
SUBSTITUTE SENATE BILL 6197

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Ecology & Parks (originally sponsored by Senator Swecker)

Read first time 01/25/96.

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 a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that adequate water
6 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 extend water supplies for beneficial
14 uses, and recharge ground waters that are in hydraulic continuity with
15 other ground and surface waters. The legislature finds there is a
16 range of alternatives for impounding water that should be encouraged
17 including those that have multiple attributes such as the creation,
18 restoration, 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 (5) This act does not lessen, enlarge, or modify the rights of any
11 riparian owner, or any existing water right acquired by appropriation
12 or otherwise.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.03 RCW
14 to read as follows:

15 The department shall, when evaluating an application for a water
16 right filed pursuant to RCW 90.03.250 or 90.03.380, take into
17 consideration the positive net benefits of any water impoundments that
18 are included as a component of the proposed project. The department's
19 consideration shall extend to the increased water supply that results
20 from the impoundment and shall include any recharge of ground water
21 that may occur. The inclusion of such impoundments in a proposed
22 application shall be made solely at the discretion of the applicant and
23 shall not otherwise be made a condition of approval by the department.

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

26 The department may place a priority on processing applications for
27 water rights, filed pursuant to RCW 90.03.250 or 90.03.380, that
28 include the impoundment of water or other means of mitigating or
29 augmenting existing water supplies. However, this section does not
30 modify the priority date of a permit issued under the authority of this
31 chapter or chapter 90.44 RCW.

32 **Sec. 4.** 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
36 parties proposing to apply to a beneficial use the water stored in any

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

16 NEW SECTION. Sec. 5. 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 may allow for impoundment and release of surface water to mitigate for
24 the withdrawal of ground water in the same basin by taking into
25 consideration the natural interrelationship between ground waters and
26 surface waters.

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