

2 **HB 2993 - H AMD 0584 adopted 3-13-02**
3 By Representative Linville

4

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.54 RCW
8 to read as follows:

9 The legislature recognizes the critical importance of providing and
10 securing sufficient water to meet the needs of people, farms, and fish.
11 The legislature finds that an effective way to meet the water needs of
12 people, farms, and fish is through strategies developed and implemented
13 at the local watershed level. The objectives of these strategies are
14 to supply water in sufficient quantities to satisfy the following three
15 water resource objectives:

16 (1) Providing sufficient water for residential, commercial, and
17 industrial needs;

18 (2) Providing sufficient water for productive fish populations; and

19 (3) Providing sufficient water for productive agriculture.

20 The legislature affirms its intent to provide continued support for
21 watershed strategies and provides the tools in this bill to assist
22 local watersheds in meeting these objectives.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.03 RCW
24 to read as follows:

25 (1) The department shall, through a network of water masters
26 appointed under this chapter, stream patrollers appointed under chapter
27 90.08 RCW, and other assigned compliance staff to the extent such a
28 network is funded, achieve compliance with the water laws and rules of
29 the state of Washington in the following sequence:

30 (a) The department shall prepare and distribute technical and
31 educational information to the general public to assist the public in
32 complying with the requirements of their water rights and applicable
33 water laws;

34 (b) When the department determines that a violation has occurred or
35 is about to occur, it shall first attempt to achieve voluntary

1 compliance. As part of this first response, the department shall offer
2 information and technical assistance to the person in writing
3 identifying one or more means to accomplish the person's purposes
4 within the framework of the law; and

5 (c) If education and technical assistance do not achieve compliance
6 the department shall issue a notice of violation, a formal
7 administrative order under RCW 43.27A.190, or assess penalties under
8 RCW 90.03.600 unless the noncompliance is corrected expeditiously or
9 the department determines no impairment or harm.

10 (2) Nothing in the section is intended to prevent the department of
11 ecology from taking immediate action to cause a violation to be ceased
12 immediately if in the opinion of the department the nature of the
13 violation is causing harm to other water rights or to public resources.

14 (3) The department of ecology shall to the extent practicable
15 station its compliance personnel within the watershed communities they
16 serve. To the extent practicable, compliance personnel shall be
17 distributed evenly among the regions of the state.

18 **Sec. 3.** RCW 90.46.010 and 2001 c 69 s 2 are each amended to read
19 as follows:

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

22 (1) "Greywater" means wastewater having the consistency and
23 strength of residential domestic type wastewater. Greywater includes
24 wastewater from sinks, showers, and laundry fixtures, but does not
25 include toilet or urinal waters.

26 (2) "Land application" means application of treated effluent for
27 purposes of irrigation or landscape enhancement for residential,
28 business, and governmental purposes.

29 (3) "Person" means any state, individual, public or private
30 corporation, political subdivision, governmental subdivision,
31 governmental agency, municipality, copartnership, association, firm,
32 trust estate, or any other legal entity whatever.

33 (4) "Reclaimed water" means effluent derived in any part from
34 sewage from a wastewater treatment system that has been adequately and
35 reliably treated, so that as a result of that treatment, it is suitable
36 for a beneficial use or a controlled use that would not otherwise occur
37 and is no longer considered wastewater.

1 (5) "Sewage" means water-carried human wastes from residences,
2 buildings, industrial and commercial establishments, or other places,
3 together with such ground water infiltration, surface waters, or
4 industrial wastewater as may be present.

5 (6) "User" means any person who uses reclaimed water.

6 (7) "Wastewater" means water and wastes discharged from homes,
7 businesses, and industry to the sewer system.

8 (8) "Beneficial use" means the use of reclaimed water, that has
9 been transported from the point of production to the point of use
10 without an intervening discharge to the waters of the state, for a
11 beneficial purpose.

12 (9) "Direct recharge" means the controlled subsurface addition of
13 water directly to the ground water basin that results in the
14 replenishment of ground water.

