
HOUSE BILL 2855

State of Washington

55th Legislature

1998 Regular Session

By Representatives Talcott, Carrell and Chandler

Read first time 01/21/98. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to lake management; amending RCW 90.24.010,
2 90.24.020, 90.24.030, 90.24.040, and 90.24.050; and repealing RCW
3 90.24.060 and 90.24.066.

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

5 **Sec. 1.** RCW 90.24.010 and 1985 c 398 s 28 are each amended to read
6 as follows:

7 Ten or more owners, or an organization of ten or more owners, of
8 real property abutting on a meandered lake may petition the superior
9 court of the county in which the lake is situated, for an order to
10 provide ((for the regulation of the outflow of the lake in order to
11 maintain a certain water level therein)) lake management activities and
12 facilities on the lake and to finance these activities and facilities
13 with the imposition of costs on property abutting the lake. Lake
14 management activities and facilities that may be provided under this
15 chapter include: (1) Facilities to maintain the water level of the
16 lake; (2) fish ladders and other devices to conserve and protect fish
17 and game fish in lakes; (3) control or removal of aquatic plants and
18 vegetation; (4) improvement of water quality; (5) storm water diversion
19 and treatment; (6) control of agricultural wastes; (7) study of lake

1 water quality problems and solutions; (8) cleaning and maintenance of
2 ditches and streams entering or leaving the lake; and (9) payment to
3 the county or city to regulate water safety on the lake. The related
4 administrative, engineering, legal, and operational costs of providing
5 these activities and facilities may be financed with these funds.

6 The superior court, after holding a hearing with notice being
7 provided as required in this chapter, ((is authorized to)) may make an
8 order fixing the water level ((thereof and directing the department of
9 ecology to regulate the outflow therefrom in accordance with the
10 purposes described in the petition)) of the lake, authorizing other
11 lake management activities and facilities, and establishing and
12 imposing the costs to finance these activities and facilities.

13 This section shall not apply to any meandered lake or reservoir
14 used for the storage of water for irrigation or other beneficial
15 purposes, or to lakes navigable from the sea.

16 **Sec. 2.** RCW 90.24.020 and 1939 c 107 s 3 are each amended to read
17 as follows:

18 ((Such)) A petition filed with a superior court under RCW 90.24.010
19 shall: (1) Contain a ((complete description of)) copy of an assessment
20 roll from the county assessor, obtained in the current year, describing
21 the property surrounding ((said)) the lake ((with)) and indicating the
22 number of ((front)) lineal feet of waterfront contained in each tract
23 ((with)) abutting the lake and the name and address of the owner
24 ((thereof and his address together with)) of each tract; (2) include a
25 brief statement of the reasons and necessity for ((such)) the
26 application; ((that)) (3) describe the lake management activities and
27 facilities that are desired; and (4) ask that the court impose the
28 costs on each tract abutting the lake to finance these activities and
29 facilities.

30 Any actions taken and devices installed to establish or maintain
31 the level ((sought to be established will)) of the lake may in no
32 ((wise)) way interfere with the navigability of ((said)) the lake or in
33 any manner affect or interfere with fish or game fish which may be then
34 contained or may thereafter be deposited in ((said)) the lake, but
35 ((that in order)) fish ladders and other devices may be installed to
36 conserve and protect fish or game fish ((in said lake the construction
37 of fish ladders or other devices may be required to conserve and
38 protect such fish or game fish, then in that event the property owners

1 to be benefited by the establishment of said water level in such lake
2 shall be required to pay the cost thereof, in proportion to)).

3 Lake management activities and facilities shall be financed by the
4 costs being imposed on each benefitted tract abutting the lake, based
5 upon the lineal feet of waterfront ((owned by each)) of the tract.

