
SENATE BILL 5905

State of Washington

55th Legislature

1997 Regular Session

By Senators Swecker and Winsley

Read first time 02/19/97. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to aquatic weed control; amending RCW 90.24.010,
2 90.24.020, 90.24.040, and 90.24.066; adding a new section to chapter
3 90.48 RCW; adding a new section to chapter 90.58 RCW; and providing an
4 expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 90.24.010 and 1985 c 398 s 28 are each amended to read
7 as follows:

8 Ten or more owners of real property abutting on a meandered lake
9 may petition the superior court of the county in which the lake is
10 situated, for an order to provide for the regulation of the outflow of
11 the lake in order to maintain a certain water level therein and to
12 authorize other lake management objectives authorized in this chapter.
13 The court, after hearing, is authorized to make an order fixing the
14 water level thereof and directing the department of ecology to regulate
15 the outflow therefrom in accordance with the purposes described in the
16 petition. This section shall not apply to any meandered lake or
17 reservoir used for the storage of water for irrigation or other
18 beneficial purposes, or to lakes navigable from the sea.

1 **Sec. 2.** RCW 90.24.020 and 1939 c 107 s 3 are each amended to read
2 as follows:

3 Such petition shall contain a complete description of the property
4 surrounding said lake with the number of front feet contained in each
5 tract with the name of the owner thereof and his address together with
6 a brief statement of the reasons and necessity for such application;
7 that the level sought to be established will in no ((wise)) way
8 interfere with the navigability of said lake or in any manner affect or
9 interfere with fish or game fish which may be then contained or may
10 thereafter be deposited in said lake, but that in order to protect fish
11 or game fish in said lake the construction of fish ladders or other
12 devices may be required to conserve and protect such fish or game fish,
13 and to request such lake management objectives authorization as is
14 requested by the lake front property owners, then in that event the
15 property owners to be benefited by the establishment of said water
16 level or management objectives in such lake shall be required to pay
17 the cost thereof, in proportion to lineal feet of water front owned by
18 each.

19 **Sec. 3.** RCW 90.24.040 and 1985 c 398 s 29 are each amended to read
20 as follows:

21 At the hearing evidence shall be introduced in support of the
22 petition and all interested parties may be heard for or against it.
23 The court shall make findings and conclusions and enter an order
24 granting or refusing the petition, and if the petition is granted,
25 shall fix the water level to be maintained and direct the department of
26 ecology to regulate and control the outflow of the lake so as to
27 properly maintain the water level so far as practicable within maximum
28 and minimum limits when the proper control devices are installed, and
29 shall authorize such lake management proposals requested by waterfront
30 owners as it deems appropriate: PROVIDED, That the court shall have
31 continuing jurisdiction after a petition is once granted and shall,
32 upon subsequent petition filed and heard in accordance with the
33 preceding sections, make such further findings and conclusions and
34 enter such further orders as are necessary to accomplish fully the
35 objectives sought in the initial petition: AND PROVIDED FURTHER, That
36 shall the court find any such riparian owners abutting on a stream or
37 river flowing from such lake be adversely affected in any way by the
38 granting of such a petition, such petition shall be refused.

1 **Sec. 4.** RCW 90.24.066 and 1988 c 133 s 1 are each amended to read
2 as follows:

3 A superior court may (~~continue its jurisdiction over weed control~~
4 ~~in those lakes that had been under the court's jurisdiction for such~~
5 ~~purposes prior to July 28, 1985~~) authorize the use of assessment funds
6 requested by the petition of the waterfront owners for (1) the control
7 or removal of aquatic plants and vegetation; (2) water quality; (3) the
8 control of water levels; (4) storm water diversion and treatment; (5)
9 agricultural waste control; (6) studying lake water quality problems
10 and solutions; (7) cleaning and maintaining ditches and streams
11 entering or leaving the lake; (8) water safety and petitioning local
12 government for water safety regulation; and (9) the related
13 administrative, engineering, legal, and operational costs of the
14 organization or persons whom the court authorizes to act. The
15 continuing jurisdiction of a superior court for (~~such weed control~~)
16 lake management purposes shall be subject to the provisions of this
17 chapter ((90.24 RCW)) in the same manner as the continuing jurisdiction
18 of a superior court over the maintenance of lake water levels and shall
19 be applicable to proceedings in effect on the effective date of this
20 section.

21 The superior court shall hold hearings under RCW 90.24.040 whenever
22 subsequent petitions are filed with it concerning (~~weed control~~) lake
23 management on a lake over which it has continuing jurisdiction for
24 (~~weed control~~) lake management purposes. If the court finds that the
25 (~~weed control~~) lake management proposals are in the best interests of
26 the abutting property owners, it shall determine what measures should
27 be taken to accomplish these objectives, the probable annual cost
28 thereof, and by its order apportion the cost among the persons whose
29 property abuts on the lake in proportion to the lineal feet of
30 waterfront owned by each, which sum shall constitute a lien against the
31 real property. The court and its authorized organizations and persons
32 are not required to obtain permits to accomplish the lake management
33 proposals authorized if such proposals are within the requirements and
34 regulations of the federal environmental protection agency and
35 applicable regulation specifically authorized by the legislature. The
36 departments of ecology and fish and wildlife shall submit to the court
37 any evidence that they may have with respect to the proposals without
38 any presumption of expertise or competence. Payments of these sums
39 shall be made to the county treasurer who shall place these payments

1 into a special fund to be known as "Lake weed removal
2 fund." The court shall appoint a suitable organization or person, to
3 be compensated by the property owners, to undertake (~~weed control~~)
4 lake management activities as decreed by the court.

5 NEW SECTION. Sec. 5. A new section is added to chapter 90.48 RCW
6 to read as follows:

7 The procedural requirements of this chapter do not apply to
8 proceedings determining and implementing lake management practices
9 authorized by court decree pursuant to chapter 90.24 RCW. The
10 treatment of lakes with federally registered pesticides in accordance
11 with their respective label requirements shall not be considered
12 pollution as defined in this chapter.

13 NEW SECTION. Sec. 6. A new section is added to chapter 90.58 RCW
14 to read as follows:

15 The procedural requirements of this chapter do not apply to
16 proceedings determining and implementing lake management practices
17 authorized by court decree pursuant to chapter 90.24 RCW. The
18 treatment of lakes with federally registered pesticides in accordance
19 with their respective label requirements shall not be considered
20 pollution as defined in chapter 90.48 RCW.

21 NEW SECTION. Sec. 7. This act expires December 31, 1999.

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