15 (10) "Ground water recharge criteria" means the contaminant
16 criteria found in the drinking water quality standards adopted by the
17 state board of health pursuant to chapter 43.20 RCW and the department
18 of health pursuant to chapter 70.119A RCW.

19 (11) "Planned ground water recharge project" means any reclaimed
20 water project designed for the purpose of recharging ground water, via
21 direct recharge or surface percolation.

22 (12) "Reclamation criteria" means the criteria set forth in the
23 water reclamation and reuse interim standards and subsequent revisions
24 adopted by the department of ecology and the department of health.

25 (13) "Streamflow augmentation" means the discharge of reclaimed
26 water to rivers and streams of the state or other surface water bodies,
27 but not wetlands.

28 (14) "Surface percolation" means the controlled application of
29 water to the ground surface for the purpose of replenishing ground
30 water.

31 (15) "Wetland or wetlands" means areas that are inundated or
32 saturated by surface water or ground water at a frequency and duration
33 sufficient to support, and that under normal circumstances do support,
34 a prevalence of vegetation typically adapted to life in saturated soil
35 conditions. Wetlands generally include swamps, marshes, bogs, and
36 similar areas. Wetlands regulated under this chapter shall be
37 delineated in accordance with the manual adopted by the department of
38 ecology pursuant to RCW 90.58.380.

1 (16) "Constructed beneficial use wetlands" means those wetlands
2 intentionally constructed on nonwetland sites to produce or replace
3 natural wetland functions and values. Constructed beneficial use
4 wetlands are considered "waters of the state."

5 (17) "Constructed treatment wetlands" means those wetlands
6 intentionally constructed on nonwetland sites and managed for the
7 primary purpose of wastewater or storm water treatment. Constructed
8 treatment wetlands are considered part of the collection and treatment
9 system and are not considered "waters of the state."

10 (18) "Agricultural industrial process water" means water that has
11 been used for the purpose of (~~agriculture~~—[agricultural])
12 agricultural processing and has been adequately and reliably treated,
13 so that as a result of that treatment, it is suitable for other
14 agricultural water use.

15 (19) "Agricultural processing" means the processing of crops or
16 milk to produce a product primarily for wholesale or retail sale for
17 human or animal consumption, including but not limited to potato,
18 fruit, vegetable, and grain processing.

19 (20) "Agricultural water use" means the use of water for irrigation
20 and other uses related to the production of agricultural products.
21 These uses include, but are not limited to, construction, operation,
22 and maintenance of agricultural facilities and livestock operations at
23 farms, ranches, dairies, and nurseries. Examples of these uses
24 include, but are not limited to, dust control, temperature control, and
25 fire control.

26 (21) "Industrial reuse water" means water that has been used for
27 the purpose of industrial processing and has been adequately and
28 reliably treated so that, as a result of that treatment, it is suitable
29 for other uses.

30 **Sec. 4.** RCW 90.46.030 and 1992 c 204 s 4 are each amended to read
31 as follows:

32 (1) The department of health shall, in coordination with the
33 department of ecology, adopt a single set of standards, procedures, and
34 guidelines on or before August 1, 1993, for the industrial and
35 commercial use of reclaimed water.

36 (2) The department of health may issue a reclaimed water permit for
37 industrial and commercial uses of reclaimed water to the generator of
38 reclaimed water who may then distribute the water, subject to

1 provisions in the permit governing the location, rate, water quality,
2 and purposes of use.

3 (3) The department of health in consultation with the advisory
4 committee established in RCW 90.46.050, shall develop recommendations
5 for a fee structure for permits issued under subsection (2) of this
6 section. Fees shall be established in amounts to fully recover, and
7 not exceed, expenses incurred by the department of health in processing
8 permit applications and modifications, monitoring and evaluating
9 compliance with permits, and conducting inspections and supporting the
10 reasonable overhead expenses that are directly related to these
11 activities. Permit fees may not be used for research or enforcement
12 activities. The department of health shall not issue permits under
13 this section until a fee structure has been established.

