

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 02/25/16

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 02/25

Vote:

Yeas: 4 - Beyer, Boquist, Burdick, Ferrioli

Nays: 1 - Rosenbaum

Prepared By: Erin Seiler, Committee Administrator

WHAT THE MEASURE DOES:

Changes water management and conservation plan approval condition for extension of time to construct works or perfect right for municipal use of water. Defines “undeveloped portion of permit” to mean portion of water right permit that is difference between maximum rate or duty of water authorized by permit and maximum rate or duty of water diverted for beneficial use as of later of December 11, 2010 or time specified in permit, or in last-approved extension of time, to perfect water right. Stipulates that measure applies to extensions of time approved on or after effective date of Act. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Timeline to demonstrate full use of permit
- Effect of Court of Appeals decision on interpretation of permit extension statutes
- Proposed amendment
- Fish persistence standards on pre-1998 permit holders
- Municipal water use in comparison to total water usage
- Investments by communities in their water systems

EFFECT OF COMMITTEE AMENDMENT:

Changes definition of “undeveloped portion of the permit” to mean portion of water right permit that is difference between maximum rate or duty of water authorized by permit and maximum rate or duty of water diverted for beneficial use as of later of December 11, 2010 or time specified in permit, or in last-approved extension of time, to perfect water right.

BACKGROUND:

A municipality must obtain a water right permit from Water Resources Department (WRD) before it can divert and use surface water or groundwater. Under a permit, a municipality has 20 years to complete construction of the facilities necessary to divert and use the water for the authorized uses (known as “perfection” of the right). After a municipality submits evidence showing the water has been used in compliance with permit conditions, WRD issues a water right certificate and the municipality then has a vested water right. Under current law, WRD may grant an extension to a municipal use permit holder to allow more time to complete construction or to perfect its water right with certain conditions.

Senate Bill 1584-A requires that time extensions are conditioned to require WRD approval of a water management and conservation plan before a municipality may divert the undeveloped portion of a water permit.