

2054-S2

Sponsor(s): House Committee on Appropriations (originally sponsored by Representatives Chandler, Clements, Mastin and Honeyford)

Brief Title: Authorizing local watershed planning and modifying water resource management.

**HB 2054-S2 - DIGEST**

(DIGEST AS ENACTED)

Authorizes local watershed planning and modifies water resource management.

Establishes the following principles and criteria to carry out the purpose and intent of this act:

(1) All WRIA planning units established under this act shall develop a process to assure that water resource user interests and directly involved interest groups at the local level have the opportunity, in a fair and equitable manner, to give input and direction to the process;

(2) If a planning unit requests technical assistance from a state agency as part of its planning activities under this act and the assistance is with regard to a subject matter over which the agency has jurisdiction, the state agency shall provide the technical assistance to the planning unit; and

(3) Plans developed under this act shall be consistent with and not duplicative of efforts already under way in a WRIA, including but not limited to watershed analysis conducted under state forest practices statutes and rules.

Authorizes each WRIA planning unit to receive up to a maximum of five hundred thousand dollars to carry out its duties.

Provides that a change in the place of use, point of diversion, and/or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if such change results in no increase in the annual consumptive quantity of water used under the water right. For purposes of this section, "annual consumptive quantity" means the estimated or actual annual amount of water diverted pursuant to the water right, reduced by the estimated annual amount of return flows, averaged over the most recent five-year period of continuous beneficial use of the water right.

Declares that the development of multipurpose water storage facilities shall be a high priority for programs of water allocation, planning, management, and efficiency. The department, other state agencies, local governments, and planning units formed under this act shall evaluate the potential for the development of new storage projects and the benefits and effects of storage in reducing damage to stream banks and property, increasing the use of land, providing water for municipal, industrial, agricultural, power generation, and other beneficial uses, and improving stream flow regimes for fisheries and other instream uses.

Provides for general adjudications to provide certainty regarding water rights within a water resource basin.

VETO MESSAGE ON HB 2054-S2

May 20, 1997

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 107 through 116, 202, 401, 402, 501, 601, 602, 603, 604, 605, 701 through 716, and 802, Second Substitute House Bill No. 2054 entitled:

"AN ACT Relating to water resource management;"

Second Substitute House Bill No. 2054 addresses a number of water resource management issues, including watershed planning, storage, adjudications, water purveyors, relinquishment, general permits, water right appeals, and transfers.

I agree with legislative leaders on the need for local watershed planning. The people who live in a particular area should have a strong voice as to how water should be used in their watershed. Sections 101 through 106 set the tone for how we will resolve many of our water problems and I support those sections.

Sections 107 through 116 set out a process for local watershed planning and adoption which does not provide sufficient flexibility to accommodate a wide array of watershed planning needs. The time limits imposed on the Department of Ecology for making decisions on water right applications are unreasonable under current resources available to the Department of Ecology.

Section 202 equates water storage with water conservation and although the two may be related, this definition of water conservation could be problematic in future water rights processing and appeals.

Sections 401 and 402 are null and void because of my actions on sections 107 through 116, but these are important water resource management issues so I will address the issues in these sections. Section 401 makes changes to the intertie statute (RCW 90.03.380) to promote land development, but is not linked to growth management plans or state-approved demand forecasts. The broad language used to grandfather in existing interties would create dormant water rights and excuse these interties from a review to determine potential impacts on other existing water rights as well as instream flows. Section 402 would equate the perfection of a water right to the quantity allocated in a certificate of water right rather than the quantity beneficially used. This would violate a fundamental principle of western water law and the state water code and create great uncertainty in trying to determine what water is available for other water rights, new applications, and the protection of instream resources.

Section 501, without a standard established by the legislature, could allow a water right holder to avoid relinquishment by taking an unlimited amount of time to implement a water conservation project.

Sections 601 through 605 would create a new surface water permit exemption for water uses that consume less than 5,000 gallons per day.

Sections 701 through 716 would override the existing, well-established and highly functional water right appeals process.

These sections could establish a total of four processes to reach a factual decision on the record.

Section 802 would amend the ground water code to allow changes to water rights that are already authorized in section 801, which amends the surface water code. The legislature has already recognized that the surface water code, RCW chapter 90.03, applies to the allocation and regulation of ground water. I believe, and the Department of Ecology concurs, that the amendments to RCW 90.03.380 set forth within section 801 apply to ground water rights as well as to surface water rights. To the extent that this is duplicative of the provisions in section 801, section 802, which amends RCW 90.44.100, is unnecessary. Section 802 would also allow the irrigation of additional acreage or the addition of new uses for a quantity of water authorized under a ground water permit that has not yet been put to beneficial use. This is a concept that I am very interested in exploring, and I will be asking for further study and recommendations on this issue in the interim.

For these reasons, I have vetoed sections 107 through 116, 202, 401, 402, 501, 601, 602, 603, 604, 605, 701 through 716, and 802, Second Substitute House Bill No. 2054.

With the exception of sections 107 through 116, 202, 401, 402, 501, 601, 602, 603, 604, 605, 701 through 716, and 802, Second Substitute House Bill No. 2054 is approved.

Respectfully submitted,  
Gary Locke  
Governor