
**Agriculture & Natural
Resources Committee**

2SSB 5024

Brief Description: Concerning public water systems.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Honeyford and Hale).

Brief Summary of Second Substitute Bill

- Identifies which water rights are held for municipal water supply purposes for the water code and identifies where water under such a right may be used and how many people or service connections may be served under the right.
- Requires the Department of Health to conduct a water conservation study and to report to the Legislature regarding it.

Hearing Date: 3/28/03

Staff: Kenneth Hirst (786-7105).

Background:

With certain exceptions, the state's water laws require a water right to be used or be relinquished. A person who abandons the right or voluntarily fails to beneficially use it or a part of it for any period of five successive years is to relinquish the right or portion not used unless the nonuse is exempted from relinquishment or is the result of certain statutorily listed "sufficient causes." Among the rights exempted are those claimed for municipal water supply purposes.

The State Board of Health is directed by state law to adopt rules regarding public water supply systems. Under these rules, certain public water systems are required to submit water system plans or small water system management programs to the Department of Health (DOH) for review and approval. Other law requires the development of coordinated water system plans for critical water supply areas.

Under the public water system laws, a group A water system is one serving at least 15

single-family residences that has 15 or more service connections, regardless of the number of people served, or that serves an average of 25 or more people per day for 60 or more days within a calendar year, regardless of the number of service connections.

Summary of Bill:

Municipal Water Supplies. A water right that is held for "municipal water supply purposes" is defined for the water code. It is any beneficial use or anticipated beneficial use for which water is provided by a municipal water supplier. Such a supplier is a purveyor that: owns or operates a group A water system that is entitled or obligated to serve existing or additional customers and uses within its approved water service areas or areas as allowed under an applicable land use plan and has an approved water system plan. Such a supplier is also: an irrigation district; a county appointed as the receiver of a failing water system, approved as a satellite system management agency, or that holds water rights for use in its own governmental or proprietary operations; or a city, town, or county that holds rights for use in its own governmental or proprietary operations. (Section 1.)

For a municipal water supplier's public water system, the maximum number of service connections, or maximum population to be served, or size or location of the place of use, as described or specified on a water right application, permit, certificate, or claim or as described or specified in related supporting documents may not be an attribute limiting exercise of the water right if an annual quantity limit can be determined from the permit, certificate, or claim.

If a water system plan is required to be approved for the water system, the number of service connections or population served under the water right may be further expanded only when the water system is in compliance with the requirements of its approved water system plan. The place of use of the water rights is the service area described in the system's approved water system plan, as it may be amended from time to time. The purpose of use of any water rights held by a municipal water supplier for a public water system is a municipal water supply purpose. The DOE must modify water right records as necessary as individual records come up for review.

Water Conservation Study. The DOH must, in cooperation with its existing water supply advisory committee, examine current and historical water conservation efforts and evaluate the overall effectiveness, including cost-effectiveness, of such efforts. The examination should review: different approaches taken to conserve water; efforts taken throughout the state by large and small public water systems; costs of conservation and the impact of such costs on rates; and methods of recovering the costs of conservation. The DOH must report its findings and recommendations to the Legislature by December 1, 2003.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: If specific funding for the purposes of this act is not provided by June 30, 2003, in the omnibus appropriations act, this act is null and void.