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SENATE BILL 5319

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State of Washington

54th Legislature

1995 Regular Session

By Senators Morton, Haugen, West, Winsley, Deccio, Rasmussen and Palmer

Read first time 01/18/95. Referred to Committee on Senate Select  
Committee on Water Policy.

1 AN ACT Relating to regional water resource planning process;  
2 amending RCW 90.54.040; and adding new sections to chapter 90.54 RCW.

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

4 NEW SECTION. **Sec. 1.** The regional water resource planning process  
5 must be initiated by filing a petition with the state water resources  
6 board. The petition must be signed by a local government, a tribal  
7 government, or at least one hundred persons claiming the right to water  
8 in the same water resource inventory area. The board shall hold a  
9 hearing on the petition within ninety days of its receipt. The board  
10 shall hold the hearing within the boundaries of the proposed region.

11 NEW SECTION. **Sec. 2.** The petition under section 1 of this act  
12 shall include the following:

13 (1) The description of the water resource inventory area or areas  
14 that are proposed to be included in the regional planning area. A  
15 region may consist of one or more water resource inventory areas. If  
16 more than one water resource inventory area is proposed to be included  
17 in a region, the petition shall include the rationale for inclusion of  
18 the additional area or areas;

1 (2) The governmental units that would be in charge of managing the  
2 local water resource planning process;

3 (3) An identification of major groups, not to exceed ten groups,  
4 with an interest in the basin who would serve as members of the local  
5 planning committee;

6 (4) The method of choosing representatives from each major group  
7 and the number of representatives from each group;

8 (5) The proposed date to start the planning process and the target  
9 date that the final draft regional water resource plan will be  
10 transmitted to the state water resources board. The planning period  
11 may not exceed two years unless exceptional circumstances are found to  
12 exist by the state water resources board and an extension is granted  
13 for a specified period of time;

14 (6) A proposed budget and a specific proposed method to fund fifty  
15 percent of the cost of the planning process through locally generated  
16 funds; and

17 (7) A list of all local governments within the proposed regional  
18 planning area.

19 NEW SECTION. **Sec. 3.** (1) The petition under section 1 of this act  
20 shall be reviewed by the director for completeness. The director of  
21 the board shall return petitions found to be incomplete to the  
22 petitioning parties within twenty working days of receipt, with a list  
23 of those items that need to be completed.

24 (2) The director shall send a copy of the completed petition to  
25 each unit of local government within the proposed region and interested  
26 tribal governments, along with a notice announcing the time and date of  
27 the hearing on the proposed petition. The notice must be sent at least  
28 twenty working days before the hearing. Notice of the hearing shall  
29 also be published at least once a week for two consecutive weeks in a  
30 daily newspaper of general circulation in the region.

31 (3) The state water resources board shall hold a hearing on the  
32 petition as submitted. A decision to approve or deny the petition  
33 shall be made within one hundred twenty days from the date of the  
34 hearing. After the hearing, the state water resources board may make  
35 changes to the proposal. The board may approve the petition if it is  
36 determined that there is general local support and need for initiating  
37 the planning process, and a reasonable chance that the planning process  
38 will succeed in producing a draft water resource plan for the region.

1 The approval shall establish a budget for the planning process,  
2 including a limitation on the amount of funds to be provided by the  
3 state, which shall not exceed fifty percent of the original budgeted  
4 amount.

5 NEW SECTION. **Sec. 4.** Once a final draft plan has been developed  
6 by the regional water resource planning committee, the board shall,  
7 within sixty days, hold a hearing on the draft plan. For regional  
8 water resource plans that have been submitted to the board's  
9 predecessor agency, the board shall have one hundred eighty days from  
10 the effective date of this act to hold a hearing on the proposed plan.

11 The board shall evaluate the plan based on the following criteria:

12 (1) The plan can be legally implemented within existing or by  
13 specific changes to state law;

14 (2) The plan has the general support of the community and local  
15 governments within the affected planning area and of affected tribal  
16 governments;

17 (3) Funds are available or will be requested by the board to  
18 provide for the state share of the cost of implementing the plan;

19 (4) The plan provides for adequate protection of fish habitat in  
20 the region; and

21 (5) The plan provides adequate water for the needs of the people in  
22 the basin and the economies upon which they depend as viewed by the  
23 people in the basin.

