
SUBSTITUTE SENATE BILL 6698

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Ecology & Parks (originally sponsored by Senators Swecker, Newhouse, Haugen and Rasmussen)

Read first time 02/02/96.

1 AN ACT Relating to locally conducted basin assessments and planning
2 for watersheds; amending RCW 90.44.050; adding a new chapter to Title
3 90 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The legislature
6 finds that in order for the state to make appropriate decisions
7 regarding the management, protection, use, and conservation of our
8 state's water and fishery resources, it must possess an authoritative
9 and accurate understanding of the water quality, water quantity, water
10 availability, and fishery habitat conditions that exist within the
11 water basins of the state. To gain such an understanding, the
12 legislature further finds that the state should properly fund, support,
13 and facilitate the preparation of basin assessments for the water
14 basins of the state.

15 It is the intent of the legislature that the information, data, and
16 analysis resulting from the preparation of basin assessments be used by
17 the department of ecology to render timely and appropriate water right
18 decisions; to clear the backlog of pending water right applications;
19 and to make sound and balanced resource management decisions affecting

1 the ground and surface waters of the state's basins. It is further the
2 intent of the legislature that the basin assessments be used by local
3 governments for water resources planning, growth management planning,
4 and local regulatory decisions. These assessments should also be used
5 to support the efforts of state, tribal, and local governments, and
6 other interested parties engaged in the initiation, development, and
7 implementation of cooperative water basin plans. The preparation and
8 use of basin assessments should not, however, be subject to the
9 initiation or funding of basin planning processes.

10 It is further the intent of the legislature that in preparing basin
11 assessments, the state take all reasonable steps to ensure that these
12 assessments are developed using data, analysis, and methodologies that
13 are scientifically sound and are subject to effective quality control
14 and peer review mechanisms.

15 (2) The legislature finds that it is in the best interests of the
16 state to plan, develop, and provide for the use, protection, and
17 management of our state's water and water-dependent natural resources
18 and values through the development of basin plans developed in a
19 cooperative manner by local, state, tribal, private, public, and
20 federal interests. The purpose of such plans should be to gain a
21 better understanding of the health of the basin's water and water-
22 dependent natural resources and values, to resolve uncertainties and
23 differences regarding the condition of these resources, and to
24 cooperatively determine the most appropriate methods by which basin
25 resources should be used, protected, managed, restored, and enhanced.

26 It is further the intent of the legislature that locally based
27 basin planning groups should at a minimum, include representatives from
28 state government, local governments, and federally recognized tribal
29 governments whose reservation or ceded areas are within the basin.
30 Basin planning groups should also include and promote the participation
31 of other interested public and private parties with a clear stake in
32 basin resource management, including representatives from business,
33 agriculture, environment, fisheries, community development, and
34 recreation. All reasonable efforts should be made to include the
35 participation of interested parties in the development of basin plans,
36 including those with localized interests and those with regional and
37 state-wide interests. However, should interested parties to basin
38 planning prove unable or unwilling to engage in cooperative basin
39 planning, the state should not discourage the development of basin

1 plans involving other interested parties and state and local government
2 and tribal participants.

3 (3) It is the intent of the legislature that the interests and
4 rights of all persons in possession of existing water right permits,
5 certificates, valid claim declarations, and adjudicated water rights be
6 protected within the basin planning process.

7 (4) It is the intent of the legislature that existing resource
8 management plans, agreements, and facility permits and licenses,
9 relating to the management of water or water-dependent natural
10 resources executed or issued before the effective date of this section
11 shall not be made subject to reconsideration by locally based basin
12 planning groups formed as a result of this chapter except by mutual
13 consent of the parties to such plans, agreements, permits, and
14 licenses.

15 (5) The legislature finds that it is a high priority for the state
16 to support, provide technical assistance, and fund to the maximum
17 extent possible, the preparation and implementation of basin plans.
18 These plans should be prepared in cooperation with local governments,
19 private citizens and landowners, tribal governments, federal and state
20 agencies, and other parties residing within or having a clear interest
21 in the status of the basin's water and fishery resources.