14 (4) A permit under this section for use of reclaimed water may be
15 issued only to a municipal, quasi-municipal, or other governmental
16 entity or to the holder of a waste discharge permit issued under
17 chapter 90.48 RCW.

18 (5) The authority and duties created in this section are in
19 addition to any authority and duties already provided in law with
20 regard to sewage and wastewater collection, treatment, and disposal for
21 the protection of health and safety of the state's waters. Nothing in
22 this section limits the powers of the state or any political
23 subdivision to exercise such authority.

24 (6) The department of health may implement the requirements of this
25 section through the department of ecology by execution of a formal
26 agreement between the departments. Upon execution of such an
27 agreement, the department of ecology may issue reclaimed water permits
28 for industrial and commercial uses of reclaimed water by issuance of
29 permits under chapter 90.48 RCW, and may establish and collect fees as
30 required for permits issued under chapter 90.48 RCW.

31 **Sec. 5.** RCW 90.46.130 and 2001 c 69 s 4 are each amended to read
32 as follows:

33 (1) Except as provided in subsection (2) of this section,
34 facilities that reclaim water under this chapter shall not impair any
35 existing water right downstream from any freshwater discharge points of
36 such facilities unless compensation or mitigation for such impairment
37 is agreed to by the holder of the affected water right.

1 (2) Agricultural water use of agricultural industrial process water
2 and use of industrial reuse water under this chapter shall not impair
3 existing water rights within the water source that is the source of
4 supply for the agricultural processing plant or the industrial
5 processing and, if the water source is surface water, the existing
6 water rights are downstream from the agricultural processing plant's
7 discharge points existing on July 22, 2001, or from the industrial
8 processing's discharge points existing on the effective date of this
9 section.

10 NEW SECTION. **Sec. 6.** A new section is added to chapter 90.46 RCW
11 to read as follows:

12 (1) The permit to use industrial reuse water shall be the permit
13 issued under chapter 90.48 RCW to the owner of the plant that is the
14 source of the industrial process water, who may then distribute the
15 water according to provisions in the permit governing the location,
16 rate, water quality, and purpose. In cases where the department of
17 ecology determines that a proposed use may pose a significant risk to
18 public health, the department shall refer the permit application to the
19 department of health for review and consultation.

20 (2) The owner of the industrial plant who obtains a permit under
21 this section has the exclusive right to the use of any industrial reuse
22 water generated from the plant and to the distribution of such water.
23 Use and distribution of the water by the owner is exempt from the
24 permit requirements of RCW 90.03.250, 90.03.380, 90.44.060, and
25 90.44.100.

26 (3) Nothing in this section affects any right to reuse industrial
27 process water in existence on or before the effective date of this
28 section.

29 **Sec. 7.** RCW 90.38.020 and 2001 c 237 s 28 are each amended to read
30 as follows:

31 (1)(a) The department may acquire water rights, including but not
32 limited to storage rights, by purchase, lease, gift, or other
33 appropriate means other than by condemnation, from any person or entity
34 or combination of persons or entities. Once acquired, such rights are
35 trust water rights. A water right acquired by the state that is
36 expressly conditioned to limit its use to instream purposes shall be
37 administered as a trust water right in compliance with that condition.

1 (b) If (~~(an aquatic species is listed as threatened or endangered~~
2 ~~under federal law for a body of water, or is listed as depressed or~~
3 ~~threatened by reason of inadequate stream flows under state law, and)~~)
4 the holder of a right to water from (~~(the)~~) a body of water chooses to
5 donate all or a portion of the person's water right to the trust water
6 system to assist in providing (~~(these)~~) instream flows on a temporary
7 or permanent basis, the department shall accept the donation on such
8 terms as the person may prescribe as long as the donation satisfies the
9 requirements of subsection (4) of this section and the other applicable
10 requirements of this chapter and the terms prescribed are relevant and
11 material to protecting any interest in the water right retained by the
12 donor. Once accepted, such rights are trust water rights within the
13 conditions prescribed by the donor.

