
SUBSTITUTE SENATE BILL 5125

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Honeyford, Doumit and Morton)

READ FIRST TIME 02/28/03.

1 AN ACT Relating to the trust water rights program; amending RCW
2 90.42.005, 90.42.020, 90.03.380, and 90.44.100; adding new sections to
3 chapter 90.42 RCW; creating a new section; repealing RCW 90.38.005,
4 90.38.010, 90.38.020, 90.38.030, 90.38.040, 90.38.050, 90.38.900,
5 90.38.901, 90.38.902, 90.42.010, 90.42.030, 90.42.040, 90.42.050,
6 90.42.070, and 90.42.080; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that the trust water
9 rights program is an important tool in meeting the state's current and
10 future needs for water, both instream and out-of-stream. However, the
11 legislature finds that the existing procedures for establishing trust
12 water rights are unnecessarily complex, and are difficult to explain
13 and administer. Further, the legislature finds that groups currently
14 developing local watershed plans and regional water management programs
15 are seeking an effective means to facilitate multiple, voluntary
16 transfers of existing water rights to address presently unmet needs and
17 future needs.

18 It is the intent of this act to enhance the effectiveness of the

1 trust water rights program by improving existing incentives, removing
2 disincentives, and clarifying and consolidating procedures for
3 establishing trust water rights.

4 **Sec. 2.** RCW 90.42.005 and 1991 c 347 s 1 are each amended to read
5 as follows:

6 (1) It is the policy of the state of Washington to recognize and
7 preserve water rights in accordance with RCW 90.03.010 and the
8 beneficial uses of water described in RCW 90.54.020(1).

9 (2) The legislature finds that:

10 (a) The state of Washington is faced with a shortage of water with
11 which to meet existing and future needs, particularly during the summer
12 and fall months and in dry years when the demand is greatest;

13 (b) Consistent with RCW 90.54.180, conservation and water use
14 efficiency programs, ~~((including))~~ storage, and water right transfers
15 should be the preferred methods ~~((of addressing water uses because they~~
16 ~~can relieve))~~ to address current critical water situations, provide for
17 presently unmet needs, and assist in meeting future water needs.
18 Presently unmet needs or current needs includes the water required to
19 increase the frequency of occurrence of base or minimum flow levels in
20 streams of the state, the water necessary to satisfy existing water
21 rights, or the water necessary to provide full supplies to existing
22 water systems with current supply deficiencies, or as otherwise needed
23 to meet the needs of growing communities for adequate and reliable
24 water supplies, and to provide the water necessary to satisfy existing
25 water rights for other beneficial uses listed in RCW 90.54.020(1);
26 ~~((and))~~

27 (c) The interests of the state will be served by developing
28 programs and regional water resource plans, in cooperation with local
29 governments, federally recognized tribal governments, appropriate
30 federal agencies, private citizens, and the various water users and
31 water interests in the state, that increase the overall ability to
32 manage the state's waters in order to resolve conflicts and to better
33 satisfy both present and future needs for water, both instream and
34 out-of-stream;

35 (d) A state trust water rights program is an effective means to
36 facilitate the voluntary transfer of water and water rights,

1 established through conservation, purchase, lease, or donation, to
2 secure and preserve water rights and provide water for presently unmet
3 needs and emerging needs; and

4 (e) The trust water rights program improves the ability of the
5 state to work with the United States and the various water users in the
6 ongoing program to satisfy both existing rights and other presently
7 unmet as well as future needs of the Yakima basin, through improvements
8 to the existing federal water project in the Yakima river basin,
9 authorized under P.L. 96-162.

10 **Sec. 3.** RCW 90.42.020 and 1991 c 347 s 6 are each amended to read
11 as follows:

12 ~~((Unless the context clearly requires otherwise,))~~ The definitions
13 in this section apply throughout this chapter unless the context
14 clearly requires otherwise.

15 (1) "Department" means the department of ecology.

16 (2) "Impairment" means detriment or injury to existing rights as
17 that phrase is used in RCW 90.03.380(1).

18 (3) "Net water savings" means the amount of water that is
19 determined to be conserved and usable within or from a specified
20 ~~((stream reach or reaches))~~ surface or ground water body for other
21 purposes without impairment ((or detriment)) to water rights existing
22 at the time that a water conservation project is ((undertaken, reducing
23 the ability to deliver water, or reducing the supply of water that
24 otherwise would have been available to other existing water uses))
25 funded.

