

HOUSE BILL REPORT

SHB 2307

As Passed Legislature

Title: An act relating to eligibility to serve as a commissioner of a water conservancy board.

Brief Description: Concerning appointment to a water conservancy board.

Sponsors: By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Schoesler, Linville, Sump, Cox, Delvin, Armstrong and Hinkle).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/14/04, 1/27/04 [DPS].

Floor Activity:

Passed House: 2/11/04, 95-0.

Passed Senate: 3/3/04, 48-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Identifies water supplies that do not count as water rights held by a person with regard to the person's eligibility to be appointed as the non-water right holding member of a water conservancy board.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler, Eickmeyer, Grant, Hunt, McDermott, Orcutt and Sump.

Staff: Kenneth Hirst (786-7105).

Background:

Historically, applications for modifying existing water rights were filed with and processed by the Department of Ecology (DOE) and its predecessor agencies. An alternative processing system was established with the enactment of legislation in 1997 authorizing water conservancy boards. These three or five-member boards may be created by county legislative authorities with the approval of the DOE. The county legislative authorities appoint the members, called commissioners, of their boards. A board may process applications for

transfers, changes, and amendments of existing surface and ground water rights. The decisions made by a board on the applications are subject to approval or disapproval by the DOE.

The laws authorizing the boards include provisions for prohibiting conflicts of interest by the members of the boards in their consideration of applications. In appointing the members of a board, a county must appoint at least one member who is not a water right holder.

The surface and ground water codes require persons wishing to establish a new right to divert or withdraw and use water to apply for and receive a permit for doing so from the DOE. Exempted from this permit requirement are certain withdrawals of ground water, including withdrawing not more than 5,000 gallons per day for residential use.

Summary of Substitute Bill:

For the purposes of determining a person's eligibility to be appointed as the non-water right holding commissioner of a water conservancy board, a person is not considered to be a water right holder:

- if the person receives his or her water from a municipal water supplier; or
- if the only water right held by the person is an "exempt well" right for the residential use of water and that right is for water from a well located in a county with a population that is not greater than 150,000 people.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (1) Two rural counties have found it difficult to find people eligible and interested in serving as commissioners of water conservancy boards. The bill addresses one of the problems. (2) In another county, most of those responding to an announcement requesting people to apply for appointment to the county's board did not want to apply once they learned of the workload of the board.

Testimony Against: None.

Persons Testifying: (In support) Representative Schoesler, prime sponsor; and Chris Cheney.

Persons Signed In To Testify But Not Testifying: None.