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SENATE BILL 6362

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State of Washington                      54th Legislature                      1996 Regular Session

By Senators Morton, Roach, Swecker, Hochstatter and A. Anderson

Read first time 01/12/96. Referred to Committee on Ecology & Parks.

1            AN ACT Relating to establishing a state water bank; and adding a  
2 new chapter to Title 90 RCW.

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

4            NEW SECTION.    **Sec. 1.** (1) The governor is authorized to establish  
5 a state water bank to be administered by the department of ecology.  
6 The state water bank may be established on either a long-term or short-  
7 term basis, at the discretion of the governor.

8            (2) The purpose of the state water bank is to facilitate voluntary  
9 transfers of water or water rights. The state water bank shall provide  
10 an optional process through which transfers may occur. The bank may  
11 act on behalf of the state in acquiring water or water rights for state  
12 purposes.

13            (3) The state water bank may act in any way that serves to  
14 facilitate beneficial transfers of water and water rights. It may act  
15 as a service listing offers to sell and to purchase water and water  
16 rights. It may actively solicit such offers. It may facilitate  
17 negotiations. It may acquire water and water rights and sell them to  
18 willing buyers. It may hold water and water rights offered for sale or  
19 rental through the bank.

1 (4) At the discretion of the governor, the state water bank may be  
2 empowered to carry out the responsibilities of chapters 90.03 and 90.44  
3 RCW in regard to the transfer, change in point of diversion, or change  
4 in use of a water right. In this capacity the state water bank would  
5 act in the place of the department of ecology. The bank would be  
6 required to establish rules and procedures for assuring that the  
7 requirements of chapters 90.03 and 90.44 RCW are fully met.

8 (5) The governor shall establish a governing board with  
9 responsibility to establish policy and procedures for the operation of  
10 the state water bank. Such board shall approve transfers in accordance  
11 with the requirements of chapters 90.03 and 90.44 RCW. The department  
12 of ecology shall act as the staff to the bank and carry out such duties  
13 as are necessary for its operation.

14 (6) The establishment and operation of the state water bank, and  
15 all short-term agreements to transfer water by or through the state  
16 water bank, shall be exempt from the provisions of chapter 43.21 RCW.

17 (7) All water and water rights placed into the state water bank for  
18 transfer shall be regarded as beneficially used for the purposes of  
19 chapter 90.14 RCW and shall not be subject to the provisions of these  
20 sections while held by the bank.

21 NEW SECTION. **Sec. 2.** (1) Local water agencies, cities, counties,  
22 other local governmental agencies, and other parties may establish a  
23 water bank. Such banks may be established on a temporary or permanent  
24 basis.

25 (2) The purpose of local and regional water banks is to facilitate  
26 voluntary transfers of water and water rights. For this purpose, banks  
27 may:

28 (a) Establish a list of offers to rent or sell and to purchase  
29 water and water rights;

30 (b) Acquire water or water rights for subsequent sale or  
31 distribution;

32 (c) Establish a program for the conjunctive management and use of  
33 surface and ground water supplies;

34 (d) Facilitate transactions between those holding legal rights to  
35 use water and those desiring to acquire those rights on a temporary or  
36 permanent basis; and

37 (e) Provide other services necessary to facilitate voluntary  
38 transfers of water and water rights.

1        NEW SECTION.    **Sec. 3.**    (1) The purposes of state-authorized water  
2 banks are to provide local or regional mechanisms by which water and  
3 water rights may be transferred and to facilitate the voluntary and  
4 beneficial transfer of water and water rights.

5        (2) State-authorized water banks may perform the same functions as  
6 the state water bank.

7        (3) Any individual, entity, or agency may initiate the formation of  
8 a state-authorized water bank by filing a petition for this purpose  
9 with the governor.    The petition shall contain the following  
10 information:

11        (a) The geographic scope of the bank;

12        (b) Who may participate in the bank;

13        (c) The types of legal entitlements to use water that may be traded  
14 through the bank and the evidence of ownership that will be required;

15        (d) Rules and procedures by which the bank will comply with the  
16 requirements of chapters 90.03 and 90.44 RCW;

17        (e) How the operations of the bank will be funded;

18        (f) How the bank will be governed; and

19        (g) How the bank will be managed.

20        (4) The governor may approve the formation of a state-authorized  
21 local or regional water bank if the governor finds that the information  
22 provided in the petition meets the requirements of this chapter and is  
23 otherwise satisfactory.

24        (5) The use of state-authorized water banks for the transfer of  
25 water and water rights is optional. Parties wishing to transfer water  
26 or water rights may utilize a state-authorized water bank if one exists  
27 in their area, or they may utilize other transfer provisions available  
28 under this chapter.

29        (6) All water and water rights placed into the state-authorized  
30 water bank for transfer shall be regarded as beneficially used for the  
31 purposes of chapter 90.14 RCW and shall not be subject to the  
32 provisions of these sections while held by the bank.

33        NEW SECTION.    **Sec. 4.**    Sections 1 through 3 of this act shall  
34 constitute a new chapter in Title 90 RCW.

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