26 ~~((3))~~ (4) "Trust water right" means any existing water right
27 ~~((acquired))~~ transferred to or managed by the state under this chapter
28 ~~((for management in))~~ and the state's trust water rights program.

29 ~~((4) "Pilot planning areas" means the geographic areas designated~~
30 ~~under RCW 90.54.045(2)).~~

31 ~~(5) "Water conservation project" means any project or program that~~
32 ~~achieves physical or operational improvements that provide for~~
33 ~~increased water use efficiency in existing systems of diversion,~~
34 ~~conveyance, application, or use of water under water rights existing on~~
35 ~~July 28, 1991.)~~

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.42 RCW
2 to read as follows:

3 (1) All trust water established by the state must be placed in the
4 state trust water rights program to be held in trust by the department.
5 Trust water rights established by the state must be held or authorized
6 for use by the department for any beneficial use described in RCW
7 90.54.020(1). Trust water rights may also be established for the
8 protection of water rights secured for mitigation purposes and for
9 preservation of water rights for future needs.

10 (2) Trust water rights may only be established from existing water
11 rights, including rights to divert or withdraw water under existing
12 certificates, claims, and permits, and rights to storage and use of
13 stored water from existing reservoir and secondary use rights, or other
14 appropriate means other than by condemnation.

15 (3) Trust water rights must be administered by the department.
16 Each trust water right must be administered in strict accordance with
17 the terms under which the trust water right was established, including
18 any agreement between the parties executed at the time the trust water
19 right was established, or as subsequently modified by mutual agreement
20 of the parties. For example, a trust water right established by the
21 state expressly conditioned to limit its use to instream flows must be
22 managed as a trust water right in compliance with that condition.

23 (4) To the extent practicable and subject to legislative
24 appropriation, trust water rights established in a watershed with an
25 approved watershed plan developed under chapter 90.82 RCW must be used
26 in a manner consistent with that plan.

27 (5) The department may make arrangements, including entry into
28 contracts with other persons or entities as appropriate, to ensure that
29 trust water rights established in accordance with this chapter can be
30 exercised to the fullest possible extent consistent with applicable
31 state laws.

32 (6) The department shall cooperate fully with the United States in
33 the implementation of this chapter. Trust water rights may be
34 established through expenditure of funds provided by the United States
35 and must be treated in the same manner as trust water rights
36 established as a result of the expenditure of state funds.

37 (7) All trust water rights must be managed to ensure that
38 attributes of each water right, such as its priority date, status as a

1 certificate, permit, or claim, names or numbers used to identify the
2 water right, and previously authorized uses remain distinct for each
3 water right established as a trust water right.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.42 RCW
5 to read as follows:

6 (1) A trust water right may be established on a temporary or
7 permanent basis. To establish a permanent trust water right, the water
8 right must be conveyed to the state of Washington. A water right
9 transferred to the trust water program on a temporary basis may not be
10 conveyed to the state of Washington and remains the property of the
11 water right holder while managed by the department in the trust water
12 program consistent with the terms of any agreement between the water
13 right holder and the department.

14 (2) All or a portion of a water right perfected through actual
15 beneficial use or an unperfected water right in good standing can be
16 established as a trust water right. Once established by the state,
17 such a right is a trust water right.

18 (3) The department shall develop forms for use in the establishment
19 of trust water rights to gather information pertaining to the water
20 right including, but not limited to, the existing purpose, place of
21 use, and point of diversion or withdrawal of the right, extent of water
22 use under the right, and the use or uses proposed for the right as a
23 trust water right.

24 (4) Except as provided in RCW 90.03.380(4) and 90.44.100(5), the
25 provisions of RCW 90.03.380 and 90.44.100 apply to trust water right
26 transfers under this chapter.

27 (5) Acceptance of an existing right as a temporary trust water
28 right under this chapter does not constitute a determination of the
29 validity and extent of an existing water right.

30 (6) If the holder of a right to water from a body of water chooses
31 to donate all or a portion of the person's water right to the trust
32 water program to assist in providing instream flows on a temporary or
33 permanent basis, the department shall accept the donation on such terms
34 as the person may prescribe as long as the donation satisfies the
35 applicable requirements of this chapter, and the terms prescribed are
36 relevant and material to protecting any interest in the water right

1 retained by the donor. Once accepted, such rights are trust water
2 rights within the conditions prescribed by the donor.

