

# SENATE BILL REPORT

## SB 5091

---

As of February 8, 1999

**Title:** An act relating to water resource management.

**Brief Description:** Creating a system of locally based water rights regulators.

**Sponsors:** Senator Swecker.

**Brief History:**

**Committee Activity:** Environmental Quality & Water Resources: 2/9/99.

---

### SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

**Staff:** Genevieve Pisarski (786-7488)

**Background:** The Department of Ecology is delegated the authority to enforce water rights and water resource laws through regulatory orders and civil and criminal penalties. Persons aggrieved by a decision or order of the department are permitted to appeal to the Pollution Control Hearings Board. All appeals must be filed within 30 days of the date the order or decision was communicated to the appealing party.

A water master, appointed and supervised by the Department of Ecology, if there is need, is authorized to oversee water use and protect water rights within a district that is established and revised as necessary by the department. A water master is charged with dividing the water supply among the existing conduits and reservoirs, according to the right and priority of each, to prevent excess use beyond any owner's existing water right. The water master has authority to supervise stream patrolmen, whose duties are similar to those of the water master, but whose authority is restricted to a designated stream or streams. At present, there is only one water master in the state, due to significant budgetary constraints and to the fact that a general adjudication of water rights is a necessary prerequisite which generally has not been completed.

Since 1997, units of local government are authorized to conduct watershed planning, through which local citizens assess the status of water resources within a Water Resources Inventory Area (WRIA) and determine how to manage the resources to balance competing demands. State agencies assist these watershed planning units only by request.

Also in 1997, counties were authorized to create water conservancy boards to provide a county-wide mechanism for changing and exchanging water rights.

**Summary of Bill:** The laws relating to water masters and stream patrolmen are repealed.

Any county or group of counties may petition the Department of Ecology to assign and fund a local water regulator to implement and administer a local watershed plan. A regulator is authorized to monitor water diversions and withdrawals, monitor stream flows, work with

local water conservancy boards and the department to facilitate water transfers, encourage conservation, and implement conservation measures during periods of shortage. A water coordinator is established within the department to oversee and assist local water regulators.

Any person aggrieved by an action of a local water regulator may appeal to the Pollution Control Hearings Board and may petition for an administrative law judge within the Department to grant immediate relief within five business days of the petition on the basis of undue hardship or factual error.

For purposes of determining waiver or relinquishment of water rights, all rights based on claims are deemed equivalent to certificated rights.

The Department of Ecology shall encourage voluntary transfers of water and develop strategies to facilitate them. In times of inadequate stream flow, the department shall seek to restore flow through voluntary conservation and transfers. If this fails, the department must enforce mandatory conservation recommendations of a watershed planning unit. If this fails, the department must enforce temporary cessation of withdrawal in order of priority date.

**Appropriation:** None.

**Fiscal Note:** Available.

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