
HOUSE BILL 1098

State of Washington

59th Legislature

2005 Regular Session

By Representatives Linville, Kristiansen and Grant

Read first time 01/14/2005. Referred to Committee on Economic Development, Agriculture & Trade.

1 AN ACT Relating to the trust water rights program; amending RCW
2 90.42.005, 90.42.020, 90.03.380, 90.44.100, and 90.42.100; adding new
3 sections to chapter 90.42 RCW; creating a new section; repealing RCW
4 90.38.005, 90.38.010, 90.38.020, 90.38.030, 90.38.040, 90.38.050,
5 90.38.900, 90.38.901, 90.38.902, 90.42.010, 90.42.030, 90.42.040,
6 90.42.050, 90.42.070, and 90.42.080; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that the trust water
9 rights program is an important tool to meet the state's current and
10 future needs for water, both instream and out-of-stream. Existing
11 procedures for establishing trust water rights are unnecessarily
12 complex, and are difficult to explain and administer. Further, groups
13 currently developing local watershed plans and regional water
14 management programs seek a more effective means to facilitate multiple,
15 voluntary transfers of existing water rights to address presently unmet
16 needs and future needs.

17 It is the intent of this act to enhance the effectiveness of the
18 trust water rights program by improving existing incentives, removing

1 disincentives, and clarifying and consolidating procedures for
2 establishing trust water rights.

3 **Sec. 2.** RCW 90.42.005 and 2003 c 144 s 1 are each amended to read
4 as follows:

5 (1) It is the policy of the state of Washington to recognize and
6 preserve water rights in accordance with RCW 90.03.010 and the
7 beneficial uses of water described in RCW 90.54.020(1).

8 (2) The legislature finds that:

9 (a) The state of Washington is faced with a shortage of water with
10 which to meet existing and future needs, particularly during the summer
11 and fall months and in dry years when the demand is greatest;

12 (b) Consistent with RCW 90.54.180, issuance of new water rights,
13 voluntary water transfers, and conservation and water use efficiency
14 programs, including storage, all are acceptable methods of ~~((addressing~~
15 ~~water uses because they can relieve))~~ relieving current critical water
16 situations, ~~((provide))~~ providing for presently unmet needs, and
17 ~~((assist))~~ assisting in meeting future water needs. ~~((Presently unmet~~
18 ~~needs or current))~~ Existing and future needs include~~((s))~~ the water
19 required to increase the frequency of occurrence of base or minimum
20 flow levels in streams of the state, the water necessary to satisfy
21 existing water rights, ~~((or))~~ the water necessary to provide full
22 supplies to existing water systems with current supply deficiencies or
23 with needs for adequate and reliable water supplies for growing
24 communities, and the water necessary to supply other beneficial uses
25 recognized in RCW 90.54.020(1);

26 (c) The interests of the state and its citizens will be served by
27 developing programs and regional water resource plans, in cooperation
28 with local governments, federally recognized tribal governments,
29 appropriate federal agencies, private citizens, and the various water
30 users and water interests in the state, that increase the overall
31 ability to manage the state's waters in order to resolve conflicts and
32 to better satisfy both present and future needs for water, both
33 instream and out-of-stream; ~~((and))~~

34 (d) Water banking as a function of the trust water ~~((rights))~~
35 rights program and as authorized by this chapter can provide an
36 effective means to facilitate the voluntary transfer of water rights
37 established through conservation, purchase, lease, or donation, to

1 preserve water rights and provide water for presently unmet and future
2 needs; and to achieve a variety of water resource management objectives
3 throughout the state, including drought response, improving streamflows
4 on a voluntary basis, providing water mitigation, or reserving water
5 supply for future uses;

6 (e) A state trust water rights program is an effective means to
7 facilitate the voluntary transfer of water rights established through
8 conservation, purchase, lease, or donation, to secure and preserve
9 water rights, and to provide water for existing and future needs; and

10 (f) The trust water rights program improves the ability of the
11 state to work with the United States and the various water users in the
12 ongoing program to satisfy both existing rights and other presently
13 unmet needs and future needs in the Yakima basin, through improvements
14 to existing federal water projects in the Yakima river basin,
15 authorized under P.L. 96-162.