22 NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly
23 requires otherwise, the following definitions apply throughout this
24 chapter:

25 (1) "Basin" refers to any one of the sixty-two areas in the state
26 containing a major watershed or river basin as established in chapter
27 173-500 WAC.

28 (2) "Basin assessment" means a review and analysis of the overall
29 environmental health, quality, water usage, and water availability of
30 part or all of a WRIA's ground and surface waters and fishery
31 resources.

32 (3) "Basin plan" means a locally developed plan that provides a
33 comprehensive approach to the future management, use, conservation,
34 protection, and allocation of water resources within a WRIA, river
35 basin, or subbasin, and the means by which associated water quality and
36 fisheries will be protected, conserved, restored, used, and managed.

1 (4) "Initial basin planning unit" means the governmental entities
2 formed by the planning process initiating entities under section 204 of
3 this act.

4 (5) "Planning unit," "basin planning unit," and "expanded planning
5 unit" mean the basin planning unit formed through the procedures of
6 section 205 of this act.

7 (6) "Department" means the department of ecology.

8 (7) "Person" means a firm, association, corporation, general
9 purpose local government, special district, or other municipal
10 corporation, governmental agency, as well as an individual.

11 (8) "Qualified governmental entity" means a general purpose local
12 government, county, state agency, federally recognized tribe, special
13 district, or consortium of local government and special districts that
14 presently serves, is intended to serve, or has the authority to serve
15 water or engage in water resource planning and management on a regional
16 basis.

17 (9) "Tribe" or "tribes" means Indian tribes within Washington state
18 that are formally recognized by the federal government.

19 (10) "WRIA" or "water resource inventory area" is one of sixty-two
20 areas in the state containing a major watershed or river basin as
21 established in chapter 173-500 WAC.

22 **PART I**

23 **BASIN ASSESSMENTS**

24 NEW SECTION. **Sec. 101.** BASIN ASSESSMENTS--PURPOSES. It is the
25 intent of the legislature that basin assessments be employed by the
26 department to achieve the following purposes:

27 (1) To render timely and appropriate decisions on pending and
28 future water right applications using information and data that are
29 based on sound hydraulic and hydrogeologic methodology and analysis;

30 (2) To determine the appropriate conditions to be added to permits
31 that are issued to ensure that water-dependent natural resources and
32 associated habitat protected;

33 (3) To support and coordinate the data-related study and
34 information collection efforts of the state, local governments, special
35 districts, tribes, and other interested parties that have initiated
36 cooperative basin planning for the purpose of developing a basin plan

1 or would like to commence cooperative basin planning within their
2 basin;

3 (4) To enable the state, local government, tribes, and other
4 persons to make sound and well-informed decisions relative to future
5 land use plans and policies, capital facility plans and projects, and
6 water resource plans and management, and fish and wildlife habitat
7 conservation plans within a basin; and

8 (5) To assist property owners and the public to understand the
9 characteristics of the water and natural resource of their local areas.

10 NEW SECTION. **Sec. 102.** PREPARATION OF ASSESSMENTS. (1) Basin
11 assessments may be prepared for an entire WRIA, multiple WRIAs, or less
12 than an entire WRIA, by the department, or by the department with the
13 assistance of a qualified governmental entity that is acting as a lead
14 entity in the development of cooperative basin plans or authorized
15 under statute or interlocal agreement, to undertake regional studies
16 and water supply activities. In the event a qualified governmental
17 entity is willing to assist in undertaking a basin assessment, the
18 department may enter an intergovernmental agreement for the cooperative
19 preparation, that addresses duties and funding responsibilities.

20 (2) The department shall develop a standardized draft
21 intergovernmental agreement that may serve as the basis for negotiating
22 and executing a final agreement with qualified governmental entities
23 willing to assist in undertaking basin assessments. The agreement
24 shall describe the terms under which these entities may perform basin
25 assessment duties, including the appropriate data collection,
26 scientific methodology, analytical tools, quality control approach to
27 be employed, and public and property owner review and comment.

