



Washington Association of Sewer & Water Districts

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Water Rights

Municipal water rights are the underpinning of adequate drinking water for the demands of residents and businesses around the state. As stewards of water resources, drinking water providers are careful to balance the needs of people with the needs of the environment through water conservation. Nonetheless, water resources are limited. This makes water rights issues such as water transfers, use of inchoate water rights, trust water rights, water resource mitigation so important. Laws set by the state legislature, policy and rules developed by the state Department of Ecology, and legal cases adjudicated in the courts, steer how water rights in Washington state are administered.

Of particular importance is the Municipal Water Law (MWL). The MWL was approved by the legislature in 2003 with the intent to provide certainty and flexibility for municipal water rights. The law made the unused (inchoate) portion of a municipal water right of a pumps and pipe water right in good standing. This was important, and continues to be, for drinking water to be available for water demands into the future.

WASWD participates in the Water Resources Advisory Committee in addition to active engagement in the Washington Water Utility Council to track water rights issues. Concerns over the years about how the Department of Ecology has implemented Policy 2030 that is used in the implementation of the MWL have been heightened recently with the proposal to update the policy in a way that increases uncertainty and would allow the Department to exercise authority not provided in the MWL. WASWD supports the WWUC analysis of that policy and submitted its own comment letter.