
HOUSE BILL 2001

State of Washington 60th Legislature 2007 Regular Session

By Representatives Newhouse, Chandler, Ross and Hinkle

Read first time 02/05/2007. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to water conservancy boards; and amending RCW
2 90.80.080.

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

4 **Sec. 1.** RCW 90.80.080 and 2001 c 237 s 12 are each amended to read
5 as follows:

6 (1) The board must provide a copy of its record of decision to the
7 applicant. The board shall submit its record of decision on the
8 transfer application to the department for review. The board shall
9 also submit its report of examination to the department summarizing
10 factual findings on which the board relied in reaching its record of
11 decision and a copy of the files and records upon which the board's
12 record of decision is based. The board shall also promptly transmit
13 notice by mail to any person who objected to the transfer or who
14 requested notice of the board's record of decision.

15 (2) Upon receipt of a board's record of decision, the department
16 shall promptly post the text of the record of decision transmittal form
17 on the department's internet site. The director shall review each
18 record of decision made by a board for compliance with applicable state
19 water law.

1 (3) Any party to a transfer, third party who alleges his or her
2 water right will be impaired by the proposed transfer, or other person
3 may file a letter of concern or support with the department and the
4 department may consider the concern or support expressed in the letter.
5 Such letters must be received by the department within thirty days of
6 the department's receipt of the board's record of decision.

7 (4) The director shall review the record of decision of the board
8 and shall affirm, reverse, or modify the action of the board within
9 forty-five days of receipt. The forty-five day time period may be
10 extended for an additional thirty days by the director or at the
11 request of the board or applicant. If the director fails to act within
12 the prescribed time period, the board's record of decision becomes the
13 decision of the department and is appealable as provided by RCW
14 90.80.090. If the director acts within the prescribed time period, the
15 director's decision to affirm, modify, or reverse is appealable as
16 provided by RCW 90.80.090, and the director's decision to remand is
17 appealable as provided by RCW 90.80.120(~~(+2)(b+)~~) (3)(b).

18 (5) The director's review is limited to compliance with established
19 statutes. In the case of transfers affecting water supplies for an
20 established municipality, the director's review shall also consider the
21 requirements of other state and federal agencies mandating either
22 sufficient sources of supply or requiring growth to occur within
23 legally proscribed boundaries, or both. The director shall not
24 condition or modify board decisions unless they are arbitrary and
25 capricious.

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