

SENATE BILL REPORT

SB 6765

As Reported By Senate Committee On:
Environment, Energy & Water, February 8, 2002

Title: An act relating to studies concerning water resource management.

Brief Description: Creating task forces to study water resource management.

Sponsors: Senators Fraser, Morton, Regala, Honeyford and Winsley; by request of Department of Ecology.

Brief History:

Committee Activity: Environment, Energy & Water: 2/8/02 [DPS-WM, DNP].

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & WATER

Majority Report: That Substitute Senate Bill No. 6765 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen and Keiser.

Minority Report: Do not pass.

Signed by Senators Honeyford and Morton.

Staff: Genevieve Pisarski (786-7488)

Background: The Joint Executive-Legislative Water Policy Group is engaged in a multi-year process to develop recommendations for legislation to improve management of the state's water resources. A number of issues under consideration require further study before recommendations can be developed.

Summary of Substitute Bill: A task force is convened to study negotiation of federally reserved and Indian treaty water rights. Another is convened to study negotiation of interstate and international water resources issues. Both are convened by the Governor, who invites federally recognized Indian tribes and relevant departments and agencies of the United States to be represented. On the task force on federally reserved and Indian treaty water rights, the state is represented by the Governor, the Attorney General, and the legislative caucuses. The task force must seek and consider the recommendations of affected water users in the state. For the task force on interstate and international water resources issues, membership representing the Legislature, Indian tribes, relevant state, federal, and local entities, and environmental interests is specified. The task force reports to the Legislature by January 1, 2003. An unspecified amount is appropriated to the Department of Ecology to staff the task forces.

A joint task force to study water courts and other alternatives for resolving water disputes is created, led by the Office of the Attorney General. Membership representing the Legislature, the judiciary, and administrative agencies is specified. The task force reports to the

Legislature by December 30, 2003. The Office of the Attorney General and legislative staff research and compile information for the task force by December 31, 2002. An unspecified appropriation to the Office of the Attorney General is made for work on this task force and the task force on federally reserved and Indian treaty water rights.

The Department of Ecology studies reducing the number of unused water rights, streamlining adjudication of water rights, and use of certified water rights examiners, and reports December 1, 2002. The department also convenes a local government task force on storm water recharge and reports in January 2003. The department also creates a storage permitting work group and reports in January 2003. The department conducts various other studies regarding water management. These cover water-related information systems, stream gauging, water use data, water masters, water rights records management, establishing a state hydrologic office, and establishing local watershed councils and a watershed coordinating council.

Substitute Bill Compared to Original Bill: One task force is convened to study negotiation of federally reserved and Indian treaty water rights. A separate task force is convened to study negotiation of interstate and international water resources issues. The Governor, rather than the Department of Ecology, convenes the task forces and invites federally recognized Indian tribes and relevant departments and agencies of the United States to be represented. On the task force on federally reserved and Indian treaty water rights, the state is represented by the Governor, the Attorney General, and the legislative caucuses. The task force must seek and consider the recommendations of affected water users in the state. The director of the Department of Fish and Wildlife is added to the task force on interstate and international water resources issues. Appropriation to the Department of Ecology to staff the task forces is unspecified. The joint task force to study judicial and administrative alternatives for resolving water disputes does not report until December 30, 2003. The Office of the Attorney General and legislative staff research and compile information for the task force by December 31, 2002. An unspecified appropriation to the Office of the Attorney General is made for work on the task force on federally reserved and Indian treaty water rights and the task force to study judicial and administrative alternatives. Various reports by the Department of Ecology regarding water management are added. They cover water-related information systems, stream gauging, water use data, water masters, water rights records management, establishing a state hydrologic office, and establishing local watershed councils and a watershed coordinating council.

Appropriation: \$25,000.

Fiscal Note: Not requested.

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

Testimony For: This is a draft and work is needed to perfect it. The substitute makes needed changes regarding the task force on federally reserved and Indian treaty water rights and the task force on judicial and administrative alternatives for resolving water rights disputes.

Testimony Against: The approach to task forces on federally reserved and Indian treaty water rights and interstate water bodies may not be the appropriate one. Agriculture must

have a seat at the table. Watershed planning units should be the ones to address unused water rights. Any money spent should be to improve data for them to use. Storm water management is already being addressed in the storm water manuals. Participants in the Yakima adjudication should be included in study of streamling adjudications. Water rights examiners are not needed.

Testified: Elaine Rose, Attorney General's Office (pro); Curt Smitch, Governor's Office (pro); Steve Wehary, Muckleshoot Tribe (con); Randy Scott, Colville Tribes (pro); Kathleen Collins, WA Water Policy Alliance (con); Hertha Lund, WA State Farm Bureau (con).