



## Fact Sheet

### *Municipal Water Law*

# Expanding a water right's place of use

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DOH 331-367  
(Revised)

The 2003 Municipal Water Law allows a municipal water supplier to expand its water right's place of use to a service area identified in a Department of Health (DOH) approved planning or engineering document. To receive this benefit, the municipal water supplier must meet three criteria and include additional information in its planning or engineering documents.

### Three criteria

1. The municipal water supplier's planning or engineering document must be "not inconsistent" with adopted local plans and development regulations.
2. The municipal water supplier's planning or engineering document must be "not inconsistent" with adopted watershed plans.
3. The municipal water supplier must comply with the terms of its water system plan or small water system management program.

**RCW 90.03.386** *Coordinating approval procedures for compliance and consistency with approved water system plan.*

### Information in planning or engineering documents

#### Local Plans and Development Regulations

The change in place of use must not be inconsistent with adopted local plans and development regulations. Consistency determinations must evaluate local comprehensive plans, land use plans, six-year growth projections, service extension ordinances, new water service provisions, and other elements DOH determines related to water system planning.

Municipal water suppliers must ask local governments to determine consistency. If the local government does not complete the consistency review, the municipal water supplier must document its efforts to obtain a local review and then determine consistency itself.

#### Watershed Plans

The change in place of use must not be inconsistent with adopted watershed plans. Consistency applies to watershed plans approved under 90.82 RCW\* or comprehensive watershed plans adopted after September 9, 2003, under RCW 90.54.040(1)\*\*. Department of Ecology is responsible for watershed planning consistency determinations. We will forward water system plans to Ecology for review and determination of watershed planning consistency.

\* *Watershed planning -formerly water resource management*

\*\* *Comprehensive state water resources program. Modifying and adopting regulations and statutes*



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## **In Compliance**

Municipal water suppliers must comply with the terms of their water system plan or small water system management program. We will determine compliance when we review the planning document.

## **For More Information**

If you have technical questions or concerns, contact:

Linda Kildahl, Technical Assistant to Field Operations

Phone: (360) 236-3186

E-mail: [linda.kildahl@doh.wa.gov](mailto:linda.kildahl@doh.wa.gov)

Additional fact sheets on the Municipal Water Law are online at

[http://www.doh.wa.gov/ehp/dw/municipal\\_water/plan\\_eng.htm](http://www.doh.wa.gov/ehp/dw/municipal_water/plan_eng.htm)