16 **Sec. 3.** RCW 90.42.020 and 1991 c 347 s 6 are each amended to read
17 as follows:

18 Unless the context clearly requires otherwise, the definitions in
19 this section apply throughout this chapter.

20 (1) "Department" means the department of ecology.

21 (2) "Impairment" means detriment or injury to existing rights as
22 that phrase is used in RCW 90.03.380(1).

23 (3) "Net water savings" means the amount of water that is
24 determined to be conserved and usable within or from a specified
25 ~~((stream reach or reaches))~~ surface or ground water body for other
26 purposes without impairment ~~((or detriment))~~ to existing water rights
27 ~~((existing at the time that a water conservation project is undertaken,~~
28 ~~reducing the ability to deliver water, or reducing the supply of water~~
29 ~~that otherwise would have been available to other existing water~~
30 ~~uses)).~~

31 ~~((3))~~ (4) "Trust water right" means any existing water right
32 ~~((acquired))~~ transferred to or managed by the state under this chapter
33 ~~((for management in))~~ and the state's trust water rights program.

34 ~~((4) "Pilot planning areas" means the geographic areas designated~~
35 ~~under RCW 90.54.045(2).~~

36 (5) ~~"Water conservation project" means any project or program that~~
37 ~~achieves physical or operational improvements that provide for~~

1 ~~increased water use efficiency in existing systems of diversion,~~
2 ~~conveyance, application, or use of water under water rights existing on~~
3 ~~July 28, 1991.)~~)

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.42 RCW
5 to read as follows:

6 (1) All trust water rights established by the state must be placed
7 in the state trust water rights program to be held in trust by the
8 department. Trust water rights established by the state must be held
9 or authorized for use by the department for any beneficial use
10 described in RCW 90.54.020(1). Trust water rights may also be
11 established for the protection of water rights secured for mitigation
12 purposes and for the preservation of water rights for future needs.

13 (2) Trust water rights may be established only from existing water
14 rights, including rights to divert or withdraw water under existing
15 certificates, claims, and permits, and rights to storage and use of
16 stored water from existing reservoir and secondary use rights, and only
17 by appropriate means other than condemnation.

18 (3) Trust water rights must be administered by the department.
19 Each trust water right must be administered in accordance with the
20 terms under which the trust water right was established, including any
21 agreement between the parties executed at the time the trust water
22 right was established, or as subsequently modified by mutual agreement
23 of the parties.

24 (4) To the extent practicable and subject to legislative
25 appropriation, trust water rights established in a watershed with an
26 approved watershed plan developed under chapter 90.82 RCW must be used
27 in a manner consistent with that plan.

28 (5) The department may make arrangements, including entry into
29 contracts with other persons or entities as appropriate, to ensure that
30 trust water rights established in accordance with this chapter can be
31 exercised to the fullest possible extent consistent with applicable
32 state laws.

33 (6) The department shall cooperate fully with the United States in
34 the implementation of this chapter. Trust water rights established
35 through expenditure of funds provided by the United States must be
36 treated in the same manner as trust water rights established through
37 the expenditure of state funds.

1 (7) All trust water rights must be managed to ensure that
2 attributes of each water right, including priority date, status as a
3 certificate, permit, or claim, names or numbers used to identify the
4 water right, and authorized uses, remain distinct for each water right
5 established as a trust water right.

