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**SUBSTITUTE SENATE BILL 6765**

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**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on Environment, Energy & Water (originally sponsored by Senators Fraser, Morton, Regala, Honeyford and Winsley; by request of Department of Ecology)

READ FIRST TIME 02/08/2002.

1 AN ACT Relating to studies concerning water resource management;  
2 creating new sections; and making appropriations.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that it is in the  
5 public interest to convene a task force to investigate the feasibility  
6 of conducting negotiations with the United States and Indian tribes  
7 regarding federal and Indian reserved water rights.

8 (2) The governor shall invite the federally recognized tribes with  
9 water-related interests in the state of Washington and the relevant  
10 departments and agencies of the United States government to participate  
11 on the task force through designated representatives. The governor or  
12 the governor's designee, the attorney general or the attorney general's  
13 designee, and a member from each caucus of the legislature shall  
14 represent the state of Washington.

15 (3) The task force may conduct its business through work groups and  
16 shall seek and consider the recommendations of representatives of  
17 affected water users in the state.

18 (4) The department of ecology shall provide staff support to the  
19 task force. In its work, the task force shall consult with other

1 states that have conducted such negotiations. The task force shall  
2 report to the standing committees of the legislature having  
3 jurisdiction over water resource and state and local government issues  
4 before January 1, 2003.

5 NEW SECTION. **Sec. 2.** (1) The governor shall convene a task force  
6 to investigate the feasibility of conducting negotiations with other  
7 states and Canada with regard to water bodies they share with the state  
8 of Washington.

9 (2) For the state, the task force shall consist of the following:

- 10 (a) One member from the house of representatives majority caucus;
- 11 (b) One member from the house of representatives minority caucus;
- 12 (c) One member from the senate majority caucus;
- 13 (d) One member from the senate minority caucus;
- 14 (e) One member from the governor's office;
- 15 (f) The director of the department of ecology;
- 16 (g) The attorney general or the attorney general's designee;
- 17 (h) The director of the department of fish and wildlife;
- 18 (i) One member representing cities;
- 19 (j) One member representing counties;
- 20 (k) One member representing water utilities;
- 21 (l) One member representing irrigation districts;
- 22 (m) One member representing private irrigation development;
- 23 (n) One member representing federally licensed hydropower project  
24 owners; and
- 25 (o) Two members representing environmental interests.

26 (3) The governor shall invite the federally recognized tribes with  
27 water-related interests in the state of Washington and the relevant  
28 departments and agencies of the United States government to participate  
29 on the task force through designated representatives.

30 (4) The department of ecology shall provide staff support to the  
31 task force. In its work, the task force shall consult with other  
32 states that have conducted such negotiations. The task force shall  
33 report to the standing committees of the legislature having  
34 jurisdiction over water resource and state and local government issues  
35 before January 1, 2003.

36 (5) Members will serve without compensation other than that  
37 provided by members' employers.

1        NEW SECTION.    **Sec. 3.**    The sum of . . . . . dollars, or as much  
2        thereof as may be necessary, is appropriated for the biennium ending  
3        June 30, 2003, from the general fund to the department of ecology to  
4        support the work of the task forces in sections 1 and 2 of this act.

5        NEW SECTION.    **Sec. 4.**    By December 1, 2002, the department of  
6        ecology shall report to the appropriate committees of the senate and  
7        house of representatives on the results of an inquiry to estimate the  
8        number of and the amount of water estimated to be represented by unused  
9        water rights within one or more representative watersheds where the  
10       information is readily available. The department's report shall also  
11       identify and evaluate various methods for reducing the number and size  
12       of these unused rights and for reconciling them in watershed  
13       assessments and plans. In carrying out this task, the department shall  
14       consult with watershed planning units regarding this problem and shall  
15       report on the views and recommendations of watershed units.

16       NEW SECTION.    **Sec. 5.**    (1) A joint task force is created to study  
17       judicial and administrative alternatives for resolving water disputes.  
18       The task force is organized and led by the office of the attorney  
19       general. In addition to the office of the attorney general, members of  
20       the task force include:

21       (a) Representatives of the legislature, including one member  
22       appointed by each caucus;

23       (b) Representatives of the superior courts of Washington state  
24       appointed by the president of the superior court judges association,  
25       and shall include two judicial officers of the superior court from  
26       eastern Washington and two judicial officers of the superior court from  
27       western Washington;

28       (c) A representative of the Washington state court of appeals  
29       appointed by the chief justice of the state supreme court;

30       (d) A representative of the environmental hearings office; and

31       (e) A representative of the department of ecology.

