

HOUSE BILL REPORT

HB 1826

As Reported By House Committee On:
Agriculture & Ecology

Title: An act relating to water masters.

Brief Description: Requiring appointment of water masters in watershed management areas with WRIA plans.

Sponsors: Representatives Grant, Linville, Mastin and G. Chandler.

Brief History:

Committee Activity:

Agriculture & Ecology: 2/19/99, 2/26/99 [DPS].

Brief Summary of Substitute Bill

- Requires DOE to appoint a water master to a watershed once a watershed plan has been adopted if the appointment is required in the plan.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen and Wood.

Minority Report: Without recommendation. Signed by 2 members: Representatives Koster, Republican Vice Chair and Sump.

Staff: Kenneth Hirst (786-7105).

Background:

The water code allows the Department of Ecology (DOE) to appoint a water master for any area, called a "district," of the state and for such duration as the DOE finds appropriate. A water master is supervised and employed by the DOE. A water master regulates and controls the use of water within the district by regulating headgates,

conduits, and reservoirs to prevent the use of water in excess of the amount to which the owner of the water right is entitled. A water master must also enforce such rules as DOE from time to time prescribes. Water masters are to be deputized by the counties or counties in their districts and have the power to arrest violators.

Legislation enacted in 1998 authorizes the development of watershed management plans by local planning units. Such a plan may not contain elements that create obligations for tribal, county, or state government unless each government to be obligated has at least one member on the planning unit and the members representing these governments agree to the obligations. Among the obligations expressly governed by this policy are actions imposing a fiscal impact or requiring a redeployment of resources.

Summary of Substitute Bill:

The DOE must appoint a water master to each watershed management area for which a plan has been adopted by a planning unit and counties under watershed planning legislation enacted in 1998 if the plan requests or requires the appointment.

Substitute Bill Compared to Original Bill:

The substitute bill requires a water master to be appointed only if the adopted watershed plan requests or requires it; the original bill required such appointments for each watershed with an adopted plan.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Original Bill) (1) The only water master left in the state is in the Walla Walla valley, and the department had to be talked into re-establishing the position there. (2) The appointment of a water master would put a voice and a face on a watershed plan.

(Support with concerns, original bill): (1) A water master should be appointed only if the local watershed plan calls for the appointment. (2) The cost or a share of the cost of employing a water master should be paid for by the local water users. (3) Without fixing the department's lack of enforcement authority identified in the Sinking Creek decision of the state's supreme court, the water master cannot provide uniformity of enforcement. (4) In some areas, the need for a water master may change over time. (5)

Requiring a water master for each watershed will become expensive in two biennia when these plans start to be approved.

Testified: (In favor, original bill): Representative Grant, prime sponsor.

(Support with concerns, original bill): Kathleen Collins, Washington Water Policy Alliance; Joe Williams, Department of Ecology; and Randy Scott, Quinault Indian Nation.