

department shall not implement such recommendations by rule or regulation except upon the enactment of enabling legislation based upon the committee's recommendations.

NEW SECTION. Sec. 6. No aspect of the study authorized by sections 1 through 3 of this act may authorize any interference whatsoever with existing water rights. The study shall in all respects be subject to the provisions of RCW 43.83B.325 to the same extent as any provision of RCW 43.83B.300 through 43.83B.345.

NEW SECTION. Sec. 7. Sections 2 through 6 of this act shall expire June 30, 1989.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 10, 1988.

Passed the Senate March 10, 1988.

Approved by the Governor March 15, 1988.

Filed in Office of Secretary of State March 15, 1988.

CHAPTER 46

[Second Substitute Senate Bill No. 6513]
EMERGENCY DROUGHT RELIEF

AN ACT Relating to emergency drought relief; amending RCW 43.83B.210, 43.83B.300, 43.83B.310, 43.83B.342, and 43.83B.344; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 3, chapter 295, Laws of 1975 1st ex. sess. as last amended by section 4, chapter 343, Laws of 1987 and RCW 43.83B.210 are each amended to read as follows:

The department of ecology is authorized to make loans or grants or combinations thereof: (1) From funds under RCW 43.83B.010 through 43.83B.110 to eligible public bodies as defined in RCW 43.83B.050 for rehabilitation or betterment of agricultural water supply facilities, and/or construction of agricultural water supply facilities required to develop new irrigated lands; or(;) (2) from emergency agricultural water supply funds under RCW 43.83B.300 when required ((because of emergency drought conditions;)) to provide water ((to previously irrigated lands)) to alleviate emergency drought conditions to assure the survival of irrigated crops and the state's fisheries. The department of ecology may make such loans or grants or combinations thereof as matching funds in any case where federal, local, or other funds have been made available on a matching basis. A loan or combination loan and grant shall not exceed fifty percent of the approved eligible project costs for any single proposed project: PROVIDED, That for

purposes authorized by RCW 43.83B.300, 43.83B.310, and 43.83B.385 the department of ecology may make a loan up to ninety percent of the total eligible project cost or combination loan and grant up to one hundred percent of the total single project cost and the grant portion for any single project shall not exceed ~~((fifteen))~~ twenty percent of the total ~~((single))~~ project cost except that, for activities forecast to have fifty percent or less of normal seasonal water supplies, the grant portion for any single project or entity shall not exceed forty percent of the total project cost. No single entity shall receive more than ten percent of the total funds available for drought relief. These funds shall not be used for nonagricultural drought relief purposes unless there are no other capital budget funds available for these purposes. The total expenditures for nonagricultural drought relief purposes shall not exceed ten percent of the total funds available for drought relief purposes on the effective date of this 1988 act. Any grant or grant portion of a combination loan and grant from funds under RCW 43.83B.010 through 43.83B.110 for any single proposed project shall not exceed fifteen percent of the eligible project costs: PROVIDED, That the fifteen percent limitation established herein shall not be applicable to project commitments which the director or deputy director of the state department of ecology made to the bureau of reclamation of the United States department of interior for providing state funding at thirty-five percent of project costs during the period between August 1, 1974, and June 30, 1975.

The department of social and health services is authorized to make grants of up to forty percent of the cost of construction of any eligible project necessitated by the 1977 drought conditions. Such grants may be made only to public bodies as defined in RCW 43.83B.050 for municipal and industrial water supply and distribution facilities.

Sec. 2. Section 1, chapter 1, Laws of 1977 ex. sess. as last amended by section 1, chapter 343, Laws of 1987 and RCW 43.83B.300 are each amended to read as follows:

The legislature finds that it is necessary to provide the department of ecology with emergency powers to authorize withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, and construction of facilities in relation thereto, in order to alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during 1977 and during 1987 through 1989.

