

---

SENATE BILL 6506

---

State of Washington

53rd Legislature

1994 Regular Session

By Senators M. Rasmussen, Newhouse, Haugen, Loveland, Morton and Winsley

Read first time 01/25/94. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to creation of a water resources board; adding a  
2 new section to chapter 43.83B RCW; adding a new section to chapter  
3 89.16 RCW; adding a new section to chapter 90.03 RCW; adding a new  
4 section to chapter 90.14 RCW; adding a new section to chapter 90.16  
5 RCW; adding a new section to chapter 90.22 RCW; adding a new section to  
6 chapter 90.24 RCW; adding a new section to chapter 90.38 RCW; adding a  
7 new section to chapter 90.42 RCW; adding a new section to chapter 90.44  
8 RCW; adding a new section to chapter 90.54 RCW; adding a new section to  
9 chapter 43.20 RCW; adding a new section to chapter 43.21A RCW; adding  
10 new sections to chapter 43.27A RCW; adding a new section to chapter  
11 43.99E RCW; adding a new section to chapter 90.08 RCW; creating new  
12 sections; recodifying RCW 43.21A.067; decodifying RCW 90.14.043;  
13 repealing RCW 43.21A.170, 43.21A.180, 43.21A.190, 43.21A.200, and  
14 43.21A.210; and providing an effective date.

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

16 NEW SECTION. **Sec. 1.** The legislature recognizes the growing  
17 importance of water resources to the citizens of the state of  
18 Washington. It is the purpose of this act to provide for a more  
19 effective and efficient program of managing and planning water

1 resources by creating a water resources board to administer a water  
2 resources program that encompasses water right administration,  
3 enforcement, well construction, adjudications, dam safety, data  
4 management, policy and planning, program administration, and drought  
5 activities.

6 It is further recognized that different areas of the state have  
7 unique and differing needs and problems regarding water resources.  
8 Therefore, it is the further purpose of this act to provide for greater  
9 responsiveness and keener sensitivity to local needs and problems. In  
10 order to concentrate efforts and to receive citizen input on these  
11 local conditions the board shall be composed of persons from designated  
12 areas of the state.

13 NEW SECTION. **Sec. 2.** The water resources board is established.  
14 The board has authority over water resources matters, however the water  
15 resource program shall remain within the department of ecology. The  
16 board shall exercise all powers and perform all duties relating to  
17 water quantity matters prescribed by law including the management,  
18 conservation, utilization, planning, development, and adjudication of  
19 the state's water as provided in sections 7 through 22 of this act.  
20 The board or its authorized designee shall represent itself in  
21 legislative matters.

22 The board shall appoint an administrator of water resources who  
23 shall have authority to implement the decisions of the board. The  
24 salary of the administrator shall be fixed by the governor in  
25 accordance with RCW 43.03.040. The administrator shall serve at the  
26 pleasure of the board. The assistant director of the office of water  
27 and shorelands shall be an ex officio member of the board without a  
28 vote. This section shall expire June 30, 2001.

29 NEW SECTION. **Sec. 3.** The board shall consist of five members,  
30 appointed by the governor. The members shall be qualified electors and  
31 residents of the geographic area under section 5 of this act. Members  
32 must be knowledgeable and experienced in water resource matters in  
33 areas in which the board has authority. All appointments and  
34 reappointments, including those to fill vacancies, shall be confirmed  
35 by the senate. The first members of the board shall be appointed by  
36 the governor within sixty days after the effective date of this  
37 section. The initial terms for board members from district one and

1 district three shall expire on the first Thursday following the second  
2 Monday in January 1995, for board members from district two and  
3 district four shall expire on the first Thursday following the second  
4 Monday in January 1997, and for the board member from district five  
5 shall expire on the first Thursday following the second Monday in  
6 January 1999. Upon the expiration of the term of any member, the  
7 governor shall appoint a successor for a term of five years. Vacancies  
8 on the board shall be filled by appointment made by the governor for  
9 the unexpired term.

10 NEW SECTION. **Sec. 4.** The board shall meet at such times as it  
11 deems advisable but at least once every month. It may adopt its own  
12 rules and may establish its own procedures consistent with other  
13 provisions of state law. Resolutions or motions shall be adopted by a  
14 vote of at least three members. The board may elect one of its members  
15 as chair for a term of one year. The chair may vote on all matters  
16 before the board. Members of the board shall be compensated in  
17 accordance with RCW 43.03.240 and shall receive reimbursement for their  
18 travel expenses as provided in RCW 43.03.050 and 43.03.060.

