

# HOUSE BILL REPORT

## HB 1744

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### As Reported By House Committee On:

Agriculture & Ecology

**Title:** An act relating to regulation of outflow of lakes.

**Brief Description:** Changing lake outflow regulation.

**Sponsors:** Representatives Schoesler and G. Chandler.

### Brief History:

#### Committee Activity:

Agriculture & Ecology: 2/19/99, 2/25/99 [DP].

#### Brief Summary of Bill

- Allows lake levels to be regulated when fewer than ten landowners abut on a lake.

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

**Staff:** Carole Richmond (786-7114).

### Background:

Ten or more landowners abutting on a lake may petition the superior court of the county in which the lake is situated for an order to provide for the regulation of the outflow of the lake in order to maintain a specified lake level. The court is required to hold a hearing and to hear any testimony provided on the issue. If the order is granted, the court shall also direct the Department of Ecology to regulate and control the outflow of the lake so as to maintain the lake level.

Orders to control lake levels may be requested only on meandered lakes. A "meander line" is a term used when lands in Washington were originally surveyed. Lands were sold in blocks of forty acres, but when a lake or other water body was situated on the land, the block would be short of forty acres and would extend to the meander line.

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**Summary of Substitute Bill:**

When there are fewer than ten owners abutting on a lake (i.e., nine or fewer), a majority of the owners are authorized to petition a superior court for an order fixing the water level. The court shall notify the Department of Fish and Wildlife before issuing an order fixing the lake level. The term "meander" is deleted.

**Substitute Bill compared to Original Bill:**

The substitute bill requires that notice be provided to the Department of Fish and Wildlife.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (Original Bill) People on lakes with fewer than ten landowners have no legal means of regulating outflow. This is a good concept. It fills a gap in the code.

**Testimony Against:** None.

**Testified:** Mark Schoesler, State Representative; Tip Hudson, Washington Cattlemen's Association; Ken Slattery, Washington Department of Ecology.