

2SSB 5024 - H COMM AMD

By Committee on Agriculture & Natural Resources

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that state laws have
4 long recognized that communities are dynamic entities. The legislature
5 also finds that any interpretation of its laws that would require its
6 communities to be ossified or frozen in time or would require their
7 future growth to be precisely predictable defies the needs of human
8 society. The legislature has provided numerous means and considerable
9 guidance to its communities regarding their growth and for providing
10 essential services within them as they grow. While the legislature
11 recognizes that the totality of the statutory law that governs such
12 communities is found in a wide variety of places throughout the
13 codified version of the statute laws, the Revised Code of Washington,
14 the legislature also recognizes that it has not always expressly
15 announced in the portion of those statutes generally referred to as the
16 state's water laws how the nature of water rights held by municipal
17 water suppliers accommodates the growth of and changes in communities
18 and the requirements placed on them and authorities granted to them by
19 other laws. The legislature finds that this is in part because state
20 policies in the administration of the water laws have reflected the
21 dynamic nature of human habitation and population growth from within
22 and from without the state. For a very long time, these policies
23 recognized that a water right for municipal water supply purposes is
24 "perfected" when facilities for diverting or withdrawing and
25 distributing the water are constructed but before all of the water is
26 placed to actual use within the community or communities served.

27 With the enactment of this legislation, the legislature intends to
28 provide within the water laws a curative clarification of the
29 relationship of water rights for municipal water supply purposes to the
30 requirements of other law and the realities of growth.

1 **Sec. 2.** RCW 90.03.015 and 1987 c 109 s 65 are each amended to read
2 as follows:

3 (~~As used in this chapter:~~) The definitions in this section apply
4 throughout this chapter unless the context clearly requires otherwise.

5 (1) "Department" means the department of ecology(~~(+)~~).

6 (2) "Director" means the director of ecology(~~(+and)~~).

7 (3) "Municipal water supplier" means an entity that supplies water
8 for municipal water supply purposes.

9 (4) "Municipal water supply purposes" means a beneficial use of
10 water: (a) For residential purposes through fifteen or more
11 residential service connections or for providing residential use of
12 water for a nonresidential population that is, on average, at least
13 twenty-five people for at least sixty days a year; (b) for governmental
14 or governmental proprietary purposes; or (c) indirectly for the
15 purposes in (a) or (b) of this subsection through the delivery of
16 treated or raw water to a public water system for such use. If water
17 is beneficially used under a water right for the purposes listed in
18 (a), (b), or (c) of this subsection, any other beneficial use of water
19 under the right generally associated with the use of water within a
20 municipality is also for "municipal water supply purposes," including,
21 but not limited to, beneficial use for commercial, industrial,
22 irrigation of parks and open spaces, institutional, landscaping, fire
23 flow, water system maintenance and repair, or related purposes.

24 (5) "Person" means any firm, association, water users' association,
25 corporation, irrigation district, or municipal corporation, as well as
26 an individual.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.03 RCW
28 to read as follows:

29 Beneficial uses of water under a municipal water supply purposes
30 water right may include water for:

31 (1) Uses that benefit fish and wildlife, water quality, or other
32 instream resources or related habitat values; or

33 (2) Uses that are needed to implement environmental obligations
34 called for by a watershed plan approved under chapter 90.82 RCW or a
35 comprehensive watershed plan adopted under RCW 90.54.040(1), a
36 federally approved habitat conservation plan prepared in response to

1 the listing of a species as being endangered or threatened under the
2 federal endangered species act, 16 U.S.C. Sec. 1531 et seq., a
3 hydropower license of the federal energy regulatory commission, or a
4 comprehensive irrigation district management plan.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.03 RCW
6 to read as follows:

7 When requested by a municipal water supplier or when processing a
8 change or amendment to the right, the department shall amend the water
9 right documents and related records to ensure that water rights that
10 are for municipal water supply purposes, as defined in RCW 90.03.015,
11 are correctly identified as being for municipal water supply purposes.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.14 RCW
13 to read as follows:

14 When a municipal water supplier acquires an existing water right
15 that is not a municipal water supply purpose right, that right is not
16 subject to relinquishment for nonuse occurring during the time that the
17 acquirer diligently seeks the department's approval to change the right
18 to municipal water supply purposes. Once a change to municipal water
19 supply purposes is approved by the department, the right is thereafter
20 subject to the exception from relinquishment in RCW 90.14.140(2)(d).

