
HOUSE BILL 2629

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By Representatives R. King, Orr, G. Cole, Belcher, May, Rust, Fraser, Morris, R. Meyers, Basich, Leonard, Zellinsky, Nelson and Jacobsen

Read first time 01/22/92. Referred to Committee on Fisheries & Wildlife.

1 AN ACT Relating to declining wild stocks of salmonids; amending RCW
2 43.20.230, 43.21A.064, and 90.42.010; adding a new section to chapter
3 43.99E RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that certain
6 stocks of wild salmonids are in serious decline, as identified by the
7 American fisheries society and the national marine fisheries service.
8 Water for instream flows is not readily available in some watersheds
9 due to withdrawals for domestic, municipal, industrial, and
10 agricultural use. It is in the public interest to conserve water in
11 specific areas in which declining stocks reside and in which adequate
12 instream flows are unavailable for fish.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.99E RCW
2 to read as follows:

3 (1) The department of ecology shall, for a period of four years
4 following the effective date of this section, give preference to, in
5 administration of proceeds from the sale of bonds under RCW 43.99E.025,
6 agricultural water supply facilities that are operated by public bodies
7 that have adopted rate structures that provide an incentive to water
8 users to conserve water. This section applies only to water purveyors
9 or water supply facilities that are located in the Dungeness, Cowlitz,
10 Dewatto, and Tahuya river watersheds.

11 (2) This section expires December 31, 1996.

12 **Sec. 3.** RCW 43.20.230 and 1989 c 348 s 12 are each amended to read
13 as follows:

14 Consistent with the water resource planning process of the
15 department of ecology, the department of ~~((social and))~~ health
16 ~~((services))~~ shall, contingent on the availability of funds:

17 (1) Develop procedures and guidelines relating to water use
18 efficiency, as defined in section 4(3) ~~((of this act))~~, chapter 348,
19 Laws of 1989, to be included in the development and approval of cost-
20 efficient water system plans required under RCW 43.20.050;

21 (2) Develop criteria, with input from technical experts, with the
22 objective of encouraging the cost-effective reuse of greywater and
23 other water recycling practices, consistent with protection of public
24 health and water quality; ~~((and))~~

25 (3) Provide advice and technical assistance upon request in the
26 development of water use efficiency plans and model rate-setting
27 formulas; and

28 (4) Develop alternative model rate-setting formulas for water
29 conservation and provide these to public water purveyors.

1 **Sec. 4.** RCW 43.21A.064 and 1977 c 75 s 46 are each amended to read
2 as follows:

3 The director of the department of ecology shall have the following
4 powers and duties:

5 (1) The supervision of public waters within the state and their
6 appropriation, diversion, and use, and of the various officers
7 connected therewith;

8 (2) Insofar as may be necessary to assure safety to life or
9 property, he shall inspect the construction of all dams, canals,
10 ditches, irrigation systems, hydraulic power plants, and all other
11 works, systems, and plants pertaining to the use of water, and ((he))
12 the director may require such necessary changes in the construction or
13 maintenance of said works, to be made from time to time, as will
14 reasonably secure safety to life and property;

15 (3) ((He)) The director shall regulate and control the diversion of
16 water in accordance with the rights thereto;

17 (4) ((He)) The director shall develop alternative rate-setting
18 formulas for water conservation and provide these to irrigation
19 districts;

20 (5) The director shall determine the discharge of streams and
21 springs and other sources of water supply, and the capacities of lakes
22 and of reservoirs whose waters are being or may be utilized for
23 beneficial purposes;

24 ((~~5~~—He)) (6) The director shall keep such records as may be
25 necessary for the recording of the financial transactions and
26 statistical data thereof, and shall procure all necessary documents,
27 forms, and blanks. ((He)) The director shall keep a seal of the
28 office, and all certificates by ((him)) the director covering any of
29 his or her acts or the acts of ((his)) the office, or the records and

1 files of (~~his~~) the office, under such seal, shall be taken as
2 evidence thereof in all courts;

3 (~~(6) He~~) (7) The director shall render when required by the
4 governor, a full written report of the work of (~~his~~) the office with
5 such recommendations for legislation as he or she may deem advisable
6 for the better control and development of the water resources of the
7 state;

8 (~~(7))~~ (8) The director and duly authorized deputies may
9 administer oaths;

10 (~~(8) He~~) (9) The director shall establish and promulgate rules
11 governing the administration of chapter 90.03 RCW;

12 (~~(9) He~~) (10) The director shall perform such other duties as may
13 be prescribed by law.