32       (2) The objectives of the task force are to:

33       (a) Examine and characterize the types of water disputes to be  
34       resolved;

35       (b) Examine the approach of other states to water dispute  
36       resolution;

1 (c) Recommend one or more methods to resolve water disputes,  
2 including, but not limited to, an administrative resolution process; a  
3 judicial resolution process such as water court; or any combination  
4 thereof;

5 (d) Recommend an implementation plan that will address:

6 (i) A specific administrative structure for each method used to  
7 resolve water disputes;

8 (ii) The cost to implement the plan; and

9 (iii) The changes to statutes and administrative rules necessary to  
10 implement the plan.

11 (3) The office of the attorney general shall work with the staff of  
12 the standing committees of the legislature with jurisdiction over water  
13 resources to research and compile information relevant to the mission  
14 of the task force by December 31, 2002.

15 (4) The task force shall submit its report to the appropriate  
16 committees of the legislature no later than December 30, 2003.

17 NEW SECTION. **Sec. 6.** The sum of . . . . . dollars, or as much  
18 thereof as may be necessary, is appropriated for the biennium ending  
19 June 30, 2003, from the general fund to the office of the attorney  
20 general to support the work of the task forces in sections 1 and 5 of  
21 this act.

22 NEW SECTION. **Sec. 7.** The department of ecology must convene a  
23 storm water recharge task force with representatives of city, county,  
24 and other local governments to develop local strategies for managing  
25 storm water in order to realize the greatest possible recharge of  
26 surface and ground water and to recommend necessary funding mechanisms  
27 for implementing these strategies. The task force will report to the  
28 legislature's standing committees with jurisdiction over water  
29 resources, state and local government, and fiscal committees in January  
30 2003.

31 NEW SECTION. **Sec. 8.** The department of ecology and the attorney  
32 general's office will conduct a study to identify possible ways to  
33 streamline the water right general adjudication procedures. By  
34 December 1, 2002, the agencies will report on their findings and  
35 recommendations to the legislature.

1        NEW SECTION.    **Sec. 9.**    The department of ecology must conduct a  
2 study to evaluate the potential use of private certified water right  
3 examiners to improve water right administration. By December 1, 2002,  
4 the department will report on its finding and provide recommendations  
5 to the legislature.

6        NEW SECTION.    **Sec. 10.**    The department of ecology must create a  
7 storage permitting work group to identify, evaluate, and recommend  
8 methods to coordinate, streamline, and/or integrate state and local  
9 permits for water storage projects. The work group will report its  
10 findings and recommendations to the legislature's standing committees  
11 on water resources and state and local government in January 2003.

12        NEW SECTION.    **Sec. 11.**    The legislature finds that improvements in  
13 state water management capabilities are necessary to effectively  
14 provide water to people and fish. By October 1, 2002, the department  
15 of ecology shall provide the following reports relating to water  
16 management to the appropriate standing committees of the senate and  
17 house of representatives:

18        (1) The progress made to that date in modernizing the department's  
19 water resources-related information systems. The report shall also  
20 provide a plan and proposed schedule for completing the modernization  
21 and an estimate of the cost of completing the modernization and to make  
22 water resources information accessible by the public;

23        (2) The progress made to that date in establishing a stream gauging  
24 system managed by the department of ecology and local cooperators. The  
25 report shall also provide a plan and proposed schedule for completing  
26 the establishment of a state and local stream gauging network and shall  
27 estimate the cost to operate and maintain the current system, the cost  
28 to complete the system, and the cost to operate and maintain the  
29 complete system;

30        (3) The progress made to that date in complying with the Thurston  
31 county superior court order on water use measurement and the department  
32 of ecology's plans and schedule to complete work necessary to comply  
33 with the order. The report shall discuss the department's distribution  
34 of funds provided in the 2001-2003 biennial budget for providing  
35 assistance to persons required to install new measuring devices or  
36 improve existing devices. The report shall discuss the department's  
37 efforts to develop a data system for the storage and retrieval of water

1 use data and shall provide a plan, a proposed schedule, and a proposed  
2 budget for the further implementation of the water use measurement  
3 program;

4 (4) A plan, schedule, and budget for reestablishing a system of  
5 state water masters located within the watersheds to which they are  
6 assigned;

7 (5) A plan, schedule, and budget for improving the administration  
8 of water right records held by the department of ecology. The  
9 department of ecology shall work with the department of revenue and  
10 with county auditors in developing recommendations for improving the  
11 administration of water rights ownership information and integrating  
12 this information with real property ownership records. The department  
13 of ecology shall evaluate the need for grants to counties to assist  
14 with recording and information management needs related to water rights  
15 ownership and title;

16 (6) The establishing of a state hydrologic office, under the  
17 direction of a state hydrologist, as a division within the department  
18 of ecology for the purpose of receiving and managing water use  
19 reporting data and measuring and characterizing the water resources of  
20 the state. The sole function of the office would be to obtain,  
21 maintain, and provide information;

22 (7) The establishing of local watershed councils and a watershed  
23 coordinating council to provide information sharing and coordination  
24 among local watershed organizations and state, federal, and tribal  
25 entities.

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