21 **Sec. 6.** RCW 90.14.031 and 1969 ex.s. c 284 s 12 are each amended
22 to read as follows:

23 ~~((Unless a different meaning is plainly required by the context,~~
24 ~~the following words and phrases as used in RCW 90.14.031 through~~
25 ~~90.14.121 shall have the following meanings:))~~

26 (1) The definitions in this subsection apply throughout this
27 chapter unless the context clearly requires otherwise.

28 (a) "Municipal water supplier" has the same meaning as defined in
29 RCW 90.03.015.

30 (b) "Municipal water supply purpose" has the same meaning as
31 defined in RCW 90.03.015.

32 (2) The definitions in this subsection apply throughout RCW
33 90.14.031 through 90.14.121 unless the context clearly requires
34 otherwise.

1 (a) "Person" shall mean an individual, partnership, association,
2 public or private corporation, city or other municipality, county, or
3 a state agency, and the United States of America when claiming water
4 rights established under the laws of the state of Washington.

5 ~~((+2))~~ (b) "Beneficial use" shall include, but not be limited to,
6 use for domestic water, irrigation, fish, shellfish, game and other
7 aquatic life, municipal, recreation, industrial water, generation of
8 electric power, and navigation.

9 **Sec. 7.** RCW 90.03.260 and 1987 c 109 s 84 are each amended to read
10 as follows:

11 (1) Each application for permit to appropriate water shall set
12 forth the name and post office address of the applicant, the source of
13 water supply, the nature and amount of the proposed use, the time
14 during which water will be required each year, the location and
15 description of the proposed ditch, canal, or other work, the time
16 within which the completion of the construction and the time for the
17 complete application of the water to the proposed use.

18 (2) If for agricultural purposes, ~~((it))~~ the application shall give
19 the legal subdivision of the land and the acreage to be irrigated, as
20 near as may be, and the amount of water expressed in acre feet to be
21 supplied per season. If for power purposes, it shall give the nature
22 of the works by means of which the power is to be developed, the head
23 and amount of water to be utilized, and the uses to which the power is
24 to be applied.

25 (3) If for construction of a reservoir, ~~((it))~~ the application
26 shall give the height of the dam, the capacity of the reservoir, and
27 the uses to be made of the impounded waters.

28 (4) If for community or multiple domestic water supply, the
29 application shall give the projected number of service connections
30 sought to be served. However, for a municipal water supplier that has
31 an approved water system plan under chapter 43.20 RCW or an approval
32 from the department of health to serve a specified number of service
33 connections, the service connection figure in the application or any
34 subsequent water right document is not an attribute limiting exercise
35 of the water right as long as the number of service connections to be

1 served under the right is consistent with the approved water system
2 plan or specified number.

3 (5) If for municipal water supply, (~~it~~) the application shall
4 give the present population to be served, and, as near as may be
5 estimated, the future requirement of the municipality. However, for a
6 municipal water supplier that has an approved water system plan under
7 chapter 43.20 RCW or an approval from the department of health to serve
8 a specified number of service connections, the population figures in
9 the application or any subsequent water right document are not an
10 attribute limiting exercise of the water right as long as the
11 population to be provided water under the right is consistent with the
12 approved water system plan or specified number.

13 (6) If for mining purposes, (~~it~~) the application shall give the
14 nature of the mines to be served and the method of supplying and
15 utilizing the water; also their location by legal subdivisions.

16 (7) All applications shall be accompanied by such maps and
17 drawings, in duplicate, and such other data, as may be required by the
18 department, and such accompanying data shall be considered as a part of
19 the application.

20 **Sec. 8.** RCW 90.03.386 and 1991 c 350 s 2 are each amended to read
21 as follows:

22 (1) Within service areas established pursuant to chapter(~~s~~) 43.20
23 (~~and~~) or 70.116 RCW, the department of ecology and the department of
24 health shall coordinate approval procedures to ensure compliance and
25 consistency with the approved water system plan.

