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SENATE BILL 5883

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State of Washington

57th Legislature

2001 Regular Session

By Senators Patterson, Constantine, Kline, Fraser and Regala

Read first time 02/06/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to incorporating water supply and growth management  
2 planning; amending RCW 43.62.035 and 90.82.070; reenacting and amending  
3 RCW 90.54.050; adding a new section to chapter 43.62 RCW; adding a new  
4 section to chapter 36.70A RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that water supply  
7 availability is an important consideration in planning for future  
8 population growth, but that presently there is inadequate integration  
9 of the information relating to existing water resources and current and  
10 forecasted water use demands into the forecasts of population growth  
11 and growth management planning to accommodate the forecasted growth.  
12 The legislature further finds that public and private municipal water  
13 suppliers having a duty to serve new growth within their service areas  
14 should have a greater role in the regional growth management planning  
15 activities that will determine the location of new growth for which  
16 adequate water service will be expected.

17 Therefore, the legislature intends to better integrate water supply  
18 availability information and water service planning into growth

1 management planning and related land use and infrastructure planning  
2 and programs.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.62 RCW  
4 to read as follows:

5 (1) The office of financial management shall adopt guidelines and  
6 methodologies for considering water supply availability in determining  
7 growth management population planning projections under RCW 43.62.035.  
8 In developing the guidelines and methodologies, the office shall work  
9 with the departments of ecology and health, general purpose local  
10 governments, and municipal water suppliers.

11 (2) To assist the office in developing and employing the guidelines  
12 and methodologies under this section, the department of ecology shall  
13 use maximum effort to provide timely information regarding existing  
14 surface and ground water resources, watershed-level water resource  
15 assessments prepared under chapter 90.82 RCW, and other information  
16 relating to water resources and present and forecasted water use  
17 demands.

18 **Sec. 3.** RCW 43.62.035 and 1997 c 429 s 26 are each amended to read  
19 as follows:

20 The office of financial management shall determine the population  
21 of each county of the state annually as of April 1st of each year and  
22 on or before July 1st of each year shall file a certificate with the  
23 secretary of state showing its determination of the population for each  
24 county. The office of financial management also shall determine the  
25 percentage increase in population for each county over the preceding  
26 ten-year period, as of April 1st, and shall file a certificate with the  
27 secretary of state by July 1st showing its determination. At least  
28 once every five years or upon the availability of decennial census  
29 data, whichever is later, the office of financial management shall  
30 prepare twenty-year growth management planning population projections  
31 required by RCW 36.70A.110 for each county that adopts a comprehensive  
32 plan under RCW 36.70A.040 and shall review these projections with such  
33 counties and the cities in those counties before final adoption.  
34 Beginning with revised projections issued after July 1, 2003, the  
35 office shall incorporate consideration of water supply availability  
36 using the guidelines and methodologies authorized by section 2 of this  
37 act. The county and its cities may provide to the office such

1 information as they deem relevant to the office's projection, and the  
2 office shall consider and comment on such information before adoption.  
3 Each projection shall be expressed as a reasonable range developed  
4 within the standard state high and low projection. The middle range  
5 shall represent the office's estimate of the most likely population  
6 projection for the county. If any city or county believes that a  
7 projection will not accurately reflect actual population growth in a  
8 county, it may petition the office to revise the projection  
9 accordingly. The office shall complete the first set of ranges for  
10 every county by December 31, 1995.

11 A comprehensive plan adopted or amended before December 31, 1995,  
12 shall not be considered to be in noncompliance with the twenty-year  
13 growth management planning population projection if the projection used  
14 in the comprehensive plan is in compliance with the range later adopted  
15 under this section.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A RCW  
17 to read as follows:

18 In the development and amendment of comprehensive plans under this  
19 chapter and in the development of regional policies under RCW  
20 36.70A.210, counties and cities shall ensure full consideration of  
21 water supply service plans, water resource availability information,  
22 and water use demand forecasts by the departments of ecology and health  
23 and by municipal water service providers with a service area within the  
24 geographic extent of the comprehensive plans and regional policies.

25 **Sec. 5.** RCW 90.82.070 and 1998 c 247 s 3 are each amended to read  
26 as follows:

27 Watershed planning under this chapter shall address water quantity  
28 in the management area by undertaking an assessment of water supply and  
29 use in the management area and developing strategies for future use.