28 NEW SECTION. **Sec. 103.** PROCESS FOR PREPARATION. (1) The
29 preparation of basin assessments may occur in two stages, a first stage
30 which shall be described as a level I assessment, and a second stage
31 which shall be described as a level II assessment. A level I
32 assessment shall at a minimum, include the following:

33 (a) A comprehensive collection of available data relating to a
34 basin's ground water and surface water quantities, water availability,
35 present and projected water uses, water quality, the health of
36 associated water-dependent natural resources and habitat, climatic
37 variables, including precipitation, and land use characteristics;

1 (b) A determination of whether the data available is sufficient for
2 the department to declare water is available for further appropriation
3 or insufficient to render such decisions absent additional data
4 collection and study efforts;

5 (c) An identification or determination of environmental trends
6 affecting water and water-dependent natural resources, to the extent
7 existing data is sufficient to perform this task;

8 (d) An identification of data-related gaps that require further
9 study and information before decisions can or should be made with
10 regard to water right and resource management matters;

11 (e) A determination of those areas where the data collected is
12 sufficient for the agency to make informed and authoritative water
13 right decisions;

14 (f) A preliminary recommendation regarding priority areas, issues,
15 data, analysis, and resource issues that warrant further study in a
16 level II assessment;

17 (g) A minimum of two public hearings in the basin area where the
18 data and preliminary recommendations are subject to review and comment;

19 (h) Circulation of data and preliminary recommendations to all
20 state agencies, local and tribal governments in the basin, and any
21 federal water management agencies with major water-related
22 responsibilities in the basin or relating to return flows from the
23 basin; and

24 (i) After circulation to public agencies specified in (h) of this
25 subsection and public hearing required in (g) of this subsection, make
26 findings and final recommendations.

27 (2) In the event the department determines that a level I
28 assessment does not contain data, analysis, and other findings
29 sufficient to make authoritative decisions with regard to water
30 availability, water use, water quality, the status of water-dependent
31 natural resources, and the environmental impacts of further ground or
32 surface water appropriations, the department may undertake a level II
33 assessment to provide the additional data, analysis, and findings
34 necessary for the department to make timely water right and resource
35 management decisions. The scope of work and overall study effort of a
36 level II assessment should be guided by the data, analytical findings,
37 public comment, and recommendations developed within a level I
38 assessment.

1 (3) The department shall develop a process and procedures whereby
2 the data, analysis, findings, and recommendations contained within
3 level I and level II assessments are subject to effective and objective
4 quality control standards, including but not limited to the creation of
5 an independent peer review panel comprised of qualified persons with
6 expertise in hydrology, hydrogeology, engineering, water quality,
7 fishery biology, and related environmental sciences. The procedures
8 shall afford opportunity for public review and comment.

9 NEW SECTION. **Sec. 104.** **FORMAT AND ACCESS TO DATA.** The department
10 shall develop as uniform as possible a system of procedures for the
11 entry and distribution of all data and information relating to basin
12 assessments in all regions of the state. The procedures shall be
13 designed to ensure that data collected by the state and other qualified
14 governmental entities is prepared and stored on a common software
15 system that is easily accessible to state agencies, local governments,
16 tribal governments, and other interested parties. It shall attempt to
17 help make water-related data of the United States geological survey
18 available. It shall also be designed to ensure that basin assessments
19 operate as open file documents that may be enhanced by new or
20 additional data that has been provided to the department and reviewed
21 and approved by the peer review mechanism cited in section 103(3) of
22 this act. Upon the completion of a basin assessment, the department
23 shall make electronic and hard copies of the basin assessment reports
24 and supporting data and make such copies available for public review at
25 the department's regional offices and department headquarters.

26 NEW SECTION. **Sec. 105.** **TIMELINE FOR PREPARATION.** The timeline
27 for the preparation and completion of a level I or level II basin
28 assessment using any state funds or grants shall be established at the
29 onset of the process.