26 (2) The effect of the department of health's approval of a planning
27 or engineering document that describes a municipal water supplier's
28 service area under chapter 43.20 RCW, or the local legislative
29 authority's approval of service area boundaries in accordance with
30 procedures adopted pursuant to chapter 70.116 RCW, is that the place of
31 use of a surface water right or ground water right used by the supplier
32 is equivalent to, and coexistent with, the approved service area if the
33 supplier is in compliance with the terms of the water system plan or
34 small water system management program, including those regarding water
35 conservation, and the alteration of the place of use is not
36 inconsistent, regarding an area added to the place of use, with: Any

1 comprehensive plans or development regulations adopted under chapter
2 36.70A RCW; any other comprehensive plan, land use plan, or development
3 regulation adopted by a city, town, or county; or any watershed plan
4 approved under chapter 90.82 RCW.

5 (3) A municipal water supplier must implement cost-effective water
6 conservation in accordance with the requirements of sections 10 and 11
7 of this act as part of its approved water system plan or small water
8 system management program. With regard to water diverted or withdrawn
9 by the municipal water supplier under a particular surface or ground
10 water right a portion of which is an inchoate right, a municipal
11 supplier with one thousand or more service connections must document an
12 improvement in the efficiency of water use or delivery under the right
13 over the last six years before it may divert or withdraw further
14 amounts of its inchoate right for beneficial use. When establishing or
15 extending a surface or ground water right construction schedule under
16 RCW 90.03.320, the department must take into consideration the public
17 water system's use of conserved water.

18 **Sec. 9.** RCW 90.03.330 and 1987 c 109 s 89 are each amended to read
19 as follows:

20 (1) Upon a showing satisfactory to the department that any
21 appropriation has been perfected in accordance with the provisions of
22 this chapter, it shall be the duty of the department to issue to the
23 applicant a certificate stating such facts in a form to be prescribed
24 by ((him)) the director, and such certificate shall thereupon be
25 recorded with the department. Any original water right certificate
26 issued, as provided by this chapter, shall be recorded with the
27 department and thereafter, at the expense of the party receiving the
28 same, be transmitted by the department ((transmitted)) to the county
29 auditor of the county or counties where the distributing system or any
30 part thereof is located, and be recorded in the office of such county
31 auditor, and thereafter be transmitted to the owner thereof.

32 (2) Except as provided for the issuance of certificates under RCW
33 90.03.240 and for the issuance of certificates following the approval
34 of a change, transfer, or amendment under RCW 90.03.380 or 90.44.100,
35 the department shall not revoke or diminish a certificate for a surface
36 or ground water right for municipal water supply purposes as defined in

1 RCW 90.03.015 unless the certificate was issued with ministerial errors
2 or was obtained through misrepresentation. The department may adjust
3 such a certificate under this subsection if ministerial errors are
4 discovered, but only to the extent necessary to correct the ministerial
5 errors. The department may diminish the right represented by such a
6 certificate if the certificate was obtained through a misrepresentation
7 on the part of the applicant or permit holder, but only to the extent
8 of the misrepresentation. The authority provided by this subsection
9 does not include revoking, diminishing, or adjusting a certificate
10 based on any change in policy regarding the issuance of such
11 certificates that has occurred since the certificate was issued. This
12 subsection may not be construed as providing any authority to the
13 department to revoke, diminish, or adjust a certificate for a water
14 right for any purpose other than municipal water supply purposes.

15 (3) This subsection applies to the water right represented by a
16 water right certificate issued prior to the effective date of this
17 section for municipal water supply purposes as defined in RCW 90.03.015
18 where the certificate was issued based on an administrative policy for
19 issuing such certificates once works for diverting or withdrawing and
20 distributing water for municipal supply purposes were constructed
21 rather than after the water had been placed to actual beneficial use.
22 Such a water right is a right in good standing as long as the potential
23 use and use of water under the right is consistent with the principles
24 of the administrative policy that led to its being issued, as that
25 policy existed when the certificate was issued.

26 (4) After the effective date of this section, the department must
27 issue a new certificate under subsection (1) of this section for a
28 water right represented by a water right permit only for the perfected
29 portion of a water right as demonstrated through actual beneficial use
30 of water.

31 NEW SECTION. Sec. 10. A new section is added to chapter 70.119A
32 RCW to read as follows:

33 (1) The purpose of this section is to establish water use
34 efficiency requirements designed to ensure efficient use of water while
35 maintaining system financial viability, improving affordability of
36 supplies, and enhancing system reliability. The requirements apply to

1 all municipal water suppliers, as defined in RCW 90.03.015, and must be
2 tailored to be appropriate for a system's size, forecasted demand, and
3 supply constraints.