3 (7) The department shall establish expedited notice provisions to
4 provide notice and opportunity for comment on proposals to establish
5 trust water rights during a formally declared drought.

6 (8)(a) The quantity of water that may be approved for transfer to
7 the trust water program represents the extent to which water use under
8 the original right is reduced or foregone under the trust transfer,
9 resulting in a net benefit to the water body as a result of
10 establishing the trust water right, and resulting from:

11 (i) Reduced diversion or withdrawal of water under the original
12 right as a result of a water conservation project;

13 (ii) A reduction in the number of acres irrigated under the right,
14 or a long-term change in the type of crop grown that will require less
15 water;

16 (iii) A reduction in the period of use of the right, on a seasonal
17 basis, during periods of low stream flows, or according to conditions
18 prescribed for the trust water right;

19 (iv) The elimination of water use under the original right;

20 (v) A downstream change in point of diversion of a water right that
21 results in increased flows in the reach of the stream affected by the
22 change;

23 (vi) The temporary or permanent use of different source of supply
24 to meet all or a portion of the water needs under the original right;
25 or

26 (vii) Other appropriate changes in activities under the original
27 right, as agreed to between the water right holder and the department.

28 (b) Where the state establishes a trust water right from a portion
29 of an existing water right, only the portion of the right to be placed
30 in the trust water rights program is subject to the provisions of this
31 chapter. In the case of a trust transfer, the quantity of the trust
32 water right and the water right remaining with the water right holder
33 is reflected in the superseding document issued to the water right
34 holder by the department, and the superseding document issued by the
35 department must be conditioned to ensure that the reduced water use is
36 achieved.

37 (9) Where the department provides funding for a water conservation
38 project as a means of establishing a trust water right, a trust water

1 right must be established for the period of time during which the
2 conservation project will result in establishment of a trust water
3 right. For example, a conservation project with a functional life of
4 fifteen years would result in a trust transfer of fifteen years.
5 Before the expenditure of state funds for a water conservation project,
6 the state and the water right holder shall agree on the terms and
7 duration of the trust water transfer as a result of a conservation
8 project.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 90.42 RCW
10 to read as follows:

11 (1) Except as provided in subsection (2) of this section, a
12 temporary trust water right is established after the following actions
13 occur:

14 (a) The water right holder provides written notice to the
15 department of their intention to establish a temporary trust water
16 right;

17 (b) The water right holder publishes a legal notice prescribed by
18 the department describing the temporary trust transfer and other
19 details deemed necessary by the department. The legal notice must
20 state that a water right holder wishing to assert a claim of impairment
21 of their water right may do so by filing the claim with the department,
22 and shall specify the deadline for doing so. The legal notice must be
23 published once a week for two consecutive weeks in a newspaper of
24 general circulation in the area in which the temporary trust water
25 right would be established; and

26 (c) Within thirty days of the last date of publication of the legal
27 notice, no claims of impairment are filed with the department relating
28 to the proposed temporary trust water right. If any claims of
29 impairment are filed with the department, the department shall make a
30 determination regarding the impairment claim or claims and shall issue
31 its determination in writing, stating either that it finds that there
32 will be impairment (a "finding of impairment") or that it finds there
33 will not be impairment (a "finding of no impairment"). The
34 department's written determination may be appealed to the pollution
35 control hearings board as provided in chapter 43.21B RCW or other
36 applicable law.

1 (2) Notwithstanding the provisions of subsection (1) of this
2 section, a temporary trust water right may be established by a superior
3 court conducting a water rights adjudication under chapter 90.03 RCW.

4 (3) Upon the expiration of the period of time for which a temporary
5 trust water right is established, the full perfected and unperfected
6 quantities of water established as a temporary trust water right revert
7 to the water right holder, with the priority date of the original water
8 right.

9 NEW SECTION. **Sec. 7.** A new section is added to chapter 90.42 RCW
10 to read as follows:

11 (1)(a) After notice and consideration of comments received, the
12 department shall issue a final decision regarding the establishment of
13 a permanent trust water right.

14 (b) The department shall provide copies of its final decision to
15 the applicant and to any person or entity who provided comments on the
16 proposed permanent trust water right transfer. The department's final
17 decision on establishment of a permanent trust water right is
18 appealable to the pollution control hearings board under RCW 43.21B.230
19 or other applicable law.

