



DATE: December 29, 2025

TO: Kathleen Buchli, Code Reviser

FROM: Tami Thompson, Regulatory Affairs Manager

SUBJECT: Rescind Interpretive Statement | Non-emergency Public Water System Interties Filed as WSR 01-11-161

This memo serves as notice that the Department of Health (department) is rescinding an interpretive statement titled “Non-emergency Public Water System Interties” filed May 23, 2001, and published as WSR 01-11-161.

This statement clarified requirements in WAC 246-290-132 in relation to RCW 90.03.383(2)(a). The department is rescinding this policy due to adopted changes to WAC 246-290-132 for water system interties. Consequently, this interpretive statement is no longer necessary.

Individuals requiring additional information on this should contact Mike Means, Water Quality, Policy, and Certification Manager for the Office of Drinking Water at mike.means@doh.wa.gov.

Thank you for your attention to this matter.

cc: Mike Means, Water Quality, Policy, and Certification Manager

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 27, 2026

TIME: 2:33 PM

WSR 26-04-050



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
PO Box 47879 • Olympia, Washington 98504-7879

April 30, 2001

To: Interested Parties
From: Alan Rowe
Subject: Interpretative Statement Summary

Title of Interpretive Statement: Non-emergency Public Water System Interties

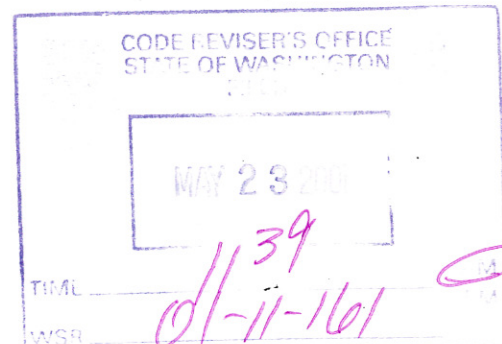
Issuing Entity: Alan Rowe, Operations Manager
Division of Drinking Water

Description of Subject Matter:

This statement clarifies requirements in WAC 246-290-132 in light of RCW 90.03.383(2)(a). The Department of Health (DOH) will recognize that there may be interconnections between two water systems that do not meet the definition of an intertie under RCW 90.03.383. However, any proposed interconnections between two water systems that permit the exchange or delivery of water between them will need to meet the requirements for interties in WAC 246-290-132. This statement also clarifies the water rights assurance requirements needed by DOH per WAC 246-290-130(3)(b) for each system connected by an intertie.

Division Contact: Ethan Moseng
Division of Drinking Water
POB 47829
Olympia, WA 98504-7829
(360) 236-3562

Effective Date: April 30, 2001



Consistency Statement

April 30, 2001

Topic: Non-emergency Public Water System Interties

Section: WAC 246-290-132

Purpose: To clarify requirements in WAC 246-290-132 in light of RCW 90.03.383(2)(a). This statement is not intended to conflict with the May 1999 "Public Water System Interties Information Paper".

Issue/Question: The Department of Health (DOH) and Department of Ecology (Ecology) have a Memorandum of Understanding (MOU), effective on June 1, 1999, that details how they will cooperate on matters of joint interest, including treatment of interties. In a joint letter from DOH and Ecology, dated April 14, 2000, to Bob Alberts, Chair of the Washington Water Utility Council (hereafter referred to as the joint letter), Ecology states that one of the planned revisions to the MOU "will be to make the MOU better reflect the more definitive information contained in this letter." Until the MOU is revised, should DOH consider the statements contained in the joint letter, in effect, as amendments to the MOU and refer to them when dealing with interties?

Discussion: The joint letter states that "Ecology does not consider connections to different public water systems that lie within a given purveyor's designated place of use to be interties requiring changes in water rights under 90.03.383 RCW. Ecology reaffirms its position that a public water system can provide water service anywhere within the place of use described in its water rights without the need to submit an application for change. Lacking a clearly-specified place of use, Ecology will recognize the current service area as the authorized place of use, as long as the service area is consistent with the original intent and authorizations contained in the water right record."

The joint letter goes on to state that "Health's perspective is that its involvement with approving interties is focused on water system management (agreements), design (construction documents), and reliability. DOH's position is that any interconnections between two different public water systems are considered interties, and the public health requirements of Chapters 43.20 and 70.119A RCW, and Chapter 246-290 WAC, must be met before construction of the intertie can begin."

WAC 246-290-130(3)(b) requires that parties proposing a new source of supply demonstrate that it may legally be used in conformance with state water rights laws. This is usually in the form of a water right permit, certificate, or claim. For interties, the water right usually is held by the supplying system (supplier), and not by the purchaser proposing to construct the intertie. The purchaser should not be asked to provide a legal assessment of the use of the supplier's water in the purchaser's service area. The supplier should, however, be able to provide a letter indicating that use of the water provided to the purchaser conforms with the state's water rights laws.

Decision:

- DOH will recognize that there may be interconnections between two water systems that do not meet the definition of an intertie under RCW 90.03.383. However, any proposed interconnections between two water systems that permit the exchange or delivery of water between them will need to meet the requirements for interties in WAC 246-290-132.
- When one public water system purchases water from another public water system to serve new growth, a letter from the supplier may suffice for water rights assurance, provided that the intertie is addressed in the Water System Plans (WSPs) for both systems, and the letter states that the supplier has adequate water rights and the provision of water to the purchaser would not violate any state water rights laws. DOH may require the system to provide assurance from Ecology that water rights are not an issue, and will defer to Ecology's conclusions and processes.
- If WSPs need to be revised, a letter update may suffice for the supplier, provided that it states that the service area is consistent with the original intent and authorizations contained in the water right record.