The legislature further finds that there is a continuing ~~((agricultural))~~ water supply shortage in many areas of the state and that ~~((, in relation to the lessening of that unsatisfactory condition, there is an urgent need to both improve water supply facilities and replace other such facilities))~~ there is an urgent need to assure the survival of irrigated crops and of the state's fisheries.

In order to provide needed (~~capital~~) moneys for the planning, acquisition, construction, and improvement of water supply facilities (~~to withdraw and distribute water~~) and for other appropriate measures to assure the survival of irrigated crops and/or the state's fisheries to alleviate (~~unsatisfactory~~) emergency water supply conditions arising from droughts occurring from time to time in the state of Washington, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eighteen million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this section and RCW 43.83B.360 through 43.83B.375 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 3. Section 3, chapter 1, Laws of 1977 ex. sess. as amended by section 2, chapter 343, Laws of 1987 and RCW 43.83B.310 are each amended to read as follows:

In addition to the powers previously vested in the department of ecology to permit the withdrawal of public surface and ground waters by chapters 90.03 and 90.44 RCW, the department of ecology is authorized to permit withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, for any period ending not later than (~~October 31, 1987~~) April 30, 1989, for any beneficial use. The department may issue such emergency permits if, after investigation and after providing appropriate federal, state, and local governmental bodies an opportunity to comment, the following are found:

(1) The waters proposed for withdrawal are to be used in relation to beneficial use involving a previously established activity or purpose; and

(2) The previously established activity or purpose was furnished water through rights applicable to the use of a public water body which are not exercisable due to the lack of water arising from natural drought conditions; and

(3) The proposed withdrawal will not reduce flows or levels below essential minimums necessary (a) to assure the maintenance of fisheries requirements, and (b) to protect federal and state interests including, among others, power generation, navigation, and existing water rights.

All permits issued hereunder shall contain provisions which allow for termination of authorized withdrawals, in whole or in part, whenever withdrawals will conflict with flows and levels as provided in subsection (3) of this section.

Sec. 4. Section 8, chapter 343, Laws of 1987 and RCW 43.83B.342 are each amended to read as follows:

The department of ecology is authorized to expend funds from the emergency water supply appropriations for necessary drought-related

equipment and to employ a maximum of ~~((two and one-half))~~ four full-time equivalent staff positions until ~~((October 31, 1987))~~ April 30, 1989, for the purpose of planning and administering drought relief activities, including the development of a state drought contingency plan for responding to future drought conditions.

Sec. 5. Section 9, chapter 343, Laws of 1987 and RCW 43.83B.344 are each amended to read as follows:

For a limited period of time ending ~~((October 31, 1987))~~ April 30, 1989, a water right may be temporarily changed in purpose or place of use or point of diversion consistent with existing state policy allowing transfer or lease of waters between willing parties as provided for in RCW 90.03.380, 90.03.390, and 90.44.100 without complying with any requirements of (1) notice of newspaper publication or (2) the state environmental policy act, chapter 43.21C RCW, when such changes are necessary to respond to emergency water supply conditions as determined by the department of ecology. The temporary changing of a water right as authorized under this section shall not be admissible as evidence in either the supporting or the contesting of the validity of water claims in State of Washington, Department of Ecology v. Acquavella, or any similar proceeding where the existence of a water right is at issue.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 7, 1988.

Passed the House March 3, 1988.

Approved by the Governor March 15, 1988.

Filed in Office of Secretary of State March 15, 1988.

CHAPTER 47

[Engrossed Second Substitute Senate Bill No. 6724]

WATER RESOURCE POLICY

AN ACT Relating to water resources; amending RCW 43.83B.300, 90.54.030, 90.54.040, and 90.54.050; reenacting and amending RCW 90.22.010; adding new sections to chapter 90.54 RCW; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 1, Laws of 1977 ex. sess. as last amended by section 1, chapter 343, Laws of 1987 and RCW 43.83B.300 are each amended to read as follows:

The legislature finds that the fundamentals of water resource policy in this state must be reviewed by the legislature to ensure that the water resources of the state are protected and fully utilized for the greatest benefit