

Subject: The reservation of water for future use for public water systems

Purpose: Explain the background of and details required by the future use regulation. This information will allow DSHS staff to assist public water supplies in assessing the need and feasibility of requesting reservation of future water supply.

GUIDELINE

Background and Explanation

The State of Washington Department of Ecology (WDOE) has adopted a "future use" regulation (Chapter 173-590 WAC). This establishes a process to reserve water for a future use for public water supply. This process is provided for in the Water Resources Act of 1971 (Chapter 90.54 RCW).

Any individual, municipality, public or private entity who operates a public water supply system, or who contemplates such an operation, may request that the WDOE reserve a certain amount of surface or ground water, within a given geographical area, in order to assure that the area has an adequate future water supply.

It is emphasized that this reservation process is not a substitute for acquiring a water right for use of the state's waters. Generally, if a public water supplier is planning to begin construction of a water system within three years, an application for a water right should be filed instead of a petition for reservation.

It is strongly urged that anyone contemplating a request for reservation of future water supply initiate three important contacts before proceeding:

1. Discuss the proposal with WDOE to determine whether it is appropriate to file a petition for reservation or an application for water right.
2. Discuss the proposal with the Department of Social and Health Services (DSHS) and obtain an outline of items to be addressed in the Coordinated Water System Plan.
3. Discuss the proposal with neighboring public water suppliers within the general geographical area to obtain their attitude and cooperation.

The Requirements

A Coordinated Water System Plan must be approved by DSHS prior to its submittal to WDOE.

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If a water supplier elects to take advantage of this regulation (Chapter 173-590 WAC), two items must be submitted to WDOE.

1. An approved Coordinated Water System Plan
2. A satisfactorily completed petition

The Plan

A Coordinated Water System Plan is intended to document three primary items:

1. The quantity and quality of water which will be needed in the geographical area for future uses.
2. Existence of a program for efficient future use of the water resource for public supply available to the geographical area.
3. Cooperation and appropriate coordination between the water utilities within the geographical area.

The Coordinated Water System Plan consists of two parts, each of which must be approved by DSHS.

1. A water system plan or plans which cover each utility in the geographical area, and which is/are consistent with the topics set forth in Chapter 248-54 WAC.
2. A supplement to the individual plans, prepared as a cooperative effort by the water utilities involved in the geographical area, which addresses regional water system concerns such as the possibility of joint-use facilities, service area boundaries, area-wide design standards, and emergency interties.

A water system plan which has previously been approved by DSHS will satisfy the first item above. Smaller water systems within the area may elect to arrange with another system to be covered in their water system plan.

If only one water system exists in the geographical area, and it is operating under an approved water system plan, the only additional requirement would be an appendix to that plan addressing the regional concerns.

If many water systems exist in the geographical area, they may arrange for the preparation of a joint plan covering both of the above items.

The Petition

The regulation requires that anyone who plans to reserve water for public supply file a Petition for Reservation of Public Waters.

The completed petition, along with the approved Coordinated Water System Plan, is filed by the petitioner with the Water Resources Management Section at the WDOE Headquarters Office in Olympia.

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Upon receipt of a completed petition form, WDOE sends copies to the appropriate WDOE Regional Office and DSHS for comments. The WDOE Regional Office and DSHS responses are sent to WDOE Headquarters.

If necessary, the petition will be returned to the petitioner for further information to make it acceptable. When the petition is accepted, WDOE prepares a legal notice and publishes it in a qualified newspaper having general circulation in the county or counties within the given geographical reservation area.

A copy of the legal notice is also sent to DSHS, WDOE Regional Office and the Departments of Fisheries and Game. The notice is published once a week for two consecutive weeks. The cost of publication is paid by WDOE.

WDOE investigates the petition to determine the surrounding impacts of the proposal. The petitioner is then notified of the action to be taken on the petition.

If the results of the investigation are favorable, WDOE will proceed with development of a regulation to withdraw or reserve the waters for future public use. DSHS will assist WDOE in the development of the regulation.

The effective date of the reservation shall be the effective date of the regulation.

Approved by: David W. Luchty Date: 12/11/87