30 **PART II**
31 **BASIN PLANNING**

32 NEW SECTION. **Sec. 201.** **BASIN PLANNING.** The legislature finds
33 that locally based basin planning is an essential major component of
34 the process of determining the policy, regulatory, and management
35 approaches necessary for the protection, conservation, restoration,

1 use, and allocation of our state's water resources. In advancing
2 cooperative basin planning, the legislature further finds that the
3 development and implementation of basin plans can best be achieved by
4 dividing the planning process into two phases, phase I and phase II.
5 Under phase I, which may also be described as prescoping, state, local,
6 and tribal governments shall identify and undertake basic data
7 collection and coordination, needs assessments, public education, and
8 public involvement tasks necessary to prepare and proceed to a second
9 phase. The second phase shall involve the development of a
10 comprehensive basin plan, including to the extent possible, the
11 participation of those parties with a clear stake in the management,
12 protection, and conservation of a basin's water and water-dependent
13 natural resources.

14 NEW SECTION. **Sec. 202.** NOTICE OF INTENT TO PLAN. Phase I, or the
15 prescoping phase of a basin planning process, shall be initiated by
16 filing with the department a notice of intent to plan. The notice of
17 intent shall be initiated and signed by at least two local governments
18 responsible for substantial water resource planning, management or
19 delivery, or one such local government and a tribe residing or
20 asserting treaty-based interests within the basin.

21 NEW SECTION. **Sec. 203.** CONTENTS OF NOTICE. The initiating
22 entities shall prepare the notice of intent filed under section 202 of
23 this act and include the following in the notice:

24 (1) A basic description of the portion of the water resource
25 inventory area, which may be a subWRIA, WRIA, or multiple WRIsAs,
26 proposed to be included within the regional planning area, and where
27 appropriate, an explanation for the inclusion of more than one water
28 resource inventory area; and

29 (2) Identification of public and private groups and tribal entities
30 with a known interest in the proposed WRIA planning area and the
31 methods by which they will be contacted and invited to participate.

32 NEW SECTION. **Sec. 204.** FORMATION OF BASIN PLANNING UNIT--
33 PRESCOPING. (1) Within sixty days of submittal of the notice of intent
34 to the department, the initiating entities shall call an invitational
35 meeting of all general purpose local governments, all special districts
36 providing water and waste water service, including those districts

1 engaged in hydropower, industrial, or irrigation supply, state agencies
2 with natural resource or water resource planning or management
3 responsibilities, affected tribes, and federal agencies that have
4 substantial water management responsibilities in the basin.

5 (2) Representatives from the state, local, and tribal governmental
6 units shall be selected to form an initial basin planning unit. Once
7 constituted, members of the basic planning unit shall designate one or
8 more of the governmental agencies to act as lead or colead agencies.
9 Once designated, the lead agency or agencies may administer all tasks
10 associated with the prescoping phase and the subsequent full planning
11 phase in sections 201 and 205 of this act, enter into contracts agreed
12 to by the basin planning unit, coordinate intergovernmental agreements
13 among the participating entities, and undertake basic data collection
14 tasks, including agreements with the department to assist in preparing
15 level I and II basin assessments, for the purpose of assisting the
16 basin planning unit to define its overall planning objectives and
17 recommended scope of work. The lead agency shall draw upon those staff
18 resources made available from the state, in addition to local and
19 tribal governments participating in the planning unit, to support its
20 role and the work of the initial basin planning unit and expanded
21 planning unit.

22 (3) The initial basin planning unit is responsible for evaluating
23 the preliminary administrative, organizational, data collection, and
24 coordination tasks necessary to proceed with basin planning and has one
25 year to complete its tasks. These tasks shall include, but not be
26 limited to the following:

27 (a) Identifying persons and organizations with a clear interest or
28 stake in a comprehensive basin planning effort, including agriculture,
29 business, environment, fisheries, and recreational interests;

30 (b) Identifying the potential range of policy, technical, and
31 treaty-based issues, interests, and concerns held by the basin planning
32 unit and other potential members of a basin planning process;

33 (c) Identifying, collecting, and cataloging available data relating
34 to water quality, water quantity, current and projected water usage,
35 and fishery resources. This task may include initiating a level I
36 basin assessment with the department or developing preliminary findings
37 with regard to the status of water availability, the health and status
38 of water-dependent natural resources and habitat, and the status of
39 water quality within the planning area;

