
HOUSE BILL 1787

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Linville, R. Johnson, Pruitt, Kremen, Rust, Foreman, Quall, Morton, Grant, Johanson, Mastin, Eide and Fuhrman

Read first time 02/08/93. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to water resource areas; and amending RCW 90.42.010
2 and 90.42.080.

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

4 **Sec. 1.** RCW 90.42.010 and 1991 c 347 s 5 are each amended to read
5 as follows:

6 (1) The legislature finds that a need exists to develop and test a
7 means to facilitate the voluntary transfer of water and water rights,
8 including conserved water, to provide water for presently unmet needs
9 and emerging needs. Further, the legislature finds that water
10 conservation activities have the potential of affecting the quantity of
11 return flow waters to which existing water right holders have a right
12 to and rely upon. It is the intent of the legislature that persons
13 holding rights to water, including return flows, not be adversely
14 affected in the implementation of the provisions of this chapter.

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

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

12 ~~(3))~~ (2) The department shall provide to the appropriate
13 legislative committees by December 31, 1993, a written evaluation of
14 the implementation of RCW 90.42.010 through 90.42.090 and
15 recommendations for future application.

16 **Sec. 2.** RCW 90.42.080 and 1991 c 347 s 12 are each amended to read
17 as follows:

18 ~~(1) ((Within the pilot planning areas, and in water resource~~
19 ~~inventory areas designated in accordance with RCW 90.42.010,))~~ The
20 state may acquire all or portions of existing water rights, by
21 purchase, gift, or other appropriate means other than by condemnation,
22 from any person or entity or combination of persons or entities. Once
23 acquired, such rights are trust water rights.

24 (2) The department may enter into leases, contracts, or such other
25 arrangements with other persons or entities as appropriate, to ensure
26 that trust water rights acquired in accordance with this chapter may be
27 exercised to the fullest possible extent.

28 (3) Trust water rights may be acquired by the state on a temporary
29 or permanent basis.

30 (4) The provisions of RCW 90.03.380 and 90.03.390 apply to
31 transfers of water rights under this section.

32 (5) No funds may be expended for the purchase of water rights by
33 the state pursuant to this section unless specifically appropriated for
34 this purpose by the legislature.

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