4 (2) By December 31, 2005, the department must adopt rules that:

5 (a) Establish performance measures to be used in measuring the
6 progress a municipal water supplier is making in achieving its water
7 conservation objectives under section 11 of this act which include, but
8 are not limited to, those regarding water distribution system leakage,
9 collection and reporting of source production and water consumption
10 data, and timelines for setting and achieving cost-effective
11 conservation objectives over time;

12 (b) Establish criteria that identify how the department will
13 determine whether municipal water suppliers are fulfilling the
14 obligations established for them in section 11 of this act when the
15 department reviews the conservation elements of water system plans and
16 small water system management programs, submitted to it under chapter
17 43.20 RCW or submitted as part of coordinated water system planning
18 under chapter 70.116 RCW. The criteria must take into consideration
19 the historic conservation performance and conservation investment of
20 the supplier, regional climate variations, and the supplier's customer
21 base demographics, forecasted demand, and system supply constraints;

22 (c) Establish minimum requirements for water demand forecast
23 methodologies to be used by municipal water suppliers; and

24 (d) Ensure compliance with the provisions of this section and
25 section 11 of this act. The compliance processes established under
26 this section must incorporate the graduated approach specified for the
27 enforcement of water laws in RCW 90.03.605(1) (a) through (c).

28 (3) The rules adopted by the department under subsection (2) of
29 this section must not establish state conservation requirements that
30 are less stringent than those in effect on the effective date of this
31 section. For the reporting required by subsection (2)(a) of this
32 section, the rules shall require that municipal water suppliers
33 document that they are maintaining or improving conservation
34 performance at the water system level.

35 (4) The department must establish an advisory committee to assist
36 it in developing rules under this section. The advisory committee must
37 include representatives from public water system customers,

1 environmental interest groups, business interest groups, a
2 representative cross-section of municipal water suppliers, a person
3 employed by a municipal water supplier as a water conservation expert,
4 tribal governments, the department of ecology, and any other members
5 determined necessary by the department.

6 (5) The department must provide, upon request, technical assistance
7 to public water systems and local governments regarding water
8 conservation. The assistance must be available regarding, but is not
9 limited to, the development of best management practices for water
10 conservation programs, conservation landscape ordinances, conservation
11 rate structures for public water systems, and general public education
12 programs on water conservation.

13 NEW SECTION. **Sec. 11.** A new section is added to chapter 70.119A
14 RCW to read as follows:

15 A municipal water supplier, as defined in RCW 90.03.015, must
16 integrate conservation planning into its overall system operation and
17 management and must appropriately fund conservation activities. A
18 municipal water supplier must adopt and achieve water conservation
19 objectives as part of its water system plan or small water system
20 management program developed under chapter 43.20 RCW or as part of a
21 coordinated water system plan under chapter 70.116 RCW. A municipal
22 water supplier must improve the efficiency of its water system or
23 systems over time, relative to past performance, and must assist the
24 users of its water in improving the efficiency of their water use.

25 Prior to the date by which the department must adopt rules under
26 section 10(2) of this act and for the purposes of chapter 90.03 RCW, a
27 municipal water supplier with one thousand or more service connections
28 is in compliance with the terms of its water system plan regarding
29 water conservation if the supplier is in compliance with the
30 conservation elements of its current plan and it can document an
31 improvement in the efficiency of water use or delivery in the system
32 over the last six years and there is no loss of conservation
33 performance prior to the adoption of the rules.

34 NEW SECTION. **Sec. 12.** A new section is added to chapter 90.54 RCW
35 to read as follows:

1 The department shall prioritize the expenditure of funds and other
2 resources for programs related to streamflow restoration in watersheds
3 where the exercise of inchoate water rights may have a larger effect on
4 streamflows and other water uses.

5 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.20 RCW
6 to read as follows:

7 The department shall consult with the departments of ecology, fish
8 and wildlife, and community, trade, and economic development when it
9 approves water system plans of public water systems. In approving such
10 a plan, the department shall ensure that water service to be provided
11 by the system under the plan for any new industrial, commercial, or
12 residential use is consistent with the requirements of any
13 comprehensive plans or development regulations adopted under chapter
14 36.70A RCW or any other comprehensive plan, land use plan, or
15 development regulation adopted by a city, town, or county for the
16 service area. The department shall also ensure that the plan
17 accommodates the duty of the public water system to provide water for
18 new residential use within its service area as described in section 14
19 of this act.