20 (2) The department shall issue a certificate of change or transfer
21 as required under RCW 90.03.380(1) for any water right established as
22 a permanent trust water right and order approving a trust water right
23 transfer. Certificates of change or transfer issued under RCW
24 90.03.380 must be filed and made a record with the department of
25 ecology, and a duplicate certificate must be issued to the applicant,
26 which may be filed with the appropriate county auditor in like manner
27 and with the same effect as provided in the original authorization to
28 divert water.

29 (3) The department may require a final investigation prior to
30 issuing a superseding certificate for water rights for which the
31 department has issued a certificate of change or transfer under this
32 section and under RCW 90.03.380(1), and shall issue a superseding
33 certificate for such water right only when and to the extent water has
34 been applied to actual beneficial use as described in the certificate
35 of change or transfer issued under RCW 90.03.380(1).

36 (4) Where only a portion of an existing right is established as a
37 permanent trust water right, the department shall issue a superseding

1 certificate or permit to the original water right holder or, with
2 respect to water claims, issue a superseding certificate or permit only
3 for the perfected portion of a claim as demonstrated through actual
4 beneficial use of water. The superseding document must indicate the
5 quantity of water remaining with the original right holder.

6 NEW SECTION. **Sec. 8.** A new section is added to chapter 90.42 RCW
7 to read as follows:

8 No state funds may be expended to establish trust water rights by
9 the state under this chapter unless specifically appropriated for this
10 purpose by the legislature. Prior to expending state or federal funds
11 for a trust water right, the department shall exercise appropriate due
12 diligence, as practiced by other water right purchasers, to ensure the
13 validity of the water right or portion thereof for which the funds will
14 be expended.

15 NEW SECTION. **Sec. 9.** A new section is added to chapter 90.42 RCW
16 to read as follows:

17 A water right conveyed to the trust water right program as a
18 donation that is expressly conditioned to limit its use to instream
19 purposes must be managed by the department for public purposes to
20 ensure that it qualifies as a donation that is deductible for federal
21 income taxation purposes for the person or entity conveying the water
22 right.

23 NEW SECTION. **Sec. 10.** A new section is added to chapter 90.42 RCW
24 to read as follows:

25 The water right relinquishment provisions of RCW 90.14.130 through
26 90.14.230 do not apply to trust water rights as of the date the trust
27 water right is established.

28 NEW SECTION. **Sec. 11.** A new section is added to chapter 90.42 RCW
29 to read as follows:

30 Nothing in this chapter authorizes the impairment of, or operates
31 to impair, any existing water rights.

32 NEW SECTION. **Sec. 12.** A new section is added to chapter 90.42 RCW
33 to read as follows:

1 (1) When water is proposed to be provided to the department as a
2 trust water right by an irrigation district, evidence of the district's
3 authority to represent the water right holders must be submitted to,
4 and for the satisfaction of, the department.

5 (2) The department may not establish a trust water right from an
6 individual's water right under this chapter that is appurtenant to land
7 lying within an irrigation district without the approval of the board
8 of directors of the irrigation district.

9 **Sec. 13.** RCW 90.03.380 and 2001 c 237 s 5 are each amended to read
10 as follows:

11 (1) The right to the use of water which has been applied to a
12 beneficial use in the state shall be and remain appurtenant to the land
13 or place upon which the same is used: PROVIDED, HOWEVER, That the
14 right may be transferred to another or to others and become appurtenant
15 to any other land or place of use without loss of priority of right
16 theretofore established if such change can be made without detriment or
17 injury to existing rights. The point of diversion of water for
18 beneficial use or the purpose of use may be changed, if such change can
19 be made without detriment or injury to existing rights. A change in
20 the place of use, point of diversion, and/or purpose of use of a water
21 right to enable irrigation of additional acreage or the addition of new
22 uses may be permitted if such change results in no increase in the
23 annual consumptive quantity of water used under the water right. For
24 purposes of this section, "annual consumptive quantity" means the
25 estimated or actual annual amount of water diverted pursuant to the
26 water right, reduced by the estimated annual amount of return flows,
27 averaged over the two years of greatest use within the most recent
28 five-year period of continuous beneficial use of the water right.
29 Before any transfer of such right to use water or change of the point
30 of diversion of water or change of purpose of use can be made, any
31 person having an interest in the transfer or change, shall file a
32 written application therefor with the department, and the application
33 shall not be granted until notice of the application is published as
34 provided in RCW 90.03.280. If it shall appear that such transfer or
35 such change may be made without injury or detriment to existing rights,
36 the department shall issue to the applicant a certificate in duplicate
37 granting the right for such transfer or for such change of point of

1 diversion or of use. The certificate so issued shall be filed and be
2 made a record with the department and the duplicate certificate issued
3 to the applicant may be filed with the county auditor in like manner
4 and with the same effect as provided in the original certificate or
5 permit to divert water.