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.42 RCW
7 to read as follows:

8 (1) A trust water right may be established on a temporary or
9 permanent basis. To establish a permanent trust water right, the water
10 right must be conveyed to the state of Washington. Title to a water
11 right transferred to the trust water rights program on a temporary
12 basis may not be conveyed to the state of Washington and remains the
13 property of the water right holder while managed by the department in
14 the trust water rights program, consistent with the terms established
15 by a donor under subsection (6) of this section and with the terms of
16 any mutual agreement between the water right holder and the department
17 developed under section 4(3) of this act.

18 (2) All or a portion of a water right perfected through actual
19 beneficial use can be established as a trust water right.

20 (3) The department shall develop forms for use in the establishment
21 of trust water rights to identify information pertaining to the water
22 right, including but not limited to the existing point of diversion or
23 withdrawal of the right, purpose or manner of use, place of use, extent
24 of water use under the right, and the use or uses proposed for the
25 right as a trust water right.

26 (4) Except as provided in RCW 90.03.380(4) and 90.44.100(6), RCW
27 90.03.380 and 90.44.100 apply to trust water right transfers under this
28 chapter.

29 (5) Acceptance by the department of an existing water right as a
30 temporary trust water right under this chapter does not constitute a
31 determination of the validity and extent of the water right.

32 (6) If the holder of a right to water from a body of water chooses
33 to donate all or a portion of that water right to the trust water
34 rights program to assist in providing instream flows on a temporary or
35 permanent basis, the department shall accept the donation on such terms
36 as the water right holder may prescribe as long as the donation
37 satisfies the applicable requirements of this chapter and the terms

1 prescribed are relevant and material to protecting any interest in the
2 water right retained by the donor. Once accepted, such rights are
3 trust water rights subject to the conditions prescribed by the donor.

4 (7) The department shall establish expedited notice procedures to
5 provide notice and opportunity for comment on proposals to establish
6 trust water rights during a formally declared drought.

7 (8)(a) The quantity of water that may be approved for transfer to
8 the trust water rights program shall be determined based upon the
9 extent to which water use under the original right is reduced or
10 forgone under the trust water right transfer, as a result of reduced
11 diversion or withdrawal of water, a change in point of diversion,
12 conjunctive or seasonal use of water rights from different sources, or
13 other changes in water management.

14 (b) Where the state establishes a trust water right from a portion
15 of an existing water right, only the portion of the right to be placed
16 in the trust water rights program is subject to this chapter. In the
17 case of a trust transfer, the department shall issue to the water right
18 holder a superseding document reflecting the quantity of the trust
19 water right and the quantity of the water right remaining with the
20 water right holder. The superseding document issued by the department
21 must be conditioned to ensure that the reduced water use is achieved.

22 (9) Where the department provides funding for a water conservation
23 project as a means of establishing a trust water right, a trust water
24 right must be established for the period of time during which the
25 conservation project is in effect. Before the expenditure of state
26 funds for a water conservation project, the state and the water right
27 holder must agree on the terms and duration of the trust water right
28 transfer as a result of the conservation project.

29 NEW SECTION. **Sec. 6.** A new section is added to chapter 90.42 RCW
30 to read as follows:

31 (1) Except as provided in subsection (2) of this section, a
32 temporary trust water right is established after the following actions
33 occur:

34 (a) The water right holder provides written notice to the
35 department of the water right holder's intention to establish a
36 temporary trust water right;

1 (b) The water right holder publishes a legal notice prescribed by
2 the department describing the temporary trust water right transfer and
3 other information deemed necessary by the department. The legal notice
4 must state that any other water right holder claiming impairment of an
5 existing water right may file with the department a claim of
6 impairment, and shall specify the deadline for doing so. The legal
7 notice must be published once a week for two consecutive weeks in a
8 newspaper of general circulation in the area in which the temporary
9 trust water right would be established; and

10 (c) Within thirty days of the last date of publication of the legal
11 notice, no claims of impairment are filed with the department relating
12 to the proposed temporary trust water right. If any claim of
13 impairment is filed with the department within the thirty-day period,
14 the department shall issue a written determination regarding the
15 impairment claim or claims, stating either that it finds that there
16 will be impairment, a "finding of impairment," or that it finds there
17 will not be impairment, a "finding of no impairment." The department's
18 written determination may be appealed to the pollution control hearings
19 board as provided in chapter 43.21B RCW or other applicable law.