20 NEW SECTION. **Sec. 14.** A new section is added to chapter 43.20 RCW
21 to read as follows:

22 The first choice of water supply for a new residential use of water
23 within the service area of public water system, for which a public
24 water system plan is required under this chapter, is water service from
25 the public water system. The public water system has a duty to provide
26 the water service within its service area if its service can be
27 available in a timely and cost-effective manner and it has sufficient
28 water rights to provide the service. Any water service provided shall
29 be consistent with the requirements of any comprehensive plans or
30 development regulations adopted under chapter 36.70A RCW or any other
31 comprehensive plan, land use plan, or development regulation adopted by
32 a city, town, or county for the service area and, for water service by
33 the water utility of a city or town, with the utility service extension
34 ordinances of the city or town. The service is available in a timely
35 manner if the water can be provided within one hundred twenty days of

1 the date the request for water service is made to the system by the
2 party representing the new residential use, unless the party requests
3 a longer period. The service is available in a cost- effective manner
4 if the total cost to obtain the water from the public water system,
5 including but not limited to construction and engineering costs,
6 connection fees, and operating costs, does not exceed one hundred
7 twenty percent of the total cost of providing water service from a well
8 for the new residential use under the permit exemption of RCW
9 90.44.050.

10 NEW SECTION. **Sec. 15.** A new section is added to chapter 43.20 RCW
11 to read as follows:

12 When a water system plan is regularly submitted to the department
13 for review and approval, which on the effective date of this section
14 occurs every six years, the plan must demonstrate that any new use of
15 the inchoate water right of the system under the plan will be
16 consistent with meeting the timelines and interim milestones
17 established under section 5, chapter . . . , Laws of 2003 (section 5,
18 Engrossed Substitute House Bill No. 2336) or section 8, chapter . . . ,
19 Laws of 2003 (section 8, Engrossed Substitute House Bill No. 1336) for
20 achieving instream flows in the watershed in which water is diverted or
21 withdrawn under the right. Public water systems shall provide public
22 notice before submitting a water system plan or major revisions to a
23 water system plan for approval under this chapter or under chapter
24 70.116 RCW. This section applies only to water systems for which a
25 water system plan must be approved under this chapter or chapter 70.116
26 RCW.

27 **Sec. 16.** RCW 90.48.495 and 1989 c 348 s 10 are each amended to
28 read as follows:

29 The department of ecology shall require sewer plans to include a
30 discussion of water conservation measures considered or underway that
31 would reduce flows to the sewerage system and an analysis of their
32 anticipated impact on public sewer service and treatment capacity.

33 **Sec. 17.** RCW 90.48.112 and 1997 c 444 s 9 are each amended to read
34 as follows:

1 The evaluation of any plans submitted under RCW 90.48.110 must
2 include consideration of opportunities for the use of reclaimed water
3 as defined in RCW 90.46.010. Wastewater plans submitted under RCW
4 90.48.110 must include a statement describing how applicable
5 reclamation and reuse elements will be coordinated as required under
6 RCW 90.46.120(2).

7 **Sec. 18.** RCW 90.46.120 and 1997 c 444 s 1 are each amended to read
8 as follows:

9 (1) The owner of a wastewater treatment facility that is reclaiming
10 water with a permit issued under this chapter has the exclusive right
11 to any reclaimed water generated by the wastewater treatment facility.
12 Use and distribution of the reclaimed water by the owner of the
13 wastewater treatment facility is exempt from the permit requirements of
14 RCW 90.03.250 and 90.44.060. Revenues derived from the reclaimed water
15 facility shall be used only to offset the cost of operation of the
16 wastewater utility fund or other applicable source of system-wide
17 funding.

18 (2) If the proposed use or uses of reclaimed water are intended to
19 augment or replace potable water supplies or create the potential for
20 the development of additional potable water supplies, such use or uses
21 shall be considered in the development of the regional water supply
22 plan or plans addressing potable water supply service by multiple water
23 purveyors. The owner of a wastewater treatment facility that proposes
24 to reclaim water shall be included as a participant in the development
25 of such regional water supply plan or plans.

26 (3) Where opportunities for the use of reclaimed water exist within
27 the period of time addressed by a water supply plan or coordinated
28 water system plan developed under chapter 43.20 or 70.116 RCW, these
29 plans must be developed and coordinated to ensure that opportunities
30 for reclaimed water are evaluated. The requirements of this subsection
31 (3) do not apply to water system plans developed under chapter 43.20
32 RCW for utilities serving less than one thousand service connections.

