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SENATE BILL 5658

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State of Washington

55th Legislature

1997 Regular Session

By Senators Morton, Hale, Deccio, Anderson and Hochstatter

Read first time 02/05/97. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to water resources; adding new sections to chapter  
2 90.03 RCW; adding a new section to chapter 43.21A RCW; adding a new  
3 section to chapter 43.27A RCW; adding a new sections to chapter 90.54  
4 RCW; adding a new section to chapter 90.44 RCW; and declaring an  
5 emergency.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.03 RCW  
8 to read as follows:

9 Nothing in this title authorizes the department of ecology to  
10 withdraw Columbia or Snake river waters from further appropriation  
11 based upon uncertainty as to whether sufficient waters would be  
12 available, following new appropriations, to satisfy the needs of any  
13 unquantified or speculative future instream uses of the waters of these  
14 rivers.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A RCW  
16 to read as follows:

17 (1) The department of ecology shall not withdraw Columbia or Snake  
18 river waters from further appropriation based upon uncertainty as to

1 whether sufficient waters would be available, following new  
2 appropriations, to satisfy the needs of any unquantified or speculative  
3 future instream uses of the waters of these rivers.

4 (2) WAC 173-563-015 and 173-564-040 as they existed prior to the  
5 effective date of this section are in conflict with subsection (1) of  
6 this section and are void.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.27A RCW  
8 to read as follows:

9 (1) The department of ecology shall not withdraw Columbia or Snake  
10 river waters from further appropriation based upon uncertainty as to  
11 whether sufficient waters would be available, following new  
12 appropriations, to satisfy the needs of any unquantified or speculative  
13 future instream uses of the waters of these rivers.

14 (2) WAC 173-563-015 and 173-564-040 as they existed prior to the  
15 effective date of this section are in conflict with subsection (1) of  
16 this section and are void.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.54 RCW  
18 to read as follows:

19 (1) The department of ecology shall not withdraw Columbia or Snake  
20 river waters from further appropriation based upon uncertainty as to  
21 whether sufficient waters would be available, following new  
22 appropriations, to satisfy the needs of any unquantified or speculative  
23 future instream uses of the waters of these rivers.

24 (2) WAC 173-563-015 and 173-564-040 as they existed prior to the  
25 effective date of this section are in conflict with subsection (1) of  
26 this section and are void.

27 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.03 RCW  
28 to read as follows:

29 Applications for water rights for municipal or domestic water  
30 supply purposes filed pursuant to RCW 90.03.250 for the diversion of  
31 surface waters from a river having an average annual flow of sixty  
32 million acre feet or more, and for withdrawal of ground water that is  
33 in direct hydraulic continuity with such river, and which application  
34 is for an annual quantity of less than one one-hundred-thousandth of  
35 the average annual flow of the river at the proposed point of  
36 diversion, shall be processed within one hundred eighty days of the

1 date that the application is filed or within one hundred eighty days of  
2 the effective date of this section, whichever is later.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 90.44 RCW  
4 to read as follows:

5 Applications for water rights for municipal or domestic water  
6 supply purposes filed pursuant to RCW 90.44.050 for the diversion of  
7 surface waters from a river having an average annual flow of sixty  
8 million acre feet or more, and for withdrawal of ground water that is  
9 in direct hydraulic continuity with such river, and which application  
10 is for an annual quantity of less than one one-hundred-thousandth of  
11 the average annual flow of the river at the proposed point of  
12 diversion, shall be processed within one hundred eighty days of the  
13 date that the application is filed or within one hundred eighty days of  
14 the effective date of this section, whichever is later.

15 NEW SECTION. **Sec. 7.** A new section is added to chapter 90.54 RCW  
16 to read as follows:

17 Consistent with RCW 90.54.080, the department shall vigorously  
18 represent the state's interests in matters relating to water resource  
19 allocation and management. The department shall not adopt  
20 administrative rules that apply to the diversion or withdrawal of water  
21 from the main stem of the Snake river that are more restrictive than  
22 laws enacted or adopted by other adjacent states pertaining to the  
23 withdrawal or diversion from the main stem of the Snake river for the  
24 same type of use.

25 NEW SECTION. **Sec. 8.** Sections 5 and 6 of this act are necessary  
26 for the immediate preservation of the public peace, health, or safety,  
27 or support of the state government and its existing public  
28 institutions, and take effect immediately.

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