
HOUSE BILL 2106

State of Washington

58th Legislature

2003 Regular Session

By Representatives Linville, McCoy, Eickmeyer, McDermott and Grant

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1 AN ACT Relating to fundamentals for use and management of waters of
2 the state; and amending RCW 90.54.020.

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

4 **Sec. 1.** RCW 90.54.020 and 1997 c 442 s 201 are each amended to
5 read as follows:

6 Utilization and management of the waters of the state shall be
7 guided by the following general declaration of fundamentals:

8 (1) Uses of water for domestic, stock watering, industrial,
9 commercial, agricultural, irrigation, hydroelectric power production,
10 mining, fish and wildlife maintenance and enhancement, recreational,
11 and thermal power production purposes, and preservation of
12 environmental and aesthetic values, and all other uses compatible with
13 the enjoyment of the public waters of the state, are declared to be
14 beneficial.

15 (2) Allocation of waters among potential uses and users shall be
16 based generally on the securing of the maximum net benefits for the
17 people of the state. Maximum net benefits shall constitute total
18 benefits less costs including opportunities lost.

1 (3) The quality of the natural environment shall be protected and,
2 where possible, enhanced as follows:

3 (a) Perennial rivers and streams of the state shall be retained
4 with base flows necessary to provide for preservation of wildlife,
5 fish, scenic, aesthetic and other environmental values, and
6 navigational values. Lakes and ponds shall be retained substantially
7 in their natural condition. Withdrawals of water which would conflict
8 therewith shall be authorized only in those situations where it is
9 clear that overriding considerations of the public interest will be
10 served.

11 (b) Waters of the state shall be of high quality. Regardless of
12 the quality of the waters of the state, all wastes and other materials
13 and substances proposed for entry into said waters shall be provided
14 with all known, available, and reasonable methods of treatment prior to
15 entry. Notwithstanding that standards of quality established for the
16 waters of the state would not be violated, wastes and other materials
17 and substances shall not be allowed to enter such waters which will
18 reduce the existing quality thereof, except in those situations where
19 it is clear that overriding considerations of the public interest will
20 be served. Technology-based effluent limitations or standards for
21 discharges for municipal water treatment plants located on the
22 Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted
23 to reflect credit for substances removed from the plant intake water
24 if:

25 (i) The municipality demonstrates that the intake water is drawn
26 from the same body of water into which the discharge is made; and

27 (ii) The municipality demonstrates that no violation of receiving
28 water quality standards or appreciable environmental degradation will
29 result.

30 (4) The state acknowledges that rights, including rights to water,
31 may be established as part of federal land reservations established
32 through federal law, including federal treaties. This statement of
33 acknowledgment shall not be construed as expanding or establishing a
34 state law basis for such rights.

35 (5) The development of multipurpose water storage facilities shall
36 be a high priority for programs of water allocation, planning,
37 management, and efficiency. The department, other state agencies, and
38 local governments(~~(, and planning units formed under section 107 or 108~~

1 ~~of this act~~) shall evaluate the potential for the development of new
2 storage projects and the benefits and effects of storage in reducing
3 damage to stream banks and property, increasing the use of land,
4 providing water for municipal, industrial, agricultural, power
5 generation, and other beneficial uses, and improving stream flow
6 regimes for fisheries and other instream uses.

7 ~~((+5+))~~ (6) Adequate and safe supplies of water shall be preserved
8 and protected in potable condition to satisfy human domestic needs.

9 ~~((+6+))~~ (7) Multiple-purpose impoundment structures are to be
10 preferred over single-purpose structures. Due regard shall be given to
11 means and methods for protection of fishery resources in the planning
12 for and construction of water impoundment structures and other
13 artificial obstructions.

14 ~~((+7+))~~ (8) Federal, state, and local governments, individuals,
15 corporations, groups and other entities shall be encouraged to carry
16 out practices of conservation as they relate to the use of the waters
17 of the state. In addition to traditional development approaches,
18 improved water use efficiency and conservation shall be emphasized in
19 the management of the state's water resources and in some cases will be
20 a potential new source of water with which to meet future needs
21 throughout the state.

22 ~~((+8+))~~ (9) Development of water supply systems, whether publicly
23 or privately owned, which provide water to the public generally in
24 regional areas within the state shall be encouraged. Development of
25 water supply systems for multiple domestic use which will not serve the
26 public generally shall be discouraged where water supplies are
27 available from water systems serving the public.

28 ~~((+9+))~~ (10) Full recognition shall be given in the administration
29 of water allocation and use programs to the natural interrelationships
30 of surface and ground waters.

31 ~~((+10+))~~ (11) Expressions of the public interest will be sought at
32 all stages of water planning and allocation discussions.

33 ~~((+11+))~~ (12) Water management programs, including but not limited
34 to, water quality, flood control, drainage, erosion control and storm
35 runoff are deemed to be in the public interest.

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