20 (2) Notwithstanding the provisions of subsection (1) of this
21 section, a temporary trust water right may be established by a superior
22 court conducting a water rights adjudication under chapter 90.03 RCW.

23 (3) Upon the expiration of the period of time for which a temporary
24 trust water right is established, the water right holder has the right
25 to resume use of the original water right with its original priority
26 date.

27 NEW SECTION. **Sec. 7.** A new section is added to chapter 90.42 RCW
28 to read as follows:

29 (1)(a) After notice and consideration of comments received, the
30 department shall issue a final decision regarding the establishment of
31 a permanent trust water right.

32 (b) The department shall provide copies of its final decision to
33 the applicant and to any person who provided comments on the proposed
34 permanent trust water right transfer. The department's final decision
35 on establishment of a permanent trust water right is appealable to the
36 pollution control hearings board under RCW 43.21B.230 or other
37 applicable law.

1 (2) The department shall issue a certificate of change or transfer
2 as required under RCW 90.03.380(1) for any water right established as
3 a permanent trust water right. Certificates of change or transfer
4 issued under RCW 90.03.380 must be filed and made a record with the
5 department, and a duplicate certificate must be issued to the
6 applicant, which may be filed with the appropriate county auditor in
7 like manner and with the same effect as provided in the original
8 authorization to divert water.

9 NEW SECTION. **Sec. 8.** A new section is added to chapter 90.42 RCW
10 to read as follows:

11 No state funds may be expended to acquire trust water rights by the
12 state under this chapter unless specifically appropriated for this
13 purpose by the legislature. Before expending state or federal funds
14 for a trust water right, the department shall exercise appropriate due
15 diligence to ensure the validity of the water right or portion thereof
16 for which the funds will be expended.

17 NEW SECTION. **Sec. 9.** A new section is added to chapter 90.42 RCW
18 to read as follows:

19 A water right conveyed to the trust water rights program as a
20 donation that is expressly conditioned to limit its use to instream
21 purposes must be managed by the department for public purposes to
22 ensure that it qualifies as a donation that is deductible for federal
23 income taxation purposes for the person conveying the water right.

24 NEW SECTION. **Sec. 10.** A new section is added to chapter 90.42 RCW
25 to read as follows:

26 The water right relinquishment provisions of RCW 90.14.130 through
27 90.14.230 do not apply to a trust water right as of the date the trust
28 water right is established.

29 NEW SECTION. **Sec. 11.** A new section is added to chapter 90.42 RCW
30 to read as follows:

31 This chapter does not authorize the impairment of any existing
32 water right.

1 NEW SECTION. **Sec. 12.** A new section is added to chapter 90.42 RCW
2 to read as follows:

3 (1) When water is proposed to be provided to the department as a
4 trust water right by an irrigation district, evidence of the district's
5 authority to represent the water right holders must be submitted to the
6 department.

7 (2) If a water right is appurtenant to land located within an
8 irrigation district, the department may not establish a trust water
9 right without the approval of the board of directors of the irrigation
10 district.

11 **Sec. 13.** RCW 90.03.380 and 2003 c 329 s 2 are each amended to read
12 as follows:

