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HOUSE BILL 2807

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State of Washington

54th Legislature

1996 Regular Session

By Representatives Chandler, Mastin and Schoesler

Read first time 01/19/96. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to water supply augmentation; amending RCW  
2 90.03.370; adding new sections to chapter 90.03 RCW; adding a new  
3 section to chapter 90.44 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that adequate  
6 water supplies are essential to meet the needs of the state's growing  
7 population and economy.

8 (2) The legislature finds that in many basins in the state there is  
9 water available on a seasonable basis that is in excess of the needs of  
10 either existing water right holders or instream resources. The  
11 legislature finds that excess flows often result in significant  
12 flooding and damage to public and private resources. Further, the  
13 impoundment of excess water can be used to help even out flows  
14 throughout the year, extend water supplies for beneficial uses, and  
15 recharge ground waters that are in hydraulic continuity with other  
16 ground and surface waters. The legislature finds there is a range of  
17 alternatives for impounding water that should be encouraged including  
18 those that have multiple attributes such as the creation, restoration,  
19 and enhancement of ponds and wetlands.

1 (3) The legislature finds that the public at large and each  
2 individual member of the public is dependent upon and benefits from an  
3 adequate water supply and that augmenting currently insufficient water  
4 supplies is in the public interest.

5 (4) The purpose of this act is to foster the improvement in  
6 existing water supplies available to meet the needs of the state's  
7 growing population, economy, and instream resources. It is the goal of  
8 this act to strengthen the state's economy while maintaining and  
9 improving the overall quality of the state's environment.

10 NEW SECTION. **Sec. 2.** The legislature declares that state  
11 government shares the responsibility of providing the means to assure  
12 that adequate water supplies exist for the benefit of the citizens of  
13 the state. It is the policy of the state to facilitate the impoundment  
14 of water during the time that excess waters are available for release  
15 and use during the time that water supplies are inadequate to fulfill  
16 the needs.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.03 RCW  
18 to read as follows:

19 The department shall, when evaluating an application for a water  
20 right filed pursuant to RCW 90.03.250 or 90.03.380, take into  
21 consideration the positive net benefits of water impoundments that are  
22 included as a component of the proposed project. The department's  
23 consideration shall extend to the increased water supply that results  
24 from the impoundment and shall include any recharge of ground water  
25 that may occur.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.03 RCW  
27 to read as follows:

28 The department shall, as a matter of high priority, process  
29 applications for water rights, filed pursuant to RCW 90.03.250 or  
30 90.03.380, that include the impoundment of water or other means of  
31 mitigating or augmenting existing water supplies.

32 **Sec. 5.** RCW 90.03.370 and 1987 c 109 s 93 are each amended to read  
33 as follows:

34 All applications for reservoir permits shall be subject to the  
35 provisions of RCW 90.03.250 through 90.03.320. But the party or

1 parties proposing to apply to a beneficial use the water stored in any  
2 such reservoir, and any associated ground water recharge, shall also  
3 file an application for a permit, to be known as the secondary permit,  
4 which shall be in compliance with the provisions of RCW 90.03.250  
5 through 90.03.320. Such secondary application shall refer to such  
6 reservoir as its source of water supply and shall show documentary  
7 evidence that an agreement has been entered into with the owners of the  
8 reservoir for a permanent and sufficient interest in (~~said~~) the  
9 reservoir to impound enough water, including any ground water recharge  
10 that occurs as a result of the impoundment, for the purposes set forth  
11 in (~~said~~) application. When the beneficial use has been completed  
12 and perfected under the secondary permit, the department shall take the  
13 proof of the water users under such permit and the final certificate of  
14 appropriation shall refer to both the ditch and works described in the  
15 secondary permit and the reservoir described in the primary permit.

16 NEW SECTION. Sec. 6. A new section is added to chapter 90.44 RCW  
17 to read as follows:

18 The department, when evaluating an application for the right to  
19 withdraw ground water filed pursuant to RCW 90.44.050 or 90.44.100,  
20 shall take into consideration the increase in water supply resulting  
21 from an impoundment of water that is a component of the application,  
22 including any recharge of ground water that may occur. The department  
23 shall allow for impoundment and release of surface water to mitigate  
24 for the withdrawal of ground water in the same basin taking into  
25 consideration the natural interrelationship between ground waters and  
26 surface waters.

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