14 (2) The department may make such other arrangements, including
15 entry into contracts with other persons or entities as appropriate to
16 ensure that trust water rights acquired in accordance with this chapter
17 can be exercised to the fullest possible extent.

18 (3) The trust water rights may be acquired on a temporary or
19 permanent basis.

20 (4) A water right donated under subsection (1)(b) of this section
21 shall not exceed the extent to which the water right was exercised
22 during the five years before the donation nor may the total of any
23 portion of the water right remaining with the donor plus the donated
24 portion of the water right exceed the extent to which the water right
25 was exercised during the five years before the donation. A water right
26 holder who believes his or her water right has been impaired by a trust
27 water right donated under subsection (1)(b) of this section may request
28 that the department review the impairment claim. If the department
29 determines that exercising the trust water right resulting from the
30 donation or exercising a portion of that trust water right donated
31 under subsection (1)(b) of this section is impairing existing water
32 rights in violation of RCW 90.38.902, the trust water right shall be
33 altered by the department to eliminate the impairment. Any decision of
34 the department to alter or not alter a trust water right donated under
35 subsection (1)(b) of this section is appealable to the pollution
36 control hearings board under RCW 43.21B.230. A donated water right's
37 status as a trust water right under this subsection is not evidence of
38 the validity or quantity of the water right.

1 (5) Any water right conveyed to the trust water right system as a
2 gift that is expressly conditioned to limit its use to instream
3 purposes shall be managed by the department for public purposes to
4 ensure that it qualifies as a gift that is deductible for federal
5 income taxation purposes for the person or entity conveying the water
6 right.

7 (6) If the department acquires a trust water right by lease (~~(in an~~
8 ~~area in which a drought order has been issued under RCW 43.83B.405 and~~
9 ~~is in effect at the time the department leases the water right)), the~~
10 amount of the trust water right shall not exceed the extent to which
11 the water right was exercised during the five years before the
12 acquisition was made nor may the total of any portion of the water
13 right remaining with the original water right holder plus the portion
14 of the water right leased by the department exceed the extent to which
15 the water right was exercised during the five years before the
16 acquisition. A water right holder who believes his or her water right
17 has been impaired by a trust water right leased under this subsection
18 may request that the department review the impairment claim. If the
19 department determines that exercising the trust water right resulting
20 from the leasing or exercising (~~{of}~~) of a portion of that trust
21 water right leased under this subsection is impairing existing water
22 rights in violation of RCW 90.38.902, the trust water right shall be
23 altered by the department to eliminate the impairment. Any decision of
24 the department to alter or not to alter a trust water right leased
25 under this subsection is appealable to the pollution control hearings
26 board under RCW 43.21B.230. The department's leasing of a trust water
27 right under this subsection is not evidence of the validity or quantity
28 of the water right.

29 (7) For a water right donated to or acquired by the trust water
30 rights program on a temporary basis, the full quantity of water
31 diverted or withdrawn to exercise the right before the donation or
32 acquisition shall be placed in the trust water rights program and shall
33 revert to the donor or person from whom it was acquired when the trust
34 period ends.

35 **Sec. 8.** RCW 90.42.040 and 2001 c 237 s 30 are each amended to read
36 as follows:

37 (1) All trust water rights acquired by the state shall be placed in
38 the state trust water rights program to be managed by the department.

1 Trust water rights acquired by the state shall be held or authorized
2 for use by the department for instream flows, irrigation, municipal, or
3 other beneficial uses consistent with applicable regional plans for
4 pilot planning areas, or to resolve critical water supply problems. To
5 the extent practicable and subject to legislative appropriation, trust
6 water rights acquired in an area with an approved watershed plan
7 developed under chapter 90.82 RCW shall be consistent with that plan if
8 the plan calls for such acquisition.

9 (2) The department shall issue a water right certificate in the
10 name of the state of Washington for each permanent trust water right
11 conveyed to the state indicating the reach or reaches of the stream,
12 the quantity, and the use or uses to which it may be applied. A
13 superseding certificate shall be issued that specifies the amount of
14 water the water right holder would continue to be entitled to as a
15 result of the water conservation project. The superseding certificate
16 shall retain the same priority date as the original right. For
17 nonpermanent conveyances, the department shall issue certificates or
18 such other instruments as are necessary to reflect the changes in
19 purpose or place of use or point of diversion or withdrawal.

