
SENATE BILL 6765

State of Washington 57th Legislature

2002 Regular Session

By Senators Fraser, Morton, Regala, Honeyford and Winsley; by request of Department of Ecology

Read first time 02/01/2002. Referred to Committee on Environment, Energy & Water.

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

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

4 NEW SECTION. **Sec. 1.** (1) The department of ecology shall convene
5 a task force to investigate the feasibility of: (a) Conducting
6 negotiations with the United States and Indian tribes and nations
7 regarding federal and Indian reserved water rights; and (b) negotiation
8 with other states and Canada with regard to water bodies they share
9 with the state of Washington.

10 (2) The task force shall consist of the following:

11 (a) One member from the house of representatives majority caucus;

12 (b) One member from the house of representatives minority caucus;

13 (c) One member from the senate majority caucus;

14 (d) One member from the senate minority caucus;

15 (e) One member from the governor's office;

16 (f) The director of the department of ecology;

17 (g) The attorney general or the attorney general's designee;

18 (h) Two members from the northwest Indian fisheries commission;

1 (i) Two members from the Columbia river intertribal fish
2 commission;

3 (j) One member from the United States department of interior;

4 (k) One member from the United States department of agriculture;

5 (l) One member from the United States department of justice;

6 (m) One member representing cities;

7 (n) One member representing counties;

8 (o) One member representing water utilities;

9 (p) One member representing irrigation districts;

10 (q) One member representing private irrigation development;

11 (r) One member representing federally licensed hydropower project
12 owners; and

13 (s) Two members representing environmental interests.

14 (3) The department of ecology shall provide staff support to the
15 task force. In its work, the task force shall consult with other
16 states that have conducted such negotiations. The task force shall
17 report to the standing committees of the legislature having
18 jurisdiction over water resource issues before January 1, 2003.

19 (4) Members will serve without compensation other than that
20 provided by members' employers.

21 NEW SECTION. **Sec. 2.** The sum of twenty-five thousand dollars or
22 as much thereof as may be necessary, is appropriated for the biennium
23 ending June 30, 2003, from the general fund to the department of
24 ecology to support the work of the task force in section 1 of this act.

25 NEW SECTION. **Sec. 3.** By December 1, 2002, the department of
26 ecology shall report to the appropriate committees of the senate and
27 house of representatives on the results of an inquiry to estimate the
28 number of and the amount of water estimated to be represented by unused
29 water rights within one or more representative watersheds where the
30 information is readily available. The department's report shall also
31 identify and evaluate various methods for reducing the number and size
32 of these unused rights and for reconciling them in watershed
33 assessments and plans. In carrying out this task, the department shall
34 consult with watershed planning units regarding this problem and shall
35 report on the views and recommendations of watershed units.

1 NEW SECTION. **Sec. 4.** (1) A joint task force is created to study
2 water courts and other alternatives for resolving water disputes. The
3 task force is organized and led by the office of the attorney general.
4 In addition to the office of the attorney general, members of the task
5 force include:

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

8 (b) Representatives of the superior courts of Washington state
9 appointed by the president of the superior court judges association,
10 and shall include two judicial officers of the superior court from
11 eastern Washington and two judicial officers of the superior court from
12 western Washington;

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

15 (d) A representative of the environmental hearings office;

16 (e) A representative of the department of ecology; and

17 (f) Other groups as determined by the office of the attorney
18 general, after consultation with the parties named in this subsection.

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

20 (a) Examine and characterize the types of water disputes to be
21 resolved;

22 (b) Examine the approach of other states to water dispute
23 resolution;

24 (c) Recommend one or more methods to resolve water disputes,
25 including, but not limited to, an administrative resolution process; a
26 judicial resolution process such as water court; or any combination
27 thereof;

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

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

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

32 (iii) The changes to statutes and administrative rules necessary to
33 implement the plan.

34 (3) The task force shall submit its report to the appropriate
35 committees of the legislature no later than December 30, 2002.

36 NEW SECTION. **Sec. 5.** (1) The department of ecology must convene
37 a storm water recharge task force with representatives of city, county,
38 and other local governments to develop local strategies for managing

1 storm water in order to realize the greatest possible recharge of
2 surface and ground water and to recommend necessary funding mechanisms
3 for implementing these strategies. The task force will report to the
4 legislature's standing committees with jurisdiction over water
5 resources and fiscal committees in January 2003.

6 (2) The department of ecology and the attorney general's office
7 will conduct a study to identify possible ways to streamline the water
8 right general adjudication procedures. By December 1, 2002, the
9 agencies will report on their findings and recommendations to the
10 legislature.

11 (3) The department of ecology must conduct a study to evaluate the
12 potential use of private certified water right examiners to improve
13 water right administration. By December 1, 2002, the department will
14 report on its finding and provide recommendations to the legislature.

15 (4) The department of ecology must create a storage permitting work
16 group to identify, evaluate, and recommend methods to coordinate,
17 streamline, and/or integrate state and local permits for water storage
18 projects. The work group will report its findings and recommendations
19 to the legislature's standing committees on water resources in January
20 2003.

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