
HOUSE BILL 1340

State of Washington

57th Legislature

2001 Regular Session

By Representative Linville

Read first time 01/24/2001. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to water conservancy boards; amending RCW 90.80.100
2 and 90.80.080; and adding a new section to chapter 90.80 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.80 RCW
5 to read as follows:

6 An action shall not be brought or maintained against a
7 commissioner, agent, or employee of a water conservancy board for any
8 noncontractual acts or omissions of the water conservancy board or its
9 commissioners, agents, or employees which are related to water
10 transfers under this chapter.

11 **Sec. 2.** RCW 90.80.100 and 1997 c 441 s 13 are each amended to read
12 as follows:

13 ~~((Neither))~~ The county ((nor)), the water conservancy board, and
14 the department shall not be subject jointly or severally to any cause
15 of action or claim for damages arising out of transfers approved or
16 denied by a board under this chapter.

1 **Sec. 3.** RCW 90.80.080 and 1997 c 441 s 11 are each amended to read
2 as follows:

3 (1) If an application for a transfer is approved by the board, the
4 board shall submit a copy of the proposed certificate conditionally
5 approving the transfer to the department for review. If an application
6 for a transfer is denied by the board, the board shall submit a copy of
7 a record of its decision denying the transfer to the department for
8 review. The board shall also submit a report summarizing any factual
9 findings on which the board relied in deciding to approve or deny the
10 proposed transfer. The board shall also transmit notice of its
11 decision approving or denying the transfer by mail to any person who
12 objected to the transfer or who requested notice.

13 (2) The director shall review each proposed transfer conditionally
14 approved by a board and each decision by a board denying an application
15 for such a transfer for compliance or noncompliance with state water
16 transfer laws including RCW 90.03.380, 90.03.390, and 90.44.100, rules
17 and guidelines adopted by the department, and other applicable law.

18 (3) Any party to a transfer or a third party who alleges his or her
19 water right will be impaired by the proposed transfer may file
20 objections with the department. If objections to the transfer are
21 filed with the department, the board shall forward the files and
22 records upon which it based its decision to the department.

23 (4) The director shall review the action of the board and affirm,
24 reverse, or modify the action of the board within forty-five days of
25 receipt. The forty-five day time period may be extended for an
26 additional thirty days by the director, upon the consent of the parties
27 to the transfer. If the director fails to act within this time period,
28 the board's action is final. Upon approval of a water transfer by the
29 action or nonaction of the director, the conditional certificate issued
30 by the board is final and valid.

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