20 (3) A trust water right retains the same priority date as the water
21 right from which it originated, but as between them the trust right
22 shall be deemed to be inferior in priority unless otherwise specified
23 by an agreement between the state and the party holding the original
24 right.

25 (4) Exercise of a trust water right may be authorized only if the
26 department first determines that neither water rights existing at the
27 time the trust water right is established, nor the public interest will
28 be impaired. If impairment becomes apparent during the time a trust
29 water right is being exercised, the department shall cease or modify
30 the use of the trust water right to eliminate the impairment.

31 (5) Before any trust water right is created or modified, the
32 department shall, at a minimum, require that a notice be published in
33 a newspaper of general circulation published in the county or counties
34 in which the storage, diversion, and use are to be made, and in other
35 newspapers as the department determines is necessary, once a week for
36 two consecutive weeks. At the same time the department shall send a
37 notice containing pertinent information to all appropriate state
38 agencies, potentially affected local governments and federally
39 recognized tribal governments, and other interested parties.

1 (6) RCW 90.14.140 through 90.14.230 have no applicability to trust
2 water rights held by the department under this chapter or exercised
3 under this section.

4 (7) RCW 90.03.380 has no applicability to trust water rights
5 acquired by the state through the funding of water conservation
6 projects.

7 (8) Subsections (4) and (5) of this section do not apply to a trust
8 water right resulting from a donation for instream flows described in
9 RCW 90.42.080(1)(b) or to a trust water right leased under RCW
10 90.42.080(8) if the period of the lease does not exceed five years.
11 However, the department shall provide the notice described in
12 subsection (5) of this section the first time the trust water right
13 resulting from the donation is exercised.

14 (9) Where a portion of an existing water right that is acquired or
15 donated to the trust water rights program will assist in achieving
16 established instream flows, the department shall process the change or
17 amendment of the existing right without conducting a review of the
18 extent and validity of the portion of the water right that will remain
19 with the water right holder.

20 **Sec. 9.** RCW 90.42.080 and 2001 c 237 s 31 are each amended to read
21 as follows:

22 (1)(a) The state may acquire all or portions of existing water
23 rights, by purchase, gift, or other appropriate means other than by
24 condemnation, from any person or entity or combination of persons or
25 entities. Once acquired, such rights are trust water rights. A water
26 right acquired by the state that is expressly conditioned to limit its
27 use to instream purposes shall be administered as a trust water right
28 in compliance with that condition.

29 ~~(b) If ((an aquatic species is listed as threatened or endangered~~
30 ~~under federal law for a body of water, or is listed as depressed or~~
31 ~~threatened by reason of inadequate stream flow under state law, and))~~
32 the holder of a right to water from ((the)) a body of water chooses to
33 donate all or a portion of the person's water right to the trust water
34 system to assist in providing ((those)) instream flows on a temporary
35 or permanent basis, the department shall accept the donation on such
36 terms as the person may prescribe as long as the donation satisfies the
37 requirements of subsection (4) of this section and the other applicable
38 requirements of this chapter and the terms prescribed are relevant and

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

4 (2) The department may enter into leases, contracts, or such other
5 arrangements with other persons or entities as appropriate, to ensure
6 that trust water rights acquired in accordance with this chapter may be
7 exercised to the fullest possible extent.

8 (3) Trust water rights may be acquired by the state on a temporary
9 or permanent basis.

