
SENATE BILL 5565

State of Washington

56th Legislature

1999 Regular Session

By Senator Fraser

Read first time . Referred to Committee on .

1 AN ACT Relating to measuring water withdrawals for purposes of
2 water conservation; amending RCW 90.03.360 and 90.44.450; adding a new
3 section to chapter 90.54 RCW; adding a new section to chapter 70.119A
4 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature declares that accurate
7 measurement of water withdrawal and water use is essential for sound
8 management and conservation of water resources in the face of
9 continually increasing demand and limited supply.

10 **Sec. 2.** RCW 90.03.360 and 1994 c 264 s 85 are each amended to read
11 as follows:

12 (1) The owner or owners of any water diversion shall maintain, to
13 the satisfaction of the department (~~(of ecology)~~), substantial
14 controlling works and a measuring device constructed and maintained to
15 permit accurate measurement and practical regulation of the flow of
16 water diverted. Every owner or manager of a reservoir for the storage
17 of water shall construct and maintain, when required by the department,

1 any measuring device necessary to ascertain the natural flow into and
2 out of said reservoir.

3 Metering of diversions or measurement by other approved methods
4 shall be required as a condition for all new surface water right
5 permits, and except as provided in subsection (2) of this section, may
6 be required as a condition for all ~~((previously))~~ existing surface
7 water rights or claims. ~~((The department may also require, as a
8 condition for all water rights, metering of diversions, and reports
9 regarding such metered diversions as to the amount of water being
10 diverted. Such reports shall be in a form prescribed by the
11 department.))~~

12 (2) Where water diversions are from waters ~~((in which the salmonid
13 stock status is depressed or critical, as determined by the department
14 of fish and wildlife))~~ that support species listed under the federal
15 endangered species act as threatened or endangered or determined by the
16 department of fish and wildlife to be depressed or critical, if the
17 water is needed and can be used to protect or restore instream flows,
18 or where the volume of water being diverted exceeds one cubic foot per
19 second, the department shall require metering or measurement by other
20 approved methods as a condition for all new and previously existing
21 water rights or claims. The department shall attempt to integrate the
22 requirements of this subsection into its existing compliance workload
23 priorities, but shall prioritize the requirements of this subsection
24 ahead of the existing compliance workload where a delay may cause the
25 decline of wild salmonids. The department shall notify the department
26 of fish and wildlife of the status of fish screens associated with
27 these diversions.

28 This subsection (2) shall not apply to diversions for public or
29 private hatcheries or fish rearing facilities if the diverted water is
30 returned directly to the waters from which it was diverted.

31 (3) By rule, the department shall prescribe approved methods of
32 measuring, any reporting requirements and methods of reporting, and any
33 exemptions to this subsection.

34 **Sec. 3.** RCW 90.44.450 and 1989 c 348 s 7 are each amended to read
35 as follows:

36 (1) The department ((of ecology may)) shall require withdrawals of
37 ground water to be metered, or measured by other approved methods, as
38 a condition for a new water right permit. ((The department may also

1 ~~require, as a condition for such permits, reports regarding such~~
2 ~~withdrawals as to the amount of water being withdrawn. These reports~~
3 ~~shall be in a form prescribed by the department.))~~

4 (2) The department shall require withdrawals of ground water under
5 an existing water right permit to be measured, where the ground water
6 is interrelated with surface water that supports species listed under
7 the federal endangered species act as threatened or endangered or
8 determined by the department of fish and wildlife to be depressed or
9 critical, if the water is needed and can be used to protect or restore
10 instream flows.

11 (3) By rule, the department shall prescribe approved methods of
12 measuring, any reporting requirements and methods of reporting, and any
13 exemptions to this subsection.

14 NEW SECTION. Sec. 4. A new section is added to chapter 90.54 RCW
15 to read as follows:

16 (1) All irrigation systems, including irrigation districts,
17 irrigation companies, partnership ditches, and other irrigation water
18 delivery associations serving ten or more farms shall install and
19 maintain a measuring device at each farm headgate, if the water has
20 been drawn from a source that supports species listed under the federal
21 endangered species act as threatened or endangered or determined by the
22 department of fish and wildlife to be depressed or critical, if the
23 water is needed and can be used to protect or restore instream flows.

24 (2) By rule, the department shall prescribe approved devices and
25 methods of measuring, any reporting requirements and methods of
26 reporting, and any exemptions to this subsection.

27 NEW SECTION. Sec. 5. A new section is added to chapter 70.119A
28 RCW to read as follows:

29 (1) Each public water system with fifteen or more service
30 connections shall install and maintain a measuring device at each
31 connection, if the water has been drawn from a source that supports
32 species listed under the federal endangered species act as threatened
33 or endangered or determined by the department of fish and wildlife to
34 be depressed or critical, if the water is needed and can be used to
35 protect or restore instream flows.

1 (2) By rule, the department shall prescribe approved methods of
2 measuring, any reporting requirements and methods of reporting, and any
3 exemptions to this subsection.

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