19 NEW SECTION. **Sec. 5.** The governor shall appoint one board member  
20 from each of the following geographic areas: District one, Olympic  
21 Peninsula, shall include all of the land within Clallam, Jefferson,  
22 Kitsap, Mason, Grays Harbor, Pacific, and Wahkiakum counties; district  
23 two, Northwest Washington, shall include all of the land within  
24 Whatcom, Skagit, Island, San Juan, Snohomish, and King counties;  
25 district three, Southwest Washington, shall include all of the land  
26 within Skamania, Clark, Cowlitz, Lewis, Thurston, and Pierce counties;  
27 district four, Central Washington, shall include Klickitat, Yakima,  
28 Benton, Kittitas, Okanogan, Chelan, and Ferry counties; and district  
29 five, Eastern Washington, shall include all of the land within Stevens,  
30 Pend Oreille, Douglas, Grant, Spokane, Lincoln, Walla Walla, Franklin,  
31 Adams, Whitman, Garfield, Columbia, and Asotin counties.

32 NEW SECTION. **Sec. 6.** The board shall have the following  
33 functions, powers, and duties:

34 (1) Implement state water resources statutes through the adoption  
35 of rules as necessary;

1 (2) Develop a comprehensive state water resource program by  
2 developing and adopting regional water resource programs including the  
3 establishment of instream flows in accordance with chapter 90.54 RCW;

4 (3) Develop proposals for statutory changes to the state water  
5 resources statutes and submit these requested changes to the  
6 legislature;

7 (4) Establish and implement programs and procedures for making  
8 timely decisions for water right applications;

9 (5) Establish a mediation process that may be used to resolve water  
10 right disputes;

11 (6) Develop and approve policies regarding enforcement and  
12 regulation of water rights consistent with state laws and the  
13 provisions of this chapter.

14 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.83B RCW  
15 to read as follows:

16 References in this chapter to the department or to the department  
17 of ecology or director or the director of the department of ecology  
18 shall mean the water resources board.

19 NEW SECTION. **Sec. 8.** A new section is added to chapter 89.16 RCW  
20 to read as follows:

21 References in this chapter to the department or to the department  
22 of ecology or director or the director of the department of ecology  
23 shall mean the water resources board.

24 NEW SECTION. **Sec. 9.** A new section is added to chapter 90.03 RCW  
25 to read as follows:

26 References in this chapter to the department or to the department  
27 of ecology or director or the director of the department of ecology  
28 shall mean the water resources board.

29 NEW SECTION. **Sec. 10.** A new section is added to chapter 90.14 RCW  
30 to read as follows:

31 References in this chapter to the department or to the department  
32 of ecology or director or the director of the department of ecology  
33 shall mean the water resources board.

1        NEW SECTION.   **Sec. 11.**   A new section is added to chapter 90.16 RCW  
2 to read as follows:

3        References in this chapter to the department or to the department  
4 of ecology or director or the director of the department of ecology  
5 shall mean the water resources board.

6        NEW SECTION.   **Sec. 12.**   A new section is added to chapter 90.22 RCW  
7 to read as follows:

8        References in this chapter to the department or to the department  
9 of ecology or director or the director of the department of ecology  
10 shall mean the water resources board.

11       NEW SECTION.   **Sec. 13.**   A new section is added to chapter 90.24 RCW  
12 to read as follows:

13       References in this chapter to the department or to the department  
14 of ecology or director or the director of the department of ecology  
15 shall mean the water resources board.

16       NEW SECTION.   **Sec. 14.**   A new section is added to chapter 90.38 RCW  
17 to read as follows:

18       References in this chapter to the department or to the department  
19 of ecology or director or the director of the department of ecology  
20 shall mean the water resources board.

21       NEW SECTION.   **Sec. 15.**   A new section is added to chapter 90.42 RCW  
22 to read as follows:

23       References in this chapter to the department or to the department  
24 of ecology or director or the director of the department of ecology  
25 shall mean the water resources board.

