
SENATE BILL 5495

State of Washington

54th Legislature

1995 Regular Session

By Senators Hochstatter, Rasmussen, Morton, Swecker, Sellar, Schow, Prince and Loveland

Read first time 01/25/95. Referred to Committee on Senate Select Committee on Water Policy.

1 AN ACT Relating to setting aside waters; amending RCW 90.54.050;
2 and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that it is in the best
5 interests of all citizens of the state to use the best available
6 science to ensure that our water resources are both adequately
7 protected and fairly allocated.

8 The legislature further finds that the waters of the state must be
9 accessible for beneficial use unless scientific evidence indicates that
10 no water is available in a region.

11 The legislature therefore declares that in order to properly
12 allocate our water resources, no watersheds shall be closed to
13 allocation for longer than one year without sound scientific evidence
14 nor shall a watershed remain closed if the surface water flow is of a
15 sufficient level.

16 **Sec. 2.** RCW 90.54.050 and 1988 c 47 s 7 are each amended to read
17 as follows:

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

5 (1) Reserve and set aside waters for beneficial utilization in the
6 future, and

7 (2) When sufficient information and data are lacking to allow for
8 the making of sound decisions, withdraw various waters of the state
9 from additional appropriations until such data and information are
10 available. However, no withdrawal of water from additional
11 applications under this subsection shall remain in effect for more than
12 one year. Further, any stream with an average annual yield in excess
13 of three hundred fifty thousand acre feet that has been withdrawn from
14 additional appropriation shall be considered for additional
15 appropriation, if at any time during the stream closure the stream flow
16 attains a level equal to one hundred fifty percent of the 1994 mean
17 flow for a period of at least three months.

18 Prior to the adoption of a rule under this section, the department
19 shall conduct a public hearing in each county in which waters relating
20 to the rule are located. The public hearing shall be preceded by a
21 notice placed in a newspaper of general circulation published within
22 each of said counties. Rules adopted hereunder shall be subject to
23 review in accordance with the provisions of RCW ((34.05.538 or))
24 34.05.240.

25 ((No new rules or changes to existing rules to reserve or set aside
26 water may be adopted pursuant to this section, as provided in RCW
27 90.54.022(5).))

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