10 (4) A water right donated under subsection (1)(b) of this section
11 shall not exceed the extent to which the water right was exercised
12 during the five years before the donation nor may the total of any
13 portion of the water right remaining with the donor plus the donated
14 portion of the water right exceed the extent to which the water right
15 was exercised during the five years before the donation. A water right
16 holder who believes his or her water right has been impaired by a trust
17 water right donated under subsection (1)(b) of this section may request
18 that the department review the impairment claim. If the department
19 determines that exercising the trust water right resulting from the
20 donation or exercising a portion of that trust water right donated
21 under subsection (1)(b) of this section is impairing existing water
22 rights in violation of RCW 90.42.070, the trust water right shall be
23 altered by the department to eliminate the impairment. Any decision of
24 the department to alter or not to alter a trust water right donated
25 under subsection (1)(b) of this section is appealable to the pollution
26 control hearings board under RCW 43.21B.230. A donated water right's
27 status as a trust water right under this subsection is not evidence of
28 the validity or quantity of the water right.

29 (5) The provisions of RCW 90.03.380 and 90.03.390 do not apply to
30 donations for instream flows described in subsection (1)(b) of this
31 section, but do apply to other transfers of water rights under this
32 section.

33 (6) No funds may be expended for the purchase of water rights by
34 the state pursuant to this section unless specifically appropriated for
35 this purpose by the legislature.

36 (7) Any water right conveyed to the trust water right system as a
37 gift that is expressly conditioned to limit its use to instream
38 purposes shall be managed by the department for public purposes to
39 ensure that it qualifies as a gift that is deductible for federal

1 income taxation purposes for the person or entity conveying the water
2 right.

3 (8) If the department acquires a trust water right by lease (~~((in an~~
4 ~~area in which a drought order has been issued under RCW 43.83B.405 and~~
5 ~~is in effect at the time the department leases the water right))), the
6 amount of the trust water right shall not exceed the extent to which
7 the water right was exercised during the five years before the
8 acquisition was made nor may the total of any portion of the water
9 right remaining with the original water right holder plus the portion
10 of the water right leased by the department exceed the extent to which
11 the water right was exercised during the five years before the
12 acquisition. A water right holder who believes his or her water right
13 has been impaired by a trust water right leased under this subsection
14 may request that the department review the impairment claim. If the
15 department determines that exercising the trust water right resulting
16 from the leasing or exercising (~~{{of}}~~) of a portion of that trust
17 water right leased under this subsection is impairing existing water
18 rights in violation of RCW 90.42.070, the trust water right shall be
19 altered by the department to eliminate the impairment. Any decision of
20 the department to alter or not to alter a trust water right leased
21 under this subsection is appealable to the pollution control hearings
22 board under RCW 43.21B.230. The department's leasing of a trust water
23 right under this subsection is not evidence of the validity or quantity
24 of the water right.~~

25 (9) For a water right donated to or acquired by the trust water
26 rights program on a temporary basis, the full quantity of water
27 diverted or withdrawn to exercise the right before the donation or
28 acquisition shall be placed in the trust water rights program and shall
29 revert to the donor or person from whom it was acquired when the trust
30 period ends.

31 **Sec. 10.** RCW 90.03.370 and 2000 c 98 s 3 are each amended to read
32 as follows:

33 (1)(a) All applications for reservoir permits (~~((shall be))~~) are
34 subject to the provisions of RCW 90.03.250 through 90.03.320. But the
35 party or parties proposing to apply to a beneficial use the water
36 stored in any such reservoir shall also file an application for a
37 permit, to be known as the secondary permit, which shall be in
38 compliance with the provisions of RCW 90.03.250 through 90.03.320.

1 Such secondary application shall refer to such reservoir as its source
2 of water supply and shall show documentary evidence that an agreement
3 has been entered into with the owners of the reservoir for a permanent
4 and sufficient interest in said reservoir to impound enough water for
5 the purposes set forth in said application. When the beneficial use
6 has been completed and perfected under the secondary permit, the
7 department shall take the proof of the water users under such permit
8 and the final certificate of appropriation shall refer to both the
9 ditch and works described in the secondary permit and the reservoir
10 described in the primary permit. The department may accept for
11 processing a single application form covering both a proposed reservoir
12 and a proposed secondary permit or permits for use of water from that
13 reservoir.