13 (1) The right to the use of water which has been applied to a
14 beneficial use in the state shall be and remain appurtenant to the land
15 or place upon which the same is used: PROVIDED, HOWEVER, That the
16 right may be transferred to another or to others and become appurtenant
17 to any other land or place of use without loss of priority of right
18 theretofore established if such change can be made without detriment or
19 injury to existing rights. The point of diversion of water for
20 beneficial use or the purpose of use may be changed, if such change can
21 be made without detriment or injury to existing rights. A change in
22 the place of use, point of diversion, and/or purpose of use of a water
23 right to enable irrigation of additional acreage or the addition of new
24 uses may be permitted if such change results in no increase in the
25 annual consumptive quantity of water used under the water right. For
26 purposes of this section, "annual consumptive quantity" means the
27 estimated or actual annual amount of water diverted pursuant to the
28 water right, reduced by the estimated annual amount of return flows,
29 averaged over the two years of greatest use within the most recent
30 five-year period of continuous beneficial use of the water right.
31 Before any transfer of such right to use water or change of the point
32 of diversion of water or change of purpose of use can be made, any
33 person having an interest in the transfer or change, shall file a
34 written application therefor with the department, and the application
35 shall not be granted until notice of the application is published as
36 provided in RCW 90.03.280. If it shall appear that such transfer or
37 such change may be made without injury or detriment to existing rights,

1 the department shall issue to the applicant a certificate in duplicate
2 granting the right for such transfer or for such change of point of
3 diversion or of use. The certificate so issued shall be filed and be
4 made a record with the department and the duplicate certificate issued
5 to the applicant may be filed with the county auditor in like manner
6 and with the same effect as provided in the original certificate or
7 permit to divert water.

8 (2) If an application for change proposes to transfer water rights
9 from one irrigation district to another, the department shall, before
10 publication of notice, receive concurrence from each of the irrigation
11 districts that such transfer or change will not adversely affect the
12 ability to deliver water to other landowners or impair the financial
13 integrity of either of the districts.

14 (3) A change in place of use by an individual water user or users
15 of water provided by an irrigation district need only receive approval
16 for the change from the board of directors of the district if the use
17 of water continues within the irrigation district, and when water is
18 provided by an irrigation entity that is a member of a board of joint
19 control created under chapter 87.80 RCW, approval need only be received
20 from the board of joint control if the use of water continues within
21 the area of jurisdiction of the joint board and the change can be made
22 without detriment or injury to existing rights.

23 (4) This section (~~shall~~) does not apply to trust water rights
24 (~~acquired by the state through the funding of water conservation~~
25 ~~projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070~~)
26 established on a temporary basis, under chapter 90.42 RCW.

27 (5)(a) Pending applications for new water rights are not entitled
28 to protection from impairment, injury, or detriment when an application
29 relating to an existing surface or ground water right is considered.

30 (b) Applications relating to existing surface or ground water
31 rights may be processed and decisions on them rendered independently of
32 processing and rendering decisions on pending applications for new
33 water rights within the same source of supply without regard to the
34 date of filing of the pending applications for new water rights.

35 (c) Notwithstanding any other existing authority to process
36 applications, including but not limited to the authority to process
37 applications under WAC 173-152-050 as it existed on January 1, 2001, an
38 application relating to an existing surface or ground water right may

1 be processed ahead of a previously filed application relating to an
2 existing right when sufficient information for a decision on the
3 previously filed application is not available and the applicant for the
4 previously filed application is sent written notice that explains what
5 information is not available and informs the applicant that processing
6 of the next application will begin. The previously filed application
7 does not lose its priority date and if the information is provided by
8 the applicant within sixty days, the previously filed application shall
9 be processed at that time. This subsection (5)(c) does not affect any
10 other existing authority to process applications.

11 (d) Nothing in this subsection (5) is intended to stop the
12 processing of applications for new water rights.

13 (6) No applicant for a change, transfer, or amendment of a water
14 right may be required to give up any part of the applicant's valid
15 water right or claim to a state agency, the trust water rights program,
16 or to other persons as a condition of processing the application.

17 (7) In revising the provisions of this section and adding
18 provisions to this section by chapter 237, Laws of 2001, the
19 legislature does not intend to imply legislative approval or
20 disapproval of any existing administrative policy regarding, or any
21 existing administrative or judicial interpretation of, the provisions
22 of this section not expressly added or revised.