26       NEW SECTION.   **Sec. 16.**   A new section is added to chapter 90.44 RCW  
27 to read as follows:

28       References in this chapter to the department or to the department  
29 of ecology or director or the director of the department of ecology  
30 shall mean the water resources board.

31       NEW SECTION.   **Sec. 17.**   A new section is added to chapter 90.54 RCW  
32 to read as follows:

1       References in this chapter to the department or to the department  
2 of ecology or director or the director of the department of ecology  
3 shall mean the water resources board.

4       NEW SECTION.   **Sec. 18.** A new section is added to chapter 43.20 RCW  
5 to read as follows:

6       For the purposes of RCW 43.20.230, references in this chapter to  
7 department or to the department of ecology or director or the director  
8 of the department of ecology shall mean the water resources board.

9       NEW SECTION.   **Sec. 19.** A new section is added to chapter 43.21A  
10 RCW to read as follows:

11       For the purposes of RCW 43.21A.020, 43.21A.061, 43.21A.064, and  
12 43.21A.445, references in this chapter to department or to the  
13 department of ecology or director or the director of the department of  
14 ecology shall mean the water resources board.

15       NEW SECTION.   **Sec. 20.** A new section is added to chapter 43.27A  
16 RCW to read as follows:

17       For the purposes of RCW 43.27A.020, 43.27A.090, 43.27A.130,  
18 43.27A.190, and 43.21A.067, as recodified by this act, references in  
19 this chapter to department or to the department of ecology or director  
20 or the director of the department of ecology shall mean the water  
21 resources board.

22       NEW SECTION.   **Sec. 21.** A new section is added to chapter 43.99E  
23 RCW to read as follows:

24       For the purposes of RCW 43.99E.025, references in this chapter to  
25 department or to the department of ecology or director or the director  
26 of the department of ecology shall mean the water resources board.

27       NEW SECTION.   **Sec. 22.** A new section is added to chapter 90.08 RCW  
28 to read as follows:

29       For the purposes of RCW 90.08.040, references in this chapter to  
30 department or to the department of ecology or director or the director  
31 of the department of ecology shall mean the water resources board.

32       NEW SECTION.   **Sec. 23.** Any appropriations made to the department  
33 of ecology relating to functions transferred shall, on the effective

1 date of this section, continue to be designated for use as directed by  
2 the water resources board.

3 Whenever any question arises as to the transfer of any funds,  
4 including unexpended balances within any accounts, books, documents,  
5 records, papers, files, equipment, or any other tangible property used  
6 or held in the exercise of the powers and the performance of the duties  
7 and functions transferred, the director of financial management shall  
8 make a determination as to the proper allocation and certify the same  
9 to the state agencies concerned.

10 NEW SECTION. **Sec. 24.** All rules and all pending business before  
11 the department of ecology relating to functions transferred shall be  
12 continued and acted upon by the water resources board. All existing  
13 contracts and obligations shall remain in full force and effect and  
14 shall be performed by the water resources board.

15 NEW SECTION. **Sec. 25.** Sections 2 through 6 of this act are each  
16 added to chapter 43.27A RCW.

17 NEW SECTION. **Sec. 26.** RCW 90.14.043 is decodified.

18 NEW SECTION. **Sec. 27.** The following acts or parts of acts are  
19 each repealed:

- 20 (1) RCW 43.21A.170 and 1989 1st ex.s. c 9 s 217, 1988 c 36 s 15,  
21 1985 c 466 s 50, 1979 c 141 s 68, & 1970 ex.s. c 62 s 17;  
22 (2) RCW 43.21A.180 and 1984 c 287 s 76, 1975-'76 2nd ex.s. c 34 s  
23 100, & 1970 ex.s. c 62 s 18;  
24 (3) RCW 43.21A.190 and 1988 c 127 s 24 & 1970 ex.s. c 62 s 19;  
25 (4) RCW 43.21A.200 and 1977 c 75 s 47 & 1970 ex.s. c 62 s 20; and  
26 (5) RCW 43.21A.210 and 1970 ex.s. c 62 s 21.

27 NEW SECTION. **Sec. 28.** RCW 43.21A.067 shall be recodified as a  
28 section in chapter 43.27A RCW.

29 NEW SECTION. **Sec. 29.** This act shall take effect July 1, 1994.

--- END ---