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**SUBSTITUTE SENATE BILL 6263**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** Senate Committee on Agriculture & Environment (originally sponsored by Senators Swecker, Rasmussen and Winsley)

Read first time 02/06/98.

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 (1) Ten or more owners, or an organization of ten or more owners,  
8 of 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: (a) Facilities to maintain the water level of the  
16 lake; (b) fish ladders and other devices to conserve and protect fish  
17 and game fish in lakes; (c) control or removal of aquatic plants and  
18 vegetation; (d) improvement of water quality; (e) storm water diversion  
19 and treatment; (f) control of agricultural wastes; (g) study of lake

1 water quality problems and solutions; (h) cleaning and maintenance of  
2 ditches and streams entering or leaving the lake; and (i) 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 (2) The superior court, after holding a hearing with notice being  
7 provided as required in this chapter, (~~is authorized to~~) may: (a)  
8 Make an order fixing the water level (~~thereof and directing the~~  
9 department of ecology to regulate the outflow therefrom in accordance  
10 with the purposes described in the petition)) of the lake, authorizing  
11 other lake management activities and facilities, and establishing and  
12 imposing the costs to finance these activities and facilities; (b)  
13 require that the petitioners pursue lake management district formation  
14 under chapter 36.61 RCW or special district formation under chapter  
15 85.38 RCW; or (c) deny the petition.

16 (3) This section shall not apply to any meandered lake or reservoir  
17 used for the storage of water for irrigation or other beneficial  
18 purposes, or to lakes navigable from the sea.

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

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

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

1 ~~conserve and protect fish or game fish ((in said lake the construction~~  
2 ~~of fish ladders or other devices may be required to conserve and~~  
3 ~~protect such fish or game fish, then in that event the property owners~~  
4 ~~to be benefited by the establishment of said water level in such lake~~  
5 ~~shall be required to pay the cost thereof, in proportion to)).~~

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

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

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

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

31 At the hearing held on the matter by the superior court, evidence  
32 shall be introduced in support of the petition and all interested  
33 parties may be heard for or against it. The court shall make findings  
34 and conclusions and enter an order granting or refusing the petition,  
35 and if the petition is granted, shall fix the water level to be  
36 maintained ((~~and direct the department of ecology to regulate and~~  
37 ~~control the outflow of the lake so as to properly maintain the water~~

1 ~~level so far as practicable within maximum and minimum limits when the~~  
2 ~~proper control devices are installed: PROVIDED, That)),~~ authorize the  
3 lake management activities and facilities, and impose the costs to  
4 finance these activities and facilities.

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

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

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

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

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

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

1           (1) RCW 90.24.060 and 1994 c 264 s 89, 1988 c 36 s 68, & 1987 c 109  
2 s 106; and  
3           (2) RCW 90.24.066 and 1988 c 133 s 1.

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