6 **Sec. 3.** RCW 90.24.030 and 1994 c 264 s 88 are each amended to read
7 as follows:

8 The petition shall be entitled "In the matter of ((fixing the level
9 of)) authorizing and funding lake management activities for Lake
10 in county, Washington", and shall be filed with
11 the clerk of the court and a copy thereof, together with a copy of the
12 order fixing the time for hearing the petition, shall be ((served on))
13 mailed to each ((owner)) resident of property abutting on the lake and
14 the owner of the property if different, not less than ten days before
15 the hearing. Like copies shall also be ((served upon)) mailed to the
16 director of fish and wildlife and the director of ecology. ((The copy
17 of the petition and of the order fixing time for hearing shall be
18 served in the manner provided by law for the service of summons in
19 civil actions, or in such other manner as may be prescribed by order of
20 the court.)) For the benefit of every riparian owner abutting on a
21 stream or river flowing from such lake, a copy of the notice of hearing
22 shall be published at least once a week for two consecutive weeks
23 before the time set for hearing in a newspaper in each county or
24 counties wherein located, said notice to contain a brief statement of
25 the reasons and necessity for such application.

26 **Sec. 4.** RCW 90.24.040 and 1985 c 398 s 29 are each amended to read
27 as follows:

28 At the hearing held on the matter by the superior court, evidence
29 shall be introduced in support of the petition and all interested
30 parties may be heard for or against it. The court shall make findings
31 and conclusions and enter an order granting or refusing the petition,
32 and if the petition is granted, shall fix the water level to be
33 maintained ((and direct the department of ecology to regulate and
34 control the outflow of the lake so as to properly maintain the water
35 level so far as practicable within maximum and minimum limits when the
36 proper control devices are installed: PROVIDED, That)), authorize the

1 lake management activities and facilities, and impose the costs to
2 finance these activities and facilities.

3 The court shall have continuing jurisdiction after a petition is
4 once granted and shall, upon subsequent petition filed and heard in
5 accordance with the preceding sections, make such further findings and
6 conclusions and enter such further orders as are necessary to
7 accomplish fully the objectives sought in the ~~((initial petition: AND~~
8 ~~PROVIDED FURTHER, That shall))~~ subsequent petition, including adjusting
9 or extending the costs imposed to finance the lake management
10 activities and facilities.

11 The petition shall be refused if the court finds that any ~~((such))~~
12 riparian owners abutting on a stream or river flowing from such lake
13 will be adversely affected in any way by ~~((the granting of such a~~
14 ~~petition, such petition shall be refused))~~ changing the water level of
15 the lake.

16 **Sec. 5.** RCW 90.24.050 and 1988 c 127 s 82 are each amended to read
17 as follows:

18 ~~((In the event))~~ The superior court shall ~~((find that to protect~~
19 ~~fish and game fish in said lake that fish ladders or other devices~~
20 ~~should be constructed therein or that other construction shall be~~
21 ~~necessary in order to maintain the determined lake level, the court~~
22 ~~shall find the proper device to be constructed,))~~ determine the
23 probable annual costs ~~((thereof and by its order and judgment))~~ of the
24 lake management activities and facilities that it authorizes and shall
25 apportion the costs ~~((thereof among the persons whose))~~ on property
26 ~~((abuts on said))~~ abutting the lake in proportion to the lineal feet of
27 each waterfront ~~((owned by each, which sum so found))~~ tract.

28 Costs imposed on any tract shall constitute a lien against ~~((said~~
29 ~~real property and))~~ the tract. Costs shall be paid to the county
30 treasurer and ~~((by him))~~ placed in a special fund to be known as "Lake
31 Improvement Fund." ~~((The director of ecology shall appoint~~
32 ~~a suitable person to be compensated by the property owners to regulate~~
33 ~~the determined level as decreed by the court.))~~

34 NEW SECTION. **Sec. 6.** The following acts or parts of acts are each
35 repealed:

36 (1) RCW 90.24.060 and 1994 c 264 s 89, 1988 c 36 s 68, & 1987 c 109
37 s 106; and

1 (2) RCW 90.24.066 and 1988 c 133 s 1.

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