efforts occurring in
13 water critical areas, promotes water system efficiencies, and
14 eliminates disincentives for investments in water efficient
15 technologies; and

16 (3) Delays, and where possible, avoids the need for new water
17 sources to be developed.

18 The department of ecology is therefore directed to administer water
19 rights laws consistent with the provisions of this act.

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

3 For the purposes of this chapter "municipal purpose" and "municipal
4 water supply purposes" mean water distributed by a public water system
5 purveyor as defined by chapter 70.116 RCW, and includes domestic,
6 commercial, and industrial water uses provided as an integral element
7 of the public water system. This definition does not include
8 commercial, industrial, irrigation, or other water systems that are not
9 designated as a public water system for potable water use recognized by
10 a state-approved public water system plan or withdrawals of public
11 ground waters excepted under RCW 90.44.050.

12 **Sec. 3.** RCW 90.03.320 and 1987 c 109 s 67 are each amended to read
13 as follows:

14 Actual construction work shall be commenced on any project for
15 which permit has been granted within such reasonable time as shall be
16 prescribed by the department, and shall thereafter be prosecuted with
17 diligence and completed within the time prescribed by the department.
18 The department, in fixing the time for the commencement of the work, or
19 for the completion thereof and the application of the water to the
20 beneficial use prescribed in the permit, shall take into consideration
21 the cost and magnitude of the project and the engineering and physical
22 features to be encountered, and shall allow such time as shall be
23 reasonable and just under the conditions then existing, having due
24 regard for the public welfare and public interests affected: and, for
25 good cause shown, it shall extend the time or times fixed as aforesaid,
26 and shall grant such further period or periods as may be reasonably
27 necessary, having due regard to the good faith of the applicant and the
28 public interests affected. In fixing public water system construction
29 schedules and the time, or extension of time, for application of water
30 to beneficial use for municipal use, the department shall also take
31 into consideration the term and amount of financing required to
32 complete the project, delays that may result from planned and existing
33 conservation and water use efficiency measures installed by the public
34 water system, and the supply needs of the public water system's service
35 area, consistent with an approved comprehensive plan under chapter
36 36.70A RCW, or in the absence of such a plan, a county-approved
37 comprehensive plan under 36.70 RCW or a plan approved under chapter
38 35.63 RCW, and related demand projections prepared by public water

1 systems in accordance with state law. If the terms of the permit or
2 extension thereof, are not complied with the department shall give
3 notice by registered mail that such permit will be canceled unless the
4 holders thereof shall show cause within sixty days why the same should
5 not be so canceled. If cause be not shown, said permit shall be
6 canceled.

7 **Sec. 4.** RCW 90.03.330 and 1987 c 109 s 89 are each amended to read
8 as follows:

9 (1) Upon a showing satisfactory to the department that any
10 appropriation has been perfected in accordance with the provisions of
11 this chapter, it shall be the duty of the department to issue to the
12 applicant a certificate stating such facts in a form to be prescribed
13 by ~~((him))~~ the director, and such certificate shall thereupon be
14 recorded with the department.

15 (2) For those public water supplies designed to accommodate future
16 growth as defined by a state-approved water system plan, the amount of
17 instantaneous diversion considered to be applied to beneficial use at
18 the time of perfection of the certificate shall be based upon the
19 capacity of the diversion structure or structures installed at such
20 time. Further, the amount of annual appropriation considered to be
21 applied to beneficial use at the time of perfection shall be based on
22 the growth projection contained in the most current state-approved
23 water system plan, provided, the department may not issue a certificate
24 for quantities of water in excess of those contained in a permit if a
25 permit has been issued. This subsection shall apply to the
26 administration of water rights existing on the effective date of this
27 act and prospectively issued water rights, but shall not apply to water
28 rights subject to the terms of final adjudication decrees entered in
29 accordance with this chapter.

30 (3) Any original water right certificate issued, as provided by
31 this chapter, shall be recorded with the department and thereafter, at
32 the expense of the party receiving the same, be by the department
33 transmitted to the county auditor of the county or counties where the
34 distributing system or any part thereof is located, and be recorded in
35 the office of such county auditor, and thereafter be transmitted to the
36 owner thereof.

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