

# SENATE BILL REPORT

## 2SSB 6336

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As Passed Senate, February 13, 1996

**Title:** An act relating to the water resources board.

**Brief Description:** Establishing the water resources board.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen, Winsley, Haugen, Swecker, Morton and Sutherland).

**Brief History:**

**Committee Activity:** Ecology & Parks: 1/23/96, 1/26/96, 2/2/96 [DPS-WM].  
Ways & Means: 2/6/96 [DP2S].  
Passed Senate, 2/13/96, 48-1.

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### SENATE COMMITTEE ON ECOLOGY & PARKS

**Majority Report:** That Substitute Senate Bill No. 6336 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

**Staff:** Gary Wilburn (786-7453)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 6336 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Moyer, Pelz, Quigley, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

**Staff:** Cathy Baker (786-7708)

**Background:** Washington's water resources laws are primarily administered by the Department of Ecology. That agency issues permits for ground and surface water withdrawals, and administers the state's seniority system of water rights in times of water shortage. Procedures for permit processing are specified in state statutes as well as agency rules, and other rules have been adopted to carry out statutory directives, such as the protection of in-stream flows. However, many agency policies and practices have not been adopted by rule.

Other agencies play a significant but lesser role in water resource management. The state Department of Health regulates public water systems to ensure that adequate, potable water is provided by the more than 14,000 systems in the state. The Department of Community, Trade, and Economic Development oversees local government implementation of the Growth

Management Act, and the Department of Natural Resources manages state uplands and aquatic lands that impact the water resources of many basins.

Currently, state policies on water resource issues are coordinated through a variety of interagency processes and subject to direction from the Governor's office. Agency rules to implement water resource policies are subject to judicial review under the state's Administrative Procedure Act (APA), and to review by the Joint Administrative Rules Review Committee.

**Summary of Bill:** Legislative findings are made that recognize the need for balanced administration of state water resources and water quality, and that regional differences require greater consideration in the development and administration of water policies. The Washington Water Resources Board is created. The board has five members appointed by the Governor, comprising two members residing east of the Cascade mountains crest, two residing to the west, and one representing the state at large. Members are to have water-related expertise and demonstrated the ability to work constructively in group settings and understand scientific information. Members serve staggered four-year terms.

The board is charged with the following duties relating to water resources policies and programs: (1) to recommend statewide water resource policies, with initial consideration being given to procedures for regional water resource planning, procedures and standards for establishing in-stream flow levels, hydraulic continuity, augmentation of water supplies, aquifer management, and water transfers; (2) to review agency proposed rules affecting water resource or water quality issues, and to comment upon proposed rules regarding conflicts with state law, other rules, or the board's recommended policies; (3) to review the proposed budgets for water resource-related activities of the departments of Ecology and Health and to provide comments to the agencies and the Office of Financial Management; (4) to advise the Legislature and Governor on water resource policy issues; (5) to provide a forum for public discussion of water policy, including at least two public meetings per year in various areas of the state for this purpose.

The departments of Ecology and Health staff the board, and the board's expenses are separately identified in the two departments' budgets. The board and the legislation expire in the year 2003.

**Appropriation:** None.

**Fiscal Note:** Available on original bill.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For (Ecology & Parks):** There has been a policy "gridlock" regarding water resource policy at the state level for several years, and a new entity with regional representation is needed to make the difficult decisions regarding state water policy.

**Testimony Against (Ecology & Parks):** Rather than a new state-level entity to develop state water policies, adequate funding of existing programs is needed.

**Testified (Ecology & Parks):** Bruce Wishart, Sierra Club (con); Ron Shultz, National Audubon Society (con); Joe LaTourrette, Rivas Council of WA (pro); Judy Turpin, WA Environmental Council (con).

**Testimony For (Ways & Means):** None.

**Testimony Against (Ways & Means):** None.

**Testified (Ways & Means):** No one.

**House Amendment(s):** The original bill creating an advisory board on water resource and water quality subjects is replaced. The House amendments create a new water resources agency headed by a state engineer, who is appointed by and under the direction of a statewide water resources board composed of an eastern Washington water resource commission and a western Washington water resource commission.

Water Resources Board and Its Subdivisions (Commissions). The Water Resources Board is created. For certain duties and functions, the board is divided into two commissions. One is for eastern Washington and one is for western Washington. The board is composed of all the members of the two commissions. Beginning July 1, 1997, the water allocation and other water quantity programs of the Department of Ecology are transferred to the board and the commissions.

Each commission is made up of eight members. In general, the members are nominated by county legislative authorities and appointed by the Governor. The amendment specifies the procedures for making the nominations, and specifying the groups of counties within each commission and the number of nominations and appointments to be made from each group. Deadlines are established for making nominations and appointments. If the entities in a group do not submit nominations within the deadline, the Governor must make the appointments allocated to the group without nomination.

Criteria are specified for membership on the board, including residency, experience and employment. The members serve four-year terms. The chairs of the commissions take turns being the chair of the board every other year. Each member is to receive up to \$100 per day as a member of a part-time commission plus travel expenses.

Jurisdiction of the Board and Commissions. The board appoints the state engineer, approves the budget, biennially reports to the Governor and the Legislature, and adopts procedures for interbasin transfers. Each commission approves interbasin transfers within its jurisdiction. Each may employ staff as necessary for its direct support.

Transfer of Authorities. Beginning July 1, 1997, the board and the commissions have rule-making authority under the state's water allocation and other water quantity programs. These laws are administered on behalf of the board and the commissions by the state engineer through the Office of the State Engineer. The state engineer serves at the pleasure of the board. The engineer is the administrator of the office and supervises the employees of the office.

Among the powers, duties, and programs currently administered and enforced by the Department of Ecology that are expressly transferred to the board, the commissions, and the state engineer

on July 1, 1997, are water regulation, management, and development; permitting authority regarding appropriation and use of water; participation with the federal government in development of the Columbia basin project and the Yakima enhancement project; reclamation authority for agricultural lands; and enforcement and administrative authority over water resources, including the water codes and minimum flows and levels; and administration of the water well construction laws.

On July 1, 1997, the rules, pending business and employees of the Department of Ecology performing the such functions are transferred to the board, the commissions, and state engineer.