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5 On page 38, after line 27, insert the following:

6 "NEW SECTION. Sec. 40. The legislature finds that the present
7 delay in the processing of water right applications is not beneficial
8 to the citizens of the state nor is it in keeping with the goal of
9 managing the resource to the highest possible standard and maximum net
10 benefit.

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

15 NEW SECTION. Sec. 41. A new section is added to chapter 90.03 RCW
16 to read as follows:

17 (1) The department shall develop a general permit system for
18 appropriating water for nonconsumptive, nonbypass uses. This system
19 must be designed and used to accurately identify and register any water
20 right application that qualifies for the general permit. Water for
21 nonconsumptive, nonbypass uses shall be appropriated if the use meets
22 the requirements in this section and is registered. The general permit
23 system must be applicable state-wide, and all waters of the state shall
24 be eligible for coverage under the system. The evaluation and report
25 required for an application under RCW 90.03.290 are not required for
26 applications processed under the general permit system. For the
27 purposes of this section:

28 (a) "Nonconsumptive, nonbypass use" means a use of water in which
29 water is diverted from a stream or drawn from an aquifer and following
30 its use is discharged back into or near the point of diversion or
31 withdrawal without diminishment in quality and less than five thousand
32 gallons of net consumption per day excluding evaporation, seepage, or
33 recycling; and

34 (b) "Without diminishment of quality" means that, before being
35 discharged back to its source, the water being discharged meets state

1 water quality standards adopted under chapter 90.48 RCW.

2 (2) The department shall, by January 1, 1996, establish the general
3 permit system by adopting rules in accordance with chapter 34.05 RCW.
4 Before the adoption of rules for a system, the department shall consult
5 with representatives of the following interest groups: Agriculture;
6 aquaculture; home construction and development; county government; city
7 government; and surface mining. At least four public hearings must be
8 held at various locations around the state. The rules must identify
9 criteria for proposed uses of water for which applications might be
10 processed under the system and must establish procedures for filing and
11 processing applications and issuing water rights certificates under the
12 general permit system.

13 (3) The fee for general permits authorized under chapter . . . ,
14 Laws of 1995 (this act) shall be two hundred fifty dollars.

15 NEW SECTION. **Sec. 42.** A new section is added to chapter 90.03 RCW
16 to read as follows:

17 An application for registration as a nonconsumptive, nonbypass
18 water user under the general permit system established under section 41
19 of this act must be made on a form adopted and provided by the
20 department. Within sixty days of receipt of a completed application,
21 the department shall determine whether the proposed use is eligible to
22 be processed under the general permit system. If the department
23 determines that the proposed use is eligible to be processed under the
24 system, the application must be processed under the system within the
25 next sixty days. The priority date of the water right established
26 pursuant to this section shall be the date that the application is
27 submitted. If the department determines that the proposed use is not
28 eligible for the processing, the department shall explain to the
29 applicant in writing the reasons for its determination. If the
30 department finds that the permit information does not substantially
31 satisfy the requirements, the application must be considered to be
32 incomplete for processing and the applicant must be notified of this
33 consideration.

34 NEW SECTION. **Sec. 43.** Nothing in sections 41 and 42 of this act
35 authorizes the impairment of any existing water rights. A water right
36 holder under sections 41 and 42 of this act shall not make withdrawals
37 that impair a senior water right. A holder of a senior water right who

1 believes his or her water right is impaired may file a complaint with
2 the department of ecology. Where such complaints of impairment have
3 been received, the department of ecology shall make all reasonable
4 efforts to resolve them in a timely manner through agreement of the
5 parties or through available administrative remedies."

6 Renumber the remaining sections consecutively and correct internal
7 references accordingly.

8 **HB 1791** - H AMD

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11 On page 1, line 9 of the title, after "90.14 RCW;" insert "adding
12 new sections to chapter 90.03 RCW;"

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