23 (8) The development and use of a small irrigation impoundment, as
24 defined in RCW 90.03.370(8), does not constitute a change or amendment
25 for the purposes of this section. The exemption expressly provided by
26 this subsection shall not be construed as requiring a change or
27 transfer of any existing water right to enable the holder of the right
28 to store water governed by the right.

29 **Sec. 14.** RCW 90.44.100 and 2003 c 329 s 3 are each amended to read
30 as follows:

31 (1) After an application to, and upon the issuance by the
32 department of an amendment to the appropriate permit or certificate of
33 ground water right, the holder of a valid right to withdraw public
34 ground waters may, without losing the holder's priority of right,
35 construct wells or other means of withdrawal at a new location in
36 substitution for or in addition to those at the original location, or
37 the holder may change the manner or the place of use of the water.

1 (2) An amendment to construct replacement or a new additional well
2 or wells at a location outside of the location of the original well or
3 wells or to change the manner or place of use of the water shall be
4 issued only after publication of notice of the application and findings
5 as prescribed in the case of an original application. Such amendment
6 shall be issued by the department only on the conditions that: (a) The
7 additional or replacement well or wells shall tap the same body of
8 public ground water as the original well or wells; (b) where a
9 replacement well or wells is approved, the use of the original well or
10 wells shall be discontinued and the original well or wells shall be
11 properly decommissioned as required under chapter 18.104 RCW; (c) where
12 an additional well or wells is constructed, the original well or wells
13 may continue to be used, but the combined total withdrawal from the
14 original and additional well or wells shall not enlarge the right
15 conveyed by the original permit or certificate; and (d) other existing
16 rights shall not be impaired. The department may specify an approved
17 manner of construction and shall require a showing of compliance with
18 the terms of the amendment, as provided in RCW 90.44.080 in the case of
19 an original permit.

20 (3) The construction of a replacement or new additional well or
21 wells at the location of the original well or wells shall be allowed
22 without application to the department for an amendment. However, the
23 following apply to such a replacement or new additional well: (a) The
24 well shall tap the same body of public ground water as the original
25 well or wells; (b) if a replacement well is constructed, the use of the
26 original well or wells shall be discontinued and the original well or
27 wells shall be properly decommissioned as required under chapter 18.104
28 RCW; (c) if a new additional well is constructed, the original well or
29 wells may continue to be used, but the combined total withdrawal from
30 the original and additional well or wells shall not enlarge the right
31 conveyed by the original water use permit or certificate; (d) the
32 construction and use of the well shall not interfere with or impair
33 water rights with an earlier date of priority than the water right or
34 rights for the original well or wells; (e) the replacement or
35 additional well shall be located no closer than the original well to a
36 well it might interfere with; (f) the department may specify an
37 approved manner of construction of the well; and (g) the department

1 shall require a showing of compliance with the conditions of this
2 subsection (3).

3 (4) As used in this section, the "location of the original well or
4 wells" is the area described as the point of withdrawal in the original
5 public notice published for the application for the water right for the
6 well.

7 (5) The development and use of a small irrigation impoundment, as
8 defined in RCW 90.03.370(8), does not constitute a change or amendment
9 for the purposes of this section. The exemption expressly provided by
10 this subsection shall not be construed as requiring an amendment of any
11 existing water right to enable the holder of the right to store water
12 governed by the right.

13 (6) This section does not apply to trust water rights established
14 on a temporary basis under chapter 90.42 RCW.

15 **Sec. 15.** RCW 90.42.100 and 2003 c 144 s 2 are each amended to read
16 as follows:

17 (1) The department is hereby authorized to use the trust water
18 rights program in the Yakima river basin for water banking purposes.
19 The department is also authorized to use previously unappropriated
20 water released from withdrawal by the United States for such purposes.