24 NEW SECTION. **Sec. 5.** (1) Within ninety days after the public  
25 hearing on the final draft regional water resource plan, the board  
26 shall either: (a) Approve the plan as submitted, or (b) make comments  
27 and recommend changes to the plan. The board may meet with the  
28 regional water resource planning committee to discuss the resolution of  
29 issues between the board and the committee. If the board recommends  
30 changes to the plan, the regional water resource planning committee  
31 shall have an additional ninety days to modify the draft plan and to  
32 resubmit it to the board.

33 (2) If the board declines to approve the plan as resubmitted, the  
34 board shall return to the regional water resource planning committee a  
35 proposed revised plan with specific changes or approval of specified  
36 components of the plan. The regional water resource planning committee  
37 shall have sixty days to either accept the board's revised plan or to

1 withdraw the proposed plan from consideration by the board. Any plan  
2 that was revised by the board but rejected by the regional water  
3 resource planning committee may not be adopted by the board, however  
4 this shall not be construed to prevent the board from initiating a  
5 general water right adjudication in the basin in accordance with  
6 procedures contained in chapter 90.03 RCW.

7 (3) If the board approves the plan, it may do so contingent upon  
8 action by the state legislature to provide adequate funding or to  
9 modify state law necessary to implement the plan. The board shall  
10 prepare any funding requests and proposed changes to state law  
11 necessary to implement approved regional water resource plans to the  
12 next session of the legislature.

13 NEW SECTION. **Sec. 6.** New regional water resource programs, in  
14 existence on the effective date of this act or amendments to water  
15 resource programs contained in chapters 173-501 through 173-592 WAC  
16 shall be adopted as a rule under the administrative procedure act,  
17 chapter 34.05 RCW.

18 **Sec. 7.** RCW 90.54.040 and 1988 c 47 s 5 are each amended to read  
19 as follows:

20 (1) The ((department)) board, through the adoption of appropriate  
21 rules, is directed, as a matter of high priority to insure that the  
22 waters of the state are utilized for the best interests of the people,  
23 to develop and implement in accordance with the policies of this  
24 chapter and the procedures in sections 1 through 6 of this act a  
25 comprehensive state water resources program which will provide a  
26 process for making decisions on future water resource allocation and  
27 use. The ((department)) board may develop the program in segments so  
28 that immediate attention may be given to waters of a given  
29 physioeconomic region of the state or to specific critical problems of  
30 water allocation and use.

31 ~~((The current guidelines, standards, or criteria governing the  
32 elements of the water resource program established pursuant to this  
33 subsection shall not be altered or amended after March 15, 1988, in  
34 accordance with RCW 90.54.022(5).))~~

35 (2) In relation to the management and regulatory programs relating  
36 to water resources vested in it, the ((department)) board is further  
37 directed to modify existing regulations and adopt new regulations, when

1 needed and possible, to insure that existing regulatory programs are in  
2 accord with the water resource policy of this chapter, and the  
3 procedures in sections 1 through 6 of this act, and the program  
4 established in subsection (1) of this section. ((The current  
5 guidelines, standards, or criteria governing the department's  
6 implementation of this subsection shall not be altered or amended after  
7 March 15, 1988, in accordance with subsection (1) of this section.))

8 (3) The ((department)) board is directed to review all statutes  
9 relating to water resources which it is responsible for implementing.  
10 When any of the same appear to the ((department)) board to be  
11 ambiguous, unclear, unworkable, unnecessary, or otherwise deficient, it  
12 shall make recommendations to the legislature including appropriate  
13 proposals for statutory modifications or additions. Whenever it  
14 appears that the policies of any such statutes are in conflict with the  
15 policies of this chapter, and the ((department)) board is unable to  
16 fully perform as provided in subsection (2) of this section, the  
17 ((department)) board is directed to submit statutory modifications to  
18 the legislature which, if enacted, would allow the ((department)) board  
19 to carry out such statutes in harmony with this chapter.

20 NEW SECTION. Sec. 8. Sections 1 through 6 of this act are each  
21 added to chapter 90.54 RCW.

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