33 NEW SECTION. **Sec. 19.** A new section is added to chapter 90.03 RCW
34 to read as follows:

35 (1) On a pilot project basis, the department may enter into

1 watershed agreements with one or more municipal water suppliers in a
2 watershed to meet the objectives established in a water resource
3 management program approved or being developed under chapter 90.82 RCW.
4 The term of an agreement may not exceed ten years, but the agreement
5 may be renewed or amended upon agreement of the parties.

6 (2) Watershed agreements must be consistent with:

7 (a) Growth management plans developed under chapter 36.70A RCW
8 where these plans are adopted and in effect;

9 (b) Water supply plans and small water system management programs
10 approved under chapter 43.20 or 70.116 RCW;

11 (c) Coordinated water supply plans approved under chapter 70.116
12 RCW; and

13 (d) Water use efficiency and conservation requirements and
14 standards established by the state department of health or such
15 requirements and standards as are provided in an approved watershed
16 plan, whichever are the more stringent.

17 (3) A watershed agreement must:

18 (a) Require the public water system operated by the participating
19 municipal water supplier to meet obligations under the watershed plan;

20 (b) Establish performance measures and timelines for measures to be
21 completed;

22 (c) Provide for monitoring of stream flows and metering of water
23 use as needed to ensure that the terms of the agreement are met; and

24 (d) Require annual reports from the water users regarding
25 performance under the agreement.

26 (4) As needed to implement watershed agreement activities, the
27 department may provide or receive funding, or both, under its existing
28 authorities.

29 (5) The department must provide opportunity for public review of a
30 proposed agreement before it is executed. The department must make
31 proposed and executed watershed agreements and annual reports available
32 on the department's internet web site.

33 (6) The department must consult with affected local governments and
34 the state departments of health and fish and wildlife before executing
35 an agreement.

36 (7) Before executing a watershed agreement, the department must
37 conduct a government-to-government consultation with affected tribal

1 governments. The municipal water suppliers operating the public water
2 systems that are proposing to enter the agreements must be invited to
3 participate in the consultations. During these consultations, the
4 department and the municipal water suppliers shall explore the
5 potential interest of the tribal governments or governments in
6 participating in the agreement.

7 (8) Any person aggrieved by the department's failure to satisfy the
8 requirements in subsection (3) of this section as embodied in the
9 department's decision to enter a watershed agreement under this section
10 may, within thirty days of the execution of such an agreement, appeal
11 the department's decision to the pollution control hearings board under
12 chapter 43.21B RCW.

13 (9) Any projects implemented by a municipal water system under the
14 terms of an agreement reached under this section may be continued and
15 maintained by the municipal water system after the agreement expires or
16 is terminated as long as the conditions of the agreement under which
17 they were implemented continue to be met.

18 (10) The pilot project shall apply only in water resource inventory
19 area number one established under chapter 173-500 WAC as it exists on
20 the effective date of this section.

21 (11) Before December 31, 2003, and December 31, 2004, the
22 department must report to the appropriate committees of the legislature
23 the results of the pilot projects provided for in this section. Based
24 on the experience of the pilot project areas, the department must offer
25 any suggested changes in law that would improve, facilitate, and
26 maximize the implementation of watershed plans adopted under this
27 chapter.

28 NEW SECTION. **Sec. 20.** A new section is added to chapter 90.03 RCW
29 to read as follows:

30 The department may not enter into new watershed agreements under
31 section 19 of this act after July 1, 2008. This section does not apply
32 to the renewal of agreements in effect prior to that date.

33 NEW SECTION. **Sec. 21.** A new section is added to chapter 90.03 RCW
34 to read as follows:

35 The right to use water under an unperfected surface water right for

1 municipal water supply purposes or a portion thereof held by a
2 municipal water supplier may be changed or transferred in the same
3 manner as provided by RCW 90.03.380 if the change or transfer is
4 subject to a watershed agreement established under section 19 of this
5 act.

6 NEW SECTION. **Sec. 22.** The legislature does not intend to
7 appropriate additional funds for the implementation of this act and
8 expects all affected state agencies to implement this act's provisions
9 within existing funds.

10 NEW SECTION. **Sec. 23.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected."

14 Correct the title.

--- END ---