

**WAC 173-153-040 How is a water conservancy board created?** All eligible entities identified in this section under subsection (1)(a) of this section are encouraged to consult with ecology when considering creation of a water conservancy board. In accordance with chapter 90.80 RCW, boards may have either three or five commissioners and must be established to serve an identified geographic area, as defined in WAC 173-153-030. A newly established board cannot include in the geographic area in which it will serve any area that overlaps with a geographic area served by an existing board.

(1) Creation of a water conservancy board is accomplished by the following steps:

(a) A resolution or petition is proposed to or by the legislative authority or authorities of a county or counties;

(b) Public notice;

(c) Public hearing(s);

(d) Adoption of a resolution creating the board by the legislative authority or authorities of the county or counties;

(e) When a board is created by more than one county legislative authority, a lead county is designated;

(f) A petition is submitted to the director; and

(g) The director must approve the creation of a board.

**Where is the resolution or petition calling for the creation of a board submitted?**

(2) A resolution or petition calling for creation of a water conservancy board must be submitted to the legislative authority or authorities of the county or counties in which the board would serve.

**Who can initiate a petition calling for the creation of a board?**

(3) A resolution or petition may be initiated by the following entities:

(a) The legislative authority or authorities of the county or counties which would be served by the board;

(b) The legislative authority of an irrigation district, a public utility district that operates a public water system, a reclamation district, a city operating a public water system, or a water-sewer district that operates a public water system;

(c) The governing body of a cooperative or mutual corporation that operates a public water system serving one hundred or more accounts;

(d) Five or more water right holders, in the geographic area which would be served by the board, who divert or withdraw water for a beneficial use, or whose nonuse of water is due to a sufficient cause or an exemption pursuant to RCW 90.14.140; or

(e) Any combination of the above.

**What information must be included in the proposed resolution or petition calling for the creation of a board?**

(4) The resolution or petition must include:

(a) A statement describing the need for the board;

(b) Proposed bylaws that will govern the operation of the board;

(c) Identification of the geographic area within which the board would serve; and

(d) A description of the proposed method(s) for funding the operation of the board.

**What notice is given to the public regarding the proposed creation of a board?**

(5) A public notice must be published in a newspaper of general circulation in the county or, if the board would serve more than one county, a public notice must be published in a newspaper of general

circulation in each county in which the board would serve. The notice(s) must be published not less than ten days and not more than thirty days before the date of a public hearing on the proposed creation of the board. The notice(s) shall describe the:

- (a) Time;
- (b) Date;
- (c) Place;
- (d) Purpose of the hearing; and
- (e) Purpose of the board.

Notice must be sent to the ecology regional office at the time of publication of the public notice, and an effort shall be made to ensure that any watershed planning unit and Indian tribe with an interest in water rights in the area to be served by the board also receives the notice.

**How many public hearings must be held for the creation of a board?**

(6) At least one public hearing on the proposed creation of the board must be held by the legislative authority of each county in which the board would serve.

**What must be included in the adopted resolution which establishes a board?**

(7) If the legislative authority or authorities of the county or counties decide to establish a board after the public hearing(s) a resolution must be adopted by the legislative authority or authorities of the county or counties, approving the creation of the board. The resolution must describe or include:

- (a) The need for the board;
- (b) The geographic area to be served by the board;
- (c) The method or methods which will be used to fund the board;
- (d) Whether the proposed board will consist of three or five commissioners;
- (e) The designated lead county if a board is proposed which would serve in more than one county; and
- (f) A finding that the creation of the board is in the public interest.

**What is included in a petition to ecology for the creation of a board?**

(8) The petition submitted to ecology to create the board must include the following:

(a) A copy of the resolution or petition to or by the legislative authority or authorities of the county or counties calling for the creation of a board. If a board is proposed which would serve in more than one county, the resolution shall be provided by the lead county as designated under subsection (7)(e) of this section. If five petitioners meeting the definition of a water right holder in the county or counties which initiate the petition, the petition must also include the names and addresses of the petitioners;

(b) A summary of the public testimony presented during the public hearing(s) conducted by the legislative authority or authorities of the county or counties in response to the resolution or petition to create a board. The summary shall be clearly identified and include the date of the hearing;

(c) A copy of the resolution adopted by the legislative authority or authorities of the county or counties approving the creation of a water conservancy board. The resolution must include all elements described in subsection (7) of this section; and

(d) A copy of the board's proposed bylaws.

**What is the process for the director to approve or deny the creation of a water conservancy board?**

(9) Upon submission to the water conservancy board coordinator of the required documentation pursuant to subsection (8) of this section, the director will determine whether the creation of a water conservancy board will further the purposes of the law and be in the public interest. The public interest includes, but is not limited to, whether ecology has sufficient staffing resources to provide the necessary training, monitoring, and technical assistance to the board and to make timely responses to the board's records of decisions.

(10) The director's determination regarding creation of the board shall be made within forty-five days of receiving all items listed in subsection (8) of this section.

(11) If creation of a board is approved, ecology will include in its notice of approval any unique conditions or provisions under which the approval is made, if any, and a description of the initial training requirements for board commissioners as outlined in WAC 173-153-050.

[Statutory Authority: RCW 90.80.040. WSR 03-01-039 (Order 01-13), § 173-153-040, filed 12/9/02, effective 1/9/03. Statutory Authority: Chapter 90.80 RCW. WSR 99-23-101 (Order 98-11), § 173-153-040, filed 11/17/99, effective 12/18/99.]