1 (d) Identifying water quality, quantity, water use, and water-
2 dependent resource data gaps requiring further data collection,
3 analysis, and study in a level II assessment effort and developing
4 preliminary scopes of work for level II assessment tasks that may be
5 reviewed, evaluated, and implemented during phase II of the basin
6 planning process;

7 (e) Developing an interim scope of work that identifies data
8 collection and administrative tasks that can be funded and implemented
9 before the commencement of full basin planning;

10 (f) Developing a recommended scope of work for the expanded
11 planning unit to consider including planning objectives, schedule for
12 performance, data, studies, modeling, analytical work products, funding
13 requirements and potential sources, and other planning elements
14 necessary to comply with this chapter; and

15 (g) A public involvement process for all phases of the effort.

16 (4) The initial basin planning unit shall establish its own
17 decision-making process.

18 NEW SECTION. **Sec. 205.** COMMENCEMENT OF FULL BASIN PLANNING--
19 FORMATION OF EXPANDED PLANNING UNIT. (1) Upon completion of the
20 prescoping phase tasks and activities described in section 202 of this
21 act, the initial basin planning unit shall call an invitational meeting
22 of all local governments and special districts not participating in the
23 basin planning unit, in addition to all other governmental agencies,
24 interest groups and stakeholders identified in the prescoping phase
25 including agriculture, business, environment, sport and commercial
26 fisheries, recreation, and the general public.

27 (2) Within sixty days after the invitational meeting, an expanded
28 basin planning unit shall be formed consisting of three representatives
29 each from state agencies, local governments, including special
30 districts, and tribes participating in the basin planning unit, one
31 representative from each of the interest groups identified in this
32 section, and several representatives of the general public. Each
33 interest group shall select its representatives to the expanded basin
34 planning unit. General public representatives shall be selected by the
35 participating general purpose local governments. Governmental
36 representatives shall constitute a majority of the total number of
37 representatives participating in the expanded planning unit. An
38 interest group not granted voting status may petition the planning unit

1 members to secure voting status. The petition may be received up to
2 ninety days after the invitational meeting described in this section.
3 Decisions to add additional interest groups with voting status shall be
4 made by a two-thirds vote of the original planning unit members.
5 Groups not requesting voting status may participate in an ex-officio
6 capacity at the invitation of the expanded basin planning unit.

7 (3) If a designated group chooses not to participate in the basin
8 planning unit, the planning process shall continue and the
9 nonparticipating group's position within the planning unit shall remain
10 vacant for the duration of the planning period. If no groups, other
11 than the governmental entities that constitute the initial basin
12 planning unit, are either willing or able to proceed at the time of the
13 invitational meeting, the full planning process may proceed in their
14 absence and the initial basin planning unit should attempt to limit its
15 scope of work to those issues, interests, resources, priorities, and
16 water rights that are directly held by or associated with participating
17 basin planning unit members.

18 (4) The period allowed for the expanded basin planning process
19 shall be established at the onset of the process.

20 (5) Participants in the expanded planning unit shall seek to reach
21 decisions by consensus.

22 NEW SECTION. Sec. 206. INSTREAM FLOWS. A basin planning unit, as
23 part of the planning process, may review and recommend changes to
24 existing instream flow levels established by regulation within the
25 WRIA. A planning unit shall submit to the department for rule
26 adoption, recommended instream flow levels for those rivers and streams
27 within the WRIA where minimum flows have not been established. These
28 recommendations shall be included in a basin plan.

29 NEW SECTION. Sec. 207. SCOPE OF WORK. Within one hundred twenty
30 days after the expanded basin planning unit has been formed, it shall
31 review the scope of work recommended by the initial basin planning unit
32 for the purpose of making changes, additions, or deletions to the scope
33 of work and associated work plans.