6 (2) If an application for change proposes to transfer water rights
7 from one irrigation district to another, the department shall, before
8 publication of notice, receive concurrence from each of the irrigation
9 districts that such transfer or change will not adversely affect the
10 ability to deliver water to other landowners or impair the financial
11 integrity of either of the districts.

12 (3) A change in place of use by an individual water user or users
13 of water provided by an irrigation district need only receive approval
14 for the change from the board of directors of the district if the use
15 of water continues within the irrigation district, and when water is
16 provided by an irrigation entity that is a member of a board of joint
17 control created under chapter 87.80 RCW, approval need only be received
18 from the board of joint control if the use of water continues within
19 the area of jurisdiction of the joint board and the change can be made
20 without detriment or injury to existing rights.

21 (4) The requirements of this section ((shall)) do not apply to
22 trust water rights ((acquired by the state through the funding of water
23 conservation projects under chapter 90.38 RCW or RCW 90.42.010 through
24 90.42.070)) established on a temporary basis under chapter 90.42 RCW
25 unless such rights are transferred to another person.

26 (5)(a) Pending applications for new water rights are not entitled
27 to protection from impairment, injury, or detriment when an application
28 relating to an existing surface or ground water right is considered.

29 (b) Applications relating to existing surface or ground water
30 rights may be processed and decisions on them rendered independently of
31 processing and rendering decisions on pending applications for new
32 water rights within the same source of supply without regard to the
33 date of filing of the pending applications for new water rights.

34 (c) Notwithstanding any other existing authority to process
35 applications, including but not limited to the authority to process
36 applications under WAC 173-152-050 as it existed on January 1, 2001, an
37 application relating to an existing surface or ground water right may
38 be processed ahead of a previously filed application relating to an

1 existing right when sufficient information for a decision on the
2 previously filed application is not available and the applicant for the
3 previously filed application is sent written notice that explains what
4 information is not available and informs the applicant that processing
5 of the next application will begin. The previously filed application
6 does not lose its priority date and if the information is provided by
7 the applicant within sixty days, the previously filed application shall
8 be processed at that time. This subsection (5)(c) does not affect any
9 other existing authority to process applications.

10 (d) Nothing in this subsection (5) is intended to stop the
11 processing of applications for new water rights.

12 (6) No applicant for a change, transfer, or amendment of a water
13 right may be required to give up any part of the applicant's valid
14 water right or claim to a state agency, the trust water rights program,
15 or to other persons as a condition of processing the application.

16 (7) In revising the provisions of this section and adding
17 provisions to this section by chapter 237, Laws of 2001, the
18 legislature does not intend to imply legislative approval or
19 disapproval of any existing administrative policy regarding, or any
20 existing administrative or judicial interpretation of, the provisions
21 of this section not expressly added or revised.

22 **Sec. 14.** RCW 90.44.100 and 1997 c 316 s 2 are each amended to read
23 as follows:

24 (1) After an application to, and upon the issuance by the
25 department of an amendment to the appropriate permit or certificate of
26 ground water right, the holder of a valid right to withdraw public
27 ground waters may, without losing the holder's priority of right,
28 construct wells or other means of withdrawal at a new location in
29 substitution for or in addition to those at the original location, or
30 the holder may change the manner or the place of use of the water.

31 (2) An amendment to construct replacement or a new additional well
32 or wells at a location outside of the location of the original well or
33 wells or to change the manner or place of use of the water shall be
34 issued only after publication of notice of the application and findings
35 as prescribed in the case of an original application. Such amendment
36 shall be issued by the department only on the conditions that: (a) The
37 additional or replacement well or wells shall tap the same body of

1 public ground water as the original well or wells; (b) where a
2 replacement well or wells is approved, the use of the original well or
3 wells shall be discontinued and the original well or wells shall be
4 properly decommissioned as required under chapter 18.104 RCW; (c) where
5 an additional well or wells is constructed, the original well or wells
6 may continue to be used, but the combined total withdrawal from the
7 original and additional well or wells shall not enlarge the right
8 conveyed by the original permit or certificate; and (d) other existing
9 rights shall not be impaired. The department may specify an approved
10 manner of construction and shall require a showing of compliance with
11 the terms of the amendment, as provided in RCW 90.44.080 in the case of
12 an original permit.