14 (b) The department shall expedite processing applications for the
15 following types of storage proposals:

16 (i) Development of storage facilities that will not require a new
17 water right for diversion or withdrawal of the water to be stored;

18 (ii) Adding or changing one or more purposes of use of stored
19 water;

20 (iii) Adding to the storage capacity of an existing storage
21 facility; and

22 (iv) Applications for secondary permits to secure use from existing
23 storage facilities.

24 (c) A secondary permit for the beneficial use of water shall not be
25 required for use of water stored in a reservoir where the water right
26 for the source of the stored water authorizes the beneficial use.

27 (2)(a) For the purposes of this section, "reservoir" includes, in
28 addition to any surface reservoir, any naturally occurring underground
29 geological formation where water is collected and stored for subsequent
30 use as part of an underground artificial storage and recovery project.
31 To qualify for issuance of a reservoir permit an underground geological
32 formation must meet standards for review and mitigation of adverse
33 impacts identified, for the following issues:

34 (i) Aquifer vulnerability and hydraulic continuity;

35 (ii) Potential impairment of existing water rights;

36 (iii) Geotechnical impacts and aquifer boundaries and
37 characteristics;

38 (iv) Chemical compatibility of surface waters and ground water;

39 (v) Recharge and recovery treatment requirements;

- 1 (vi) System operation;
2 (vii) Water rights and ownership of water stored for recovery; and
3 (viii) Environmental impacts.

4 (b) Standards for review and standards for mitigation of adverse
5 impacts for an underground artificial storage and recovery project
6 shall be established by the department by rule. Notwithstanding the
7 provisions of RCW 90.03.250 through 90.03.320, analysis of each
8 underground artificial storage and recovery project and each
9 underground geological formation for which an applicant seeks the
10 status of a reservoir shall be through applicant-initiated studies
11 reviewed by the department.

12 (3) For the purposes of this section, "underground artificial
13 storage and recovery project" means any project in which it is intended
14 to artificially store water in the ground through injection, surface
15 spreading and infiltration, or other department-approved method, and to
16 make subsequent use of the stored water. However, (a) this subsection
17 does not apply to irrigation return flow, or to operational and seepage
18 losses that occur during the irrigation of land, or to water that is
19 artificially stored due to the construction, operation, or maintenance
20 of an irrigation district project, or to projects involving water
21 reclaimed in accordance with chapter 90.46 RCW; and (b) RCW 90.44.130
22 applies to those instances of claimed artificial recharge occurring due
23 to the construction, operation, or maintenance of an irrigation
24 district project or operational and seepage losses that occur during
25 the irrigation of land, as well as other forms of claimed artificial
26 recharge already existing at the time a ground water subarea is
27 established.

28 (4) Nothing in chapter 98, Laws of 2000 changes the requirements of
29 existing law governing issuance of permits to appropriate or withdraw
30 the waters of the state.

31 (5) The department shall report to the legislature by December 31,
32 2001, on the standards for review and standards for mitigation
33 developed under subsection (3) of this section and on the status of any
34 applications that have been filed with the department for underground
35 artificial storage and recovery projects by that date.

36 (6) Where needed to ensure that existing storage capacity is
37 effectively and efficiently used to meet multiple purposes, the
38 department may authorize reservoirs to be filled more than once per
39 year or more than once per season of use.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.155
2 RCW to read as follows:

3 The water conservation account is created in the custody of the
4 state treasurer. All receipts from federal funding dedicated to water
5 conservation under 16 U.S.C. Sec. 3831 shall be deposited in the
6 account. In addition, the legislature may appropriate money to the
7 account. The account is subject to allotment procedures under chapter
8 43.88 RCW, but an appropriation is not required for expenditures.
9 Expenditures from the account shall be used for the development and
10 support of water conservation as defined by 16 U.S.C. Sec. 3831. Only
11 the public works board or its designee may make expenditures from the
12 account.

13 NEW SECTION. **Sec. 12.** Section 11 of this act is necessary for the
14 immediate preservation of the public peace, health, or safety, or
15 support of the state government and its existing public institutions,
16 and takes effect immediately."

17 Correct the title.

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