34 NEW SECTION. Sec. 208. PUBLIC INVOLVEMENT--SCOPE OF WORK. (1)
35 The basin planning unit shall establish a public involvement advisory
36 committee that is responsible for assuring public involvement. The

1 committee's work shall include providing information and receiving
2 comments and suggestions from the public regarding the scope of work,
3 the projects, plans, and action of the basin planning unit, and the
4 goals, findings, progress, and recommendations regarding the basin
5 planning process.

6 (2) The basin planning unit shall conduct at least two public
7 hearings within the WRIA planning area on the planning objectives, work
8 plans, and scope of work before their adoption and commencement of
9 related work.

10 NEW SECTION. Sec. 209. PLAN CONTENTS. (1) Before the adoption of
11 a draft basin plan, the basin planning unit shall conduct at least two
12 public hearings.

13 (2) The plan may include, but is not limited to the following:

14 (a) A quantitative determination of projected future uses and how
15 much surface and ground water exists within the WRIA or basin;

16 (b) A quantitative determination of projected future uses and how
17 much surface and ground water is available to meet instream and out-of-
18 stream demands, including agricultural, fisheries, industrial,
19 municipal, recreational, and residential uses, and the conditions and
20 procedures under which future allocations may be made for those uses;

21 (c) An analysis of surface and ground water quality conditions
22 within the WRIA or basin;

23 (d) A determination of approximately when and how much water is
24 claimed, used, permitted, and certificated, including instream flows;

25 (e) Measures and plans to improve the water quality of the ground
26 and surface water sources;

27 (f) Water supply planning requirements for future needs in
28 accordance with adopted local government land use plans;

29 (g) Fisheries restoration and enhancement objectives and plans;

30 (h) Instream flow recommendations;

31 (i) Options and opportunities for the potential storage, recharge,
32 and reuse of water;

33 (j) Land use management controls and incentives for habitat
34 preservation and restoration;

35 (k) Conservation and water use efficiency measures applicable to
36 the basin;

37 (l) Identification of potential interbasin issues of importance and
38 recommended methods for resolution; and

1 (m) A plan for implementation, including responsible parties,
2 funding, and schedule.

3 (3) The basin planning unit may prepare an environmental impact
4 statement, if required by the county or other local legislative
5 authority, to address the provisions of the plan.

6 (4) The basin planning unit shall submit the draft basin plan to
7 all local governments with land use authority within the WRIA or basin
8 planning area for their review. Within ninety days of receipt of the
9 draft plan, the local governments shall determine whether or not the
10 plan as submitted is consistent with the jurisdiction's adopted land
11 use plans and shoreline development policies. If found inconsistent,
12 reviewing local governments shall remand the basin plan to the planning
13 unit and identify those provisions requiring change or conformance to
14 local government plans and policies. Lack of available water may
15 require local governments to modify land use or water supply plans.

16 (5) The planning unit shall submit the draft basin plan to the
17 department, which shall coordinate plan distribution and receipt of
18 comments from other state agencies. The department shall review the
19 plan to determine consistency with existing state statutes and rules,
20 and incorporate into any remand comments the determinations of other
21 state agencies regarding statutes and rules under their jurisdiction.
22 In its review capacity, the department may not reject or modify the
23 plan, but may remand it back to the basin planning unit with comments
24 if sections are found to be inconsistent with state or federal law.
25 Sections that are determined by the department to be consistent with
26 state and federal law may be implemented immediately. Should the
27 department determine the plan is not consistent with existing state
28 statutes or rules, it shall notify in writing the basin planning unit
29 of the following within ninety days of receipt:

30 (a) Plan inconsistencies with either or both rules and statutes;
31 and

32 (b) Recommendations regarding changes, to either or both the
33 statutes and rules, required for plan implementation.

34 (6) Upon completion of review by the department, members of the
35 basin planning unit shall formally adopt and implement those
36 provisions, policies, and obligations of the plan consistent with
37 existing laws or rules within one hundred twenty days through legally
38 binding procedures. The adoption process by state agencies, local
39 governments, and tribes shall occur through the adoption of

1 resolutions, ordinances, or other methods that legally bind the parties
2 to the terms of the plan and its provisions. State laws or ordinances
3 found in conflict with plan provisions shall be submitted to the
4 legislature or local government for review to determine if amendment or
5 repeal of such laws or ordinances is in the public interest.