13 (3) The construction of a replacement or new additional well or
14 wells at the location of the original well or wells shall be allowed
15 without application to the department for an amendment. However, the
16 following apply to such a replacement or new additional well: (a) The
17 well shall tap the same body of public ground water as the original
18 well or wells; (b) if a replacement well is constructed, the use of the
19 original well or wells shall be discontinued and the original well or
20 wells shall be properly decommissioned as required under chapter 18.104
21 RCW; (c) if a new additional well is constructed, the original well or
22 wells may continue to be used, but the combined total withdrawal from
23 the original and additional well or wells shall not enlarge the right
24 conveyed by the original water use permit or certificate; (d) the
25 construction and use of the well shall not interfere with or impair
26 water rights with an earlier date of priority than the water right or
27 rights for the original well or wells; (e) the replacement or
28 additional well shall be located no closer than the original well to a
29 well it might interfere with; (f) the department may specify an
30 approved manner of construction of the well; and (g) the department
31 shall require a showing of compliance with the conditions of this
32 subsection (3).

33 (4) As used in this section, the "location of the original well or
34 wells" is the area described as the point of withdrawal in the original
35 public notice published for the application for the water right for the
36 well.

37 (5) The requirements of this section do not apply to trust water

1 rights established on a temporary basis under chapter 90.42 RCW unless
2 such rights are transferred to another person.

3 NEW SECTION. **Sec. 15.** The following acts or parts of acts are
4 each repealed:

- 5 (1) RCW 90.38.005 (Findings--Purpose) and 1989 c 429 s 1;
- 6 (2) RCW 90.38.010 (Definitions) and 1989 c 429 s 2;
- 7 (3) RCW 90.38.020 (Acquisition or donation of trust water rights)
8 and 2002 c 329 s 7, 2001 c 237 s 28, & 1989 c 429 s 3;
- 9 (4) RCW 90.38.030 (Water conservation projects--Contracts for
10 financial assistance) and 1989 c 429 s 4;
- 11 (5) RCW 90.38.040 (Trust water rights program) and 2001 c 237 s 29,
12 1994 c 264 s 90, & 1989 c 429 s 5;
- 13 (6) RCW 90.38.050 (Rules) and 1989 c 429 s 6;
- 14 (7) RCW 90.38.900 (Existing policies not replaced) and 1989 c 429
15 s 7;
- 16 (8) RCW 90.38.901 (Transfer of rights between irrigation districts
17 not intended) and 1989 c 429 s 8;
- 18 (9) RCW 90.38.902 (Existing rights not impaired) and 1989 c 429 s
19 9;
- 20 (10) RCW 90.42.010 (Findings--Intent) and 1998 c 245 s 173;
- 21 (11) RCW 90.42.030 (Contracts to finance water conservation
22 projects--Public benefits--Trust water rights) and 1993 c 98 s 2 & 1991
23 c 347 s 7;
- 24 (12) RCW 90.42.040 (Trust water rights program--Water right
25 certificate--Notice of creation or modification) and 2002 c 329 s 8,
26 2001 c 237 s 30, 1993 c 98 s 3, & 1991 c 347 s 8;
- 27 (13) RCW 90.42.050 (Guidelines governing trust water rights--
28 Submission of guidelines to joint select committee) and 1991 c 347 s 9;
- 29 (14) RCW 90.42.070 (Involuntary impairment of existing water rights
30 not authorized) and 1991 c 347 s 11; and
- 31 (15) RCW 90.42.080 (Trust water rights--Acquisition, donation,
32 exercise, and transfer--Appropriation required for expenditure of
33 funds) and 2002 c 329 s 9, 2001 c 237 s 31, 1993 c 98 s 4, & 1991 c 347
34 s 12.

35 NEW SECTION. **Sec. 16.** If any provision of this act or its

1 application to any person or circumstance is held invalid, the
2 remainder of the act or the application of the provision to other
3 persons or circumstances is not affected.

4 NEW SECTION. **Sec. 17.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and takes effect
7 immediately.

--- END ---