

SENATE BILL REPORT

SHB 2307

As Reported By Senate Committee On:
Natural Resources, Energy & Water, February 18, 2004

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

Brief History:

Committee Activity: Natural Resources, Energy & Water: 2/18/04 [DP].

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: Do pass.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Honeyford, Oke and Regala.

Staff: Evan Sheffels (786-7486)

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 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 DOE.

The laws authorizing the boards include provisions for prohibiting conflicts of interest by board members 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 from DOE. Certain withdrawals of ground water are exempt from this permit requirement, including withdrawing not more than 5,000 gallons per day for residential use.

Summary of 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 of 150,000 or less.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Two rural counties, where most folks use exempt wells, have found it difficult to find people eligible and interested in serving as water conservancy board commissioners.

Testimony Against: None.

Testified: Representative Schoesler, prime sponsor (pro).