6 (7) Following adoption of the plan by the basin planning unit, the
7 department shall expeditiously prepare a rule for incorporation into
8 the Washington administrative code that:

9 (a) Reflects state approval of the plan; and

10 (b) Makes, where possible, all appropriate changes to existing
11 rules that would otherwise preclude plan implementation. Where
12 multiple requests for rule making under this subsection are pending,
13 the department may schedule initiation of rule-making procedures to
14 conform to available budgetary resources.

15 (8) The department and other state agencies shall take all
16 appropriate action and make program and policy changes to implement the
17 plan.

18 NEW SECTION. **Sec. 210.** GRANTS, FUNDS, AND TECHNICAL ASSISTANCE.

19 (1) Initial basin planning units and expanded basin planning units
20 engaged in basin planning efforts may accept state, federal, and local
21 government grants, funds, and other financing, as well as enter into
22 cooperative agreements with private and public entities for the purpose
23 of developing basin plans, conducting level I and level II basin
24 assessments, water quality and fishery data collection and analysis,
25 facilitation, and plan implementation.

26 (2) The department shall support, though the provision of all
27 possible technical and funding assistance, the efforts of basin
28 planning units and qualified governmental entities to assist in
29 preparing level I or level II basin assessment in WRIAs where no such
30 assessments have been prepared.

31 NEW SECTION. **Sec. 211.** ADMINISTRATIVE RULE. The department
32 shall, within one hundred twenty days of the effective date of this
33 section, propose for public review guidelines for implementing the
34 basin planning processes authorized in this chapter.

35 **Sec. 212.** RCW 90.44.050 and 1987 c 109 s 108 are each amended to
36 read as follows:

1 (~~After June 6, 1945,~~) (1) No withdrawal of public ground waters
2 of the state shall be begun, nor shall any well or other works for such
3 withdrawal be constructed, unless an application to appropriate such
4 waters has been made to the department and a permit has been granted by
5 it as herein provided: EXCEPT, HOWEVER, That any withdrawal of public
6 ground waters for stock-watering purposes, or for the watering of a
7 lawn or of a noncommercial garden not exceeding one-half acre in area,
8 or for single or group domestic uses in an amount not exceeding five
9 thousand gallons a day, or for an industrial purpose in an amount not
10 exceeding five thousand gallons a day, is and shall be exempt from the
11 provisions of this section, but, to the extent that it is regularly
12 used beneficially, shall be entitled to a right equal to that
13 established by a permit issued under the provisions of this chapter:
14 PROVIDED, HOWEVER, That the department from time to time may require
15 the person or agency making any such small withdrawal to furnish
16 information as to the means for and the quantity of that withdrawal:
17 PROVIDED, FURTHER, That at the option of the party making withdrawals
18 of ground waters of the state not exceeding five thousand gallons per
19 day, applications under this section or declarations under RCW
20 90.44.090 may be filed and permits and certificates obtained in the
21 same manner and under the same requirements as is in this chapter
22 provided in the case of withdrawals in excess of five thousand gallons
23 a day.

24 (2) In any basin in which a basin plan has been adopted pursuant to
25 section 209 of this act, a local government may adopt an ordinance to
26 implement a provision of the plan that limits the purposes, quantity,
27 or time period for uses of water exempted from the permit requirement
28 under subsection (1) of this section. The local government shall seek
29 comments upon a draft ordinance by the department for consistency with
30 state statutes and rules prior to adoption of the ordinance.

31 **PART III**

32 **MISCELLANEOUS**

33 NEW SECTION. Sec. 301. PART HEADINGS AND CAPTIONS NOT LAW. Part
34 headings and captions used in this act do not constitute any part of
35 the law.

1 NEW SECTION. **Sec. 302.** Sections 2, 101 through 105, and 201
2 through 211 of this act shall constitute a new chapter in Title 90 RCW.

--- END ---