
SENATE BILL 5005

State of Washington

65th Legislature

2017 Regular Session

By Senators Padden, Takko, and Warnick

Prefiled 12/12/16.

1 AN ACT Relating to identifying certain water rights held by
2 municipal water suppliers as water rights available for municipal
3 water supply purposes; amending RCW 90.03.560; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that
7 certain irrigation water rights held by municipal water suppliers in
8 critical water supply service areas with developing residential,
9 commercial, or industrial areas should be available for use by those
10 municipal water suppliers for municipal water supply purposes.
11 Municipal water suppliers operating in the counties identified in
12 this act have encountered severe difficulties in ensuring that they
13 will be able to provide needed water for municipal water supply
14 purposes to communities in those areas, many of which have continued
15 to experience above-average population growth in recent years. The
16 legislature intends to relieve the burden on those communities, which
17 are uniquely dependent on the ability of irrigation districts and
18 others to serve as municipal water suppliers, by permitting municipal
19 water suppliers to have water rights amended by the department of
20 ecology to identify certain irrigation water rights as being
21 available for municipal water supply purposes.

1 (2) The legislature further intends that, once identified as
2 water rights available for municipal water supply purposes, the water
3 rights should be retained by the municipal water supplier to be used
4 for future growth, or, if not retained, only transferred among
5 municipal water suppliers that are using the same waterbody as the
6 source of water for municipal water supply purposes in a critical
7 water supply service area, for future growth.

8 (3) This act is consistent with the general declaration of water
9 utilization and management fundamentals expressed in RCW 90.54.020
10 because it encourages the development of water supply systems that
11 provide water to the public generally in regional areas within the
12 state.

13 **Sec. 2.** RCW 90.03.560 and 2003 1st sp.s. c 5 s 3 are each
14 amended to read as follows:

15 (1) When requested by a municipal water supplier or when
16 processing a change or amendment to the right, the department shall
17 amend the water right documents and related records to ensure that
18 water rights that are for municipal water supply purposes, as defined
19 in RCW 90.03.015, are correctly identified as being for municipal
20 water supply purposes. This section authorizes a water right or
21 portion of a water right held or acquired by a municipal water
22 supplier that is for municipal water supply purposes as defined in
23 RCW 90.03.015 to be identified as being a water right for municipal
24 water supply purposes. However, it does not authorize any other water
25 right or other portion of a right held or acquired by a municipal
26 water supplier to be so identified without the approval of a change
27 or transfer of the right or portion of the right for such a purpose.

28 (2) Notwithstanding subsection (1) of this section, upon request
29 by a municipal water supplier the department shall amend the water
30 right documents and related records to identify irrigation purpose of
31 use water rights or agricultural irrigation purpose of use water
32 rights, or such portions of water rights, as being for municipal
33 water supply purposes without reducing the amount of water available
34 under the water rights if:

35 (a) The irrigation or agricultural irrigation purpose of use
36 water rights were acquired by the municipal water supplier prior to
37 September 9, 2003;

1 (b) The irrigation or agricultural irrigation purpose of use
2 water rights are not currently being used for commercial agricultural
3 purposes; and

4 (c) The amended water rights will be used within a critical water
5 supply service area under a coordinated water system plan, as defined
6 in RCW 70.116.030.

7 (3) A municipal water supplier operating under a coordinated
8 water system plan may transfer all or a portion of water rights that
9 were amended and identified as being for municipal water supply
10 purposes under subsection (2) of this section to other municipal
11 water suppliers that are operating under the coordinated water system
12 plan and using water from the same waterbody as the transferor.

13 (4) A municipal water supplier that owns or operates separate
14 water systems using water from the same waterbody and operating under
15 a coordinated water system plan may transfer all or a portion of
16 water rights that were amended and identified as being for municipal
17 water supply purposes under subsection (2) of this section for use in
18 any of the municipal water supplier's water systems.

19 (5) Subsections (2) through (4) of this section do not limit the
20 ability of a municipal water supplier to apply for a change or
21 transfer of any water right or portion of a water right.

22 (6) Subsections (2) through (5) of this section only apply in
23 counties east of the crest of the Cascade mountain range with a
24 population greater than four hundred fifty thousand.

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