14 NEW SECTION. Sec. 5. (1) By October 1, 1993, each of the
15 following water purveyors of potable water or water for irrigation
16 shall evaluate whether it is appropriate to adopt and implement water
17 delivery rate structures that encourage water conservation:

18 (a) Public water systems operated by a city or town;

19 (b) Public utility districts;

20 (c) Water districts;

21 (d) Public water companies with more than one thousand service
22 connections;

23 (e) Counties; and

24 (f) Irrigation districts.

25 (2) This section applies only to water purveyors or water supply
26 facilities that are located in the Dungeness, Cowlitz, Tahuya, and
27 Dewatto river watersheds.

1 NEW SECTION. **Sec. 6.** (1) Within ninety days of making the
2 evaluation required by section 5 of this act, the water purveyor shall
3 submit the evaluation and supporting documentation to the departments
4 of ecology and health and to the appropriate committees of the
5 legislature.

6 (2) This section applies only to water purveyors or water supply
7 facilities that are located in the Dungeness, Cowlitz, Dewatto, and
8 Tahuya river watersheds.

9 NEW SECTION. **Sec. 7.** By December 31, 1993, the department of
10 ecology shall evaluate or reevaluate and implement minimum flow levels
11 for the Tahuya, Dewatto, and Dungeness rivers, and the tributaries to
12 the Cowlitz river. The department of ecology shall recommend
13 appropriate minimum flow levels for the Entiat, Okanogan, Wenatchee,
14 and Methow rivers. The minimum flow levels shall be designed to
15 maintain to the extent possible sufficient flows for anadromous
16 salmonid recovery and shall be developed in consultation with
17 representatives of the state water resources forum.

18 **Sec. 8.** RCW 90.42.010 and 1991 c 347 s 5 are each amended to read
19 as follows:

20 (1) The legislature finds that a need exists to develop and test a
21 means to facilitate the voluntary transfer of water and water rights,
22 including conserved water, to provide water for presently unmet needs
23 and emerging needs. Further, the legislature finds that water
24 conservation activities have the potential of affecting the quantity of
25 return flow waters to which existing water right holders have a right
26 to and rely upon. It is the intent of the legislature that persons
27 holding rights to water, including return flows, not be adversely
28 affected in the implementation of the provisions of this chapter.

1 The purpose of this chapter is to provide the mechanism for
2 accomplishing this in a manner that will not impair existing rights to
3 water and to test the mechanism in two pilot planning areas designated
4 pursuant to RCW 90.54.045(2) and in the water resource inventory areas
5 designated under subsection (2) of this section.

6 (2) The department may designate up to four water resource
7 inventory areas west of the crest of the Cascade mountains and up to
8 four water resource inventory areas east of the crest of the Cascade
9 mountains, as identified pursuant to chapter 90.54 RCW. The areas
10 designated shall contain critical water supply problems and shall
11 provide an opportunity to test and evaluate a variety of applications
12 of RCW 90.42.010 through 90.42.090, including application to municipal,
13 industrial, and agricultural use. The department shall seek advice
14 from appropriate state agencies, Indian tribes, local governments,
15 representatives of water right holders, and interested parties before
16 identifying such water resource inventory areas.

17 (3) The department shall provide to the appropriate legislative
18 committees by December 31, 1993, a written evaluation of the
19 implementation of RCW 90.42.010 through 90.42.090 and recommendations
20 for future application. Recommendations shall include methods of
21 applying RCW 90.42.010 through 90.42.090 to the Entiat, Wenatchee,
22 Okanogan, and Methow rivers in order to use net water savings to
23 achieve the minimum flows established by section 7, chapter ..., Laws
24 of 1992 (section 7 of this act). Recommendations shall be developed in
25 consultation with representatives of the state water resources forum.