

ANALYSIS OF HB 2855

House Agriculture & Ecology Committee

February 4, 1998

BACKGROUND:

Current law authorizes ten or more owners of lakefront property to petition the superior court in the county where the lake is situated for an order to regulate the level of the lake, except if the lake is used for the storage of water for irrigation or other beneficial purposes, or the lake is navigable from the sea. After hearing the petition, the court can authorize an order fixing the level of the lake and directing the Department of Ecology to regulate outflows accordingly. If a petition is granted, the court continues to have jurisdiction over the order and may enter further orders as necessary to fully accomplish the objectives of the initial petition.

An order to regulate lake levels may not interfere with navigation or with fish that live in the lake or that may be stocked in the lake. If a change in lake level would affect fish passage in and out of the lake, fish ladders may be required. In addition, if a change in lake level would adversely affect any riparian owners, the petition is refused by the court. If devices are required to protect fish, the court will determine the kind of device that needs to be constructed and will apportion the cost among the persons whose property abuts the lake.

Devices to protect fish are installed under the supervision of the county with the approval of the directors of the Department of Ecology and Department of Fish and Wildlife.

If a superior court has had jurisdiction over weed control in lakes since before July 28, 1985, a court may continue to exercise that jurisdiction in the same way as for lake levels; that is, a court may determine the best way of controlling weeds and apportion the cost of such measures among the persons whose property abuts the lake.

SUMMARY:

Current law is amended by allowing ten or more owners, or an organization of ten or more owners, to petition the court for an order to provide lake management activities and facilities and to impose the costs on lakefront property owners. Activities and facilities that may be provided under order, in addition to those already allowed, include control or removal of aquatic plants and vegetation, stormwater diversion and treatment, control of agricultural wastes, studies of water quality problems and solution, cleaning and maintenance of ditches and streams entering the lake, and payment to local government to regulate water safety. The costs of these activities are imposed in the same manner as under current law, and the court maintains continuing jurisdiction also in the same manner as under current law.

Two sections are repealed in current law: one concerning how fish protection devices are installed, and the other concerning the court's jurisdiction over weed control.

*Prepared for the House Agriculture & Ecology Committee
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