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SENATE BILL 6581

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State of Washington

61st Legislature

2010 Regular Session

By Senators Swecker and Pridemore

Read first time 01/18/10. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to expanding the role of water conservancy boards;  
2 adding a new section to chapter 90.80 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds:

5 (1) A substantial backlog currently exists for water rights  
6 applications in Washington state;

7 (2) Due to a recent reduction to the department of ecology's water  
8 rights processing budget, the backlog is not likely to decline unless  
9 an alternative means of processing at least portions of water rights  
10 applications is established; and

11 (3) The state should expedite the issuance of a water right  
12 certificate for water rights applications by authorizing the water  
13 conservancy boards to do a final examination of a project.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.80 RCW  
15 to read as follows:

16 (1) Upon completion of a water appropriation and putting water to  
17 beneficial use, in order to receive a final water right certificate,  
18 the permit holder must obtain a final examination of the project to

1 verify its completion and to determine and document the amount of water  
2 that has been appropriated for beneficial use, the location of  
3 diversion or withdrawal and conveyance facilities, and the actual place  
4 of use. A board may carry out a final examination of the project for  
5 a permit holder and submit the report to the department. The board  
6 shall take measurements or make estimates of the maximum diversion or  
7 withdrawal, the capacity of water storage facilities, the acreage  
8 irrigated, the type and number of residences served, the type and  
9 number of stock watered, and other information relevant to making a  
10 final determination of the amount of water beneficially used. The  
11 board shall take photographs of the facilities to document the use or  
12 uses of water and the photographs must be submitted with the examiner's  
13 report to the department. The department shall specify the format and  
14 required content of the reports and may provide a form for that  
15 purpose.

16 (2) The decision regarding whether to issue a final water right  
17 certificate and in what amounts and other particulars is solely the  
18 responsibility and function of the department.

19 (3) The director shall review the final examination of a project by  
20 the board and shall affirm, reverse, or modify the action of the board  
21 within forty-five days of receipt. The forty-five day time period may  
22 be extended for an additional thirty days by the director or at the  
23 request of the board or applicant. If the director fails to act within  
24 the prescribed time period, the board's record of decision becomes the  
25 decision of the department and is appealable as provided by RCW  
26 90.80.090. If the director acts within the prescribed time period, the  
27 director's decision to affirm, modify, or reverse is appealable as  
28 provided by RCW 90.80.090, and the director's decision to remand is  
29 appealable as provided by RCW 90.80.120(3)(b).

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