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SENATE BILL 5577

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State of Washington

54th Legislature

1995 Regular Session

By Senators Swecker, Rasmussen, Morton, Wood, Moyer, Hochstatter, Palmer, Schow and Roach

Read first time 01/27/95. Referred to Committee on Senate Select Committee on Water Policy.

1 AN ACT Relating to a general permit system for appropriating  
2 agricultural and multi-unit residential water; adding new sections to  
3 chapter 90.03 RCW; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the present delay  
6 in the processing of water right applications is not beneficial to the  
7 citizens of the state nor is it in keeping with the goal of managing  
8 the resource to the highest possible standard and maximum net benefit.

9 The legislature further finds that a general, streamlined permit  
10 processing system would result in diminished reliance on single-family  
11 residence wells and more widespread use of group water systems, thus  
12 resulting in fewer wells and a greater efficiency in the allocation and  
13 use of water.

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

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 90.03 RCW  
2 to read as follows:

3        (1) The department shall develop a general permit system for  
4 appropriating water for agricultural and multi-unit residential uses.  
5 These systems must be designed and used to streamline the consideration  
6 of applications for agricultural and multi-unit residential water uses.  
7 The general permit system must be applicable state-wide, and all waters  
8 of the state shall be eligible for coverage under the system unless the  
9 department in consultation with the affected county or counties  
10 determines that insufficient waters are available in a specific area to  
11 allow additional allocations. The evaluation and report required for  
12 an application under RCW 90.03.290 are not required for applications  
13 processed under the general permit system. For the purposes of this  
14 section:

15        (a) "Agricultural use" means a use of not more than one-tenth of  
16 one cubic foot per second of ground water or water collected from  
17 artesian wells or springs, where there is an historical pattern of use,  
18 for any purpose generally accepted as integral to agricultural  
19 production;

20        (b) "Multi-unit residential use" means a use of not more than one-  
21 tenth of one cubic foot per second of ground water to provide domestic  
22 water to housing developments of more than one unit; and

23        (c) "Ground water" means all waters that exist beneath the land  
24 surface within the boundaries of this state, whatever may be the  
25 geological formation or structure in which such water stands or flows,  
26 percolates, or otherwise moves.

27        (2) The department shall, by January 1, 1996, establish the general  
28 permit system by adopting rules in accordance with chapter 34.05 RCW.  
29 Before the adoption of rules for a system, the department shall consult  
30 with representatives of the following interest groups: Agriculture;  
31 aquaculture; home construction and development; county government; city  
32 government; tribal governments; and the environmental community. At  
33 least four public hearings must be held at various locations around the  
34 state. The rules must identify criteria for proposed uses of water for  
35 which applications might be processed under the system and must  
36 establish procedures for filing and processing applications under the  
37 general permit system.

38        (3) The fee for general permits authorized under chapter . . . ,  
39 Laws of 1995 (this act) shall be the same as the fee charged on the

1 same quantity of water now or hereafter established under chapter 90.03  
2 RCW.

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

5 An application for appropriating water under the general permit  
6 system established under section 2 of this act must be made on a form  
7 adopted and provided by the department. Within sixty days of receipt  
8 of a completed application, the department shall determine whether the  
9 proposed use is eligible to be processed under the general permit  
10 system. If the department determines that the proposed use is eligible  
11 to be processed under the system, the application must be processed  
12 under the system within the next sixty days. The priority date of the  
13 water right established pursuant to this section shall be the date that  
14 the application is submitted. If the department determines that the  
15 proposed use is not eligible for the processing, the department shall  
16 explain to the applicant in writing the reasons for its determination.  
17 For a proposed use determined ineligible for the processing, if the  
18 department finds that the information contained on the application form  
19 substantially satisfies the information requirements for an application  
20 for a use that would normally be filed for processing the application  
21 outside of the general permit system, the department shall notify the  
22 applicant of its finding and shall process the application as if it  
23 were filed for processing outside of the system. If the department  
24 finds that the information does not substantially satisfy the  
25 requirements, the application must be considered to be incomplete for  
26 the processing and the applicant must be notified of this  
27 consideration.

28 NEW SECTION. **Sec. 4.** Nothing in sections 2 and 3 of this act  
29 authorizes the impairment or operates to impair any existing water  
30 rights. A water right holder under sections 2 and 3 of this act shall  
31 not make withdrawals that impair a senior water right. A holder of a  
32 senior water right who believes his or her water right is impaired may  
33 file a complaint with the department of ecology. Where such complaints  
34 of impairment have been received, the department of ecology shall make

1 all reasonable efforts to resolve them in a timely manner through  
2 agreement of the parties or through available administrative remedies.

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