
SENATE BILL 6197

State of Washington

54th Legislature

1996 Regular Session

By Senator Swecker

Read first time 01/09/96. Referred to Committee on Ecology & Parks.

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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