21 (2) Water banking may be used for one or more of the following
22 purposes:

23 (a) To authorize the use of trust water rights to mitigate for
24 water resource impacts, future water supply needs, or any beneficial
25 use under chapter 90.03, 90.44, or 90.54 RCW, consistent with any terms
26 and conditions established by the transferor, except that return flows
27 from water rights authorized in whole or in part for any purpose shall
28 remain available as part of the Yakima basin's total water supply
29 available and to satisfy existing rights for other downstream uses and
30 users;

31 (b) To document transfers of water rights to and from the trust
32 water rights program; and

33 (c) To provide a source of water rights the department can make
34 available to third parties on a temporary or permanent basis for any
35 beneficial use under chapter 90.03, 90.44, or 90.54 RCW, including the
36 issuance of new water rights that, in combination with water rights

1 held in the trust water rights program for water banking purposes,
2 would not decrease total water supply available in the basin.

3 (3) The department shall not use water banking to:

4 (a) Cause detriment or injury to existing rights;

5 (b) Issue temporary water rights or portions thereof for new
6 potable uses requiring an adequate and reliable water supply under RCW
7 19.27.097;

8 (c) Administer federal project water rights, including federal
9 storage rights; or

10 (d) Allow carryover of stored water from one water year to another
11 water year.

12 (4) For purposes of this section and RCW 90.42.135, "total water
13 supply available" shall be defined as provided in the 1945 consent
14 decree between the United States and water users in the Yakima river
15 basin, and consistent with later interpretation by state and federal
16 courts.

17 NEW SECTION. Sec. 16. The following acts or parts of acts are
18 each repealed:

19 (1) RCW 90.38.005 (Findings--Purpose) and 1989 c 429 s 1;

20 (2) RCW 90.38.010 (Definitions) and 1989 c 429 s 2;

21 (3) RCW 90.38.020 (Acquisition or donation of trust water rights)
22 and 2002 c 329 s 7, 2001 c 237 s 28, & 1989 c 429 s 3;

23 (4) RCW 90.38.030 (Water conservation projects--Contracts for
24 financial assistance) and 1989 c 429 s 4;

25 (5) RCW 90.38.040 (Trust water rights program) and 2001 c 237 s 29,
26 1994 c 264 s 90, & 1989 c 429 s 5;

27 (6) RCW 90.38.050 (Rules) and 1989 c 429 s 6;

28 (7) RCW 90.38.900 (Existing policies not replaced) and 1989 c 429
29 s 7;

30 (8) RCW 90.38.901 (Transfer of rights between irrigation districts
31 not intended) and 1989 c 429 s 8;

32 (9) RCW 90.38.902 (Existing rights not impaired) and 1989 c 429 s
33 9;

34 (10) RCW 90.42.010 (Findings--Intent) and 1998 c 245 s 173;

35 (11) RCW 90.42.030 (Contracts to finance water conservation
36 projects--Public benefits--Trust water rights) and 1993 c 98 s 2 & 1991
37 c 347 s 7;

1 (12) RCW 90.42.040 (Trust water rights program--Water right
2 certificate--Notice of creation or modification) and 2002 c 329 s 8,
3 2001 c 237 s 30, 1993 c 98 s 3, & 1991 c 347 s 8;

4 (13) RCW 90.42.050 (Guidelines governing trust water rights--
5 Submission of guidelines to joint select committee) and 1991 c 347 s 9;

6 (14) RCW 90.42.070 (Involuntary impairment of existing water rights
7 not authorized) and 1991 c 347 s 11; and

8 (15) RCW 90.42.080 (Trust water rights--Acquisition, donation,
9 exercise, and transfer--Appropriation required for expenditure of
10 funds) and 2002 c 329 s 9, 2001 c 237 s 31, 1993 c 98 s 4, & 1991 c 347
11 s 12.

12 NEW SECTION. **Sec. 17.** If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

16 NEW SECTION. **Sec. 18.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and takes effect
19 immediately.

--- END ---