30 (1) The assessment shall include:

31 (a) An estimate of the surface and ground water present in the  
32 management area;

33 (b) An estimate of the surface and ground water available in the  
34 management area, taking into account seasonal and other variations;

35 (c) An estimate of the water in the management area represented by  
36 claims in the water rights claims registry, water use permits,

1 certificated rights, existing minimum instream flow rules, federally  
2 reserved rights, and any other rights to water;

3 (d) An estimate of the surface and ground water actually being used  
4 in the management area;

5 (e) An estimate of the water needed in the future for use in the  
6 management area;

7 (f) An identification of the location of areas where aquifers are  
8 known to recharge surface bodies of water and areas known to provide  
9 for the recharge of aquifers from the surface; and

10 (g) An estimate of the surface and ground water available for  
11 further appropriation, taking into account the minimum instream flows  
12 adopted by rule or to be adopted by rule under this chapter for streams  
13 in the management area including the data necessary to evaluate  
14 necessary flows for fish.

15 (2) When completed, the assessment shall be provided to each county  
16 and city within the management area that is conducting growth  
17 management planning under chapter 36.70A RCW, and to the office of  
18 financial management for consideration in determining growth management  
19 population planning projections under RCW 43.62.035.

20 (3) Strategies for increasing water supplies in the management  
21 area, which may include, but are not limited to, increasing water  
22 supplies through water conservation, water reuse, the use of reclaimed  
23 water, voluntary water transfers, aquifer recharge and recovery,  
24 additional water allocations, or additional water storage and water  
25 storage enhancements. The objective of these strategies is to supply  
26 water in sufficient quantities to satisfy the minimum instream flows  
27 for fish ~~((and))~~, water quality protection, and other environmental  
28 quality benefits, to provide water for future out-of-stream uses for  
29 water identified in subsection (1)(e) and (g) of this section ~~((and))~~,  
30 to ensure that adequate water supplies are available for agriculture,  
31 energy production, and population and economic growth ~~((under the~~  
32 ~~requirements of the state's))~~, and to incorporate these strategies into  
33 a watershed plan that may be integrated with comprehensive plans and  
34 regional policies developed under the growth management act, chapter  
35 36.70A RCW, and in land use and infrastructure plans of counties and  
36 cities not planning under the growth management act. These strategies,  
37 in and of themselves, shall not be construed to confer new water  
38 rights. The watershed plan must address the strategies required under  
39 this subsection.

1       **Sec. 6.** RCW 90.54.050 and 1997 c 439 s 2 and 1997 c 32 s 3 are  
2 each reenacted and amended to read as follows:

3       (1) In conjunction with the programs provided for in RCW  
4 90.54.040(1), whenever it appears necessary to the director in carrying  
5 out the policy of this chapter, the department may by rule adopted  
6 pursuant to chapter 34.05 RCW:

7       (~~(1)~~) (a) Reserve and set aside waters for beneficial utilization  
8 in the future, and

9       (~~(2)~~) (b) When sufficient information and data are lacking to  
10 allow for the making of sound decisions, withdraw various waters of the  
11 state from additional appropriations until such data and information  
12 are available. Before proposing the adoption of rules to withdraw  
13 waters of the state from additional appropriation, the department shall  
14 consult with the standing committees of the house of representatives  
15 and the senate having jurisdiction over water resource management  
16 issues.

17       (2) When the office of financial management determines a growth  
18 management population planning projection for a county or watershed  
19 that the department has identified as currently overappropriated and  
20 for which water supplies to serve the projected population may be  
21 inadequate, the department shall provide assistance to the appropriate  
22 counties, cities, and any applicable watershed planning unit in  
23 identifying potential sources of supply to serve the projected growth.  
24 The potential sources may include elements of a water quantity strategy  
25 developed as part of a watershed plan under chapter 90.82 RCW, and may  
26 include state financial and other assistance in making sufficient  
27 supplies available to serve the projected growth. The department by  
28 rule may identify and reserve for future use such supplies, including  
29 reference to plans, projects, and funding mechanisms to make such  
30 supplies available.

31       (3) Prior to the adoption of a rule under this section, the  
32 department shall conduct a public hearing in each county in which  
33 waters relating to the rule are located. The public hearing shall be  
34 preceded by a notice placed in a newspaper of general circulation  
35 published within each of said counties. Rules adopted hereunder shall  
36 be subject to review in accordance with the provisions of RCW  
37 34.05.240.

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