
HOUSE BILL 1873

State of Washington

57th Legislature

2001 Regular Session

By Representatives G. Chandler and Linville

Read first time 02/07/2001. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to metering or measuring water; and amending
2 RCW 90.03.360, 90.44.030, and 90.44.450.

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

4 **Sec. 1.** RCW 90.03.360 and 1994 c 264 s 85 are each amended to read
5 as follows:

6 (1) The owner or owners of any water diversion shall maintain,
7 to the satisfaction of the department of ecology, substantial
8 controlling works and a measuring device constructed and
9 maintained to permit accurate measurement and practical regulation
10 of the flow of water diverted. Every owner or manager of a
11 reservoir for the storage of water shall construct and maintain,
12 when required by the department, any measuring device necessary to
13 ascertain the natural flow into and out of said reservoir.

14 Metering of diversions or measurement by other approved methods
15 shall be required as a condition for all new surface water right
16 permits, and except as provided in subsection (2) of this section,
17 may be required as a condition for all previously existing surface

1 water rights. The department may also require, as a condition for
2 all water rights, metering of diversions, and reports regarding
3 such metered diversions as to the amount of water being diverted.
4 Such reports shall be in a form prescribed by the department.

5 (2) Where water diversions are from waters in which the
6 salmonid stock status is depressed or critical, as determined by
7 the department of fish and wildlife, or where the volume of water
8 being diverted exceeds one cubic foot per second, the department
9 shall require metering or measurement by other approved methods as
10 a condition for all new and previously existing water rights or
11 claims. The department shall attempt to integrate the requirements
12 of this subsection into its existing compliance workload
13 priorities, but shall prioritize the requirements of this
14 subsection ahead of the existing compliance workload where a delay
15 may cause the decline of wild salmonids. The department shall
16 notify the department of fish and wildlife of the status of fish
17 screens associated with these diversions.

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

22 This chapter shall not be construed as requiring the department
23 to exercise the authorities granted by RCW 90.44.450. The
24 authorities granted by RCW 90.44.450 are exclusively discretionary
25 powers.

26 **Sec. 2.** RCW 90.44.030 and 1945 c 263 s 2 are each amended to read
27 as follows:

28 The rights to appropriate the surface waters of the state and
29 the rights acquired by the appropriation and use of surface waters
30 shall not be affected or impaired by any of the provisions of this
31 supplementary chapter and, to the extent that any underground
32 water is part of or tributary to the source of any surface stream
33 or lake, or that the withdrawal of ground water may affect the
34 flow of any spring, water course, lake, or other body of surface
35 water, the right of an appropriator and owner of surface water
36 shall be superior to any subsequent right hereby authorized to be
37 acquired in or to ground water.

1 This chapter shall not be construed as requiring the department
2 to exercise the authorities granted by RCW 90.44.450. The
3 authorities granted by RCW 90.44.450 are exclusively discretionary
4 powers.

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

7 The department of ecology may require withdrawals of ground
8 water to be metered, or measured by other approved methods, as a
9 condition for a new water right permit. The department may also
10 require, as a condition for such permits, reports regarding such
11 withdrawals as to the amount of water being withdrawn. These
12 reports shall be in a form prescribed by the department.

13 This chapter shall not be construed as requiring the department
14 to exercise the authorities granted by this section. The
15 authorities granted by this section are exclusively discretionary
16 powers.

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