

Chapter 90.80 RCW

Water conservancy boards

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90.80.005

Findings.

The legislature finds:

- (1) Voluntary water right transfers can reallocate water use in a manner that will result in more efficient use of water resources;
- (2) Voluntary water right transfers can help alleviate water shortages, save capital outlays, reduce development costs, and provide an incentive for investment in water conservation efforts by water right holders; and
- (3) The state should expedite the administrative process for water right transfers by authorizing the establishment of water conservancy boards.

[2001 c 237 § 6; 1997 c 441 § 1.]

Notes:

Finding -- Intent -- Severability -- Effective date -- 2001 c 237: See notes following RCW [90.82.040](#).

Intent -- 2001 c 237: See note following RCW [90.66.065](#).

90.80.010

Definitions.

The following definitions apply throughout this chapter, unless the context clearly requires otherwise.

- (1) "Alternate" means an individual: (a) Who is appointed by the county legislative authority or authorities under RCW [90.80.050](#)(3); (b) who is trained under the requirements of RCW [90.80.040](#); and (c) who, while serving as a replacement for an absent or recused commissioner: (i) May serve and vote as a commissioner; (ii) is subject to any requirement applicable to a commissioner; and (iii) counts toward a quorum.
- (2) "Board" means a water conservancy board created under this chapter.
- (3) "Commissioner" means an individual who is appointed by the county legislative authority or authorities as a member of a water conservancy board under RCW [90.80.050](#)(1), or an alternate appointed under RCW [90.80.050](#)(3) while serving as a replacement for an absent or recused commissioner.
- (4) "Department" means the department of ecology.
- (5) "Director" means the director of the department of ecology.
- (6) "Record of decision" means the conclusion reached by a water conservancy board regarding an application for a transfer filed with the board.
- (7) "Transfer" means a transfer, change, amendment, or other alteration of a part or all of a water right authorized under RCW [90.03.380](#), [90.03.390](#), or [90.44.100](#).

[2004 c 10 § 1; 2001 c 237 § 7; 1997 c 441 § 2.]

Notes:

Finding -- Intent -- Severability -- Effective date -- 2001 c 237: See notes following RCW [90.82.040](#).

Intent -- 2001 c 237: See note following RCW [90.66.065](#).

90.80.020

Water conservancy boards — Creation.

(1) The county legislative authority of a county may create a water conservancy board, subject to approval by the director, for the purpose of expediting voluntary water transfers within the county.

(2) A water conservancy board may be initiated by: (a) A resolution of the county legislative authority; (b) a resolution presented to the county legislative authority calling for the creation of a board by the legislative authority of an irrigation district, public utility district that operates a public water system, a reclamation district, a city operating a public water system, or a water-sewer district that operates a public water system; (c) a resolution by the governing body of a cooperative or mutual corporation that operates a public water system serving one hundred or more accounts; (d) a petition signed by five or more water rights holders, including their addresses, who divert water for use within the county; or (e) any combination of (a) through (d) of this subsection. The resolution or petition must state the need for the board, include proposed bylaws or rules and procedures that will govern the operation of the board, identify the geographic boundaries where there is an initial interest in transacting water sales or transfers, and describe the proposed method for funding the operation of the board.

(3) After receiving a resolution or petition to create a board, a county legislative authority shall determine its sufficiency. If the county legislative authority finds that the resolution or petition is sufficient, or if the county is initiating the creation of a board upon its own motion, it shall hold at least one public hearing on the proposed creation of the board. Notice of the hearing shall be published at least once in a newspaper of general circulation in the county not less than ten days nor more than thirty days before the date of the hearing. The notice shall describe the time, date, place, and purpose of the hearing, as well as the purpose of the board. Following the hearing, the county legislative authority may adopt a resolution approving the creation of the board if it finds that the board's creation is in the public interest.

[1997 c 441 § 3.]

90.80.030

Petition for board creation — Required information — Approval or denial — Description of training requirements.

(1) The county legislative authority shall forward a copy of the resolution or petition calling for the creation of the board, a copy of the resolution approving the creation of the board, and a summary of the public testimony presented at the public hearing to the director following the adoption of the resolution calling for the board's creation.

(2) The director shall approve or deny the creation of a board within forty-five days after the county legislative authority has submitted all information required under subsection (1) of this section. The director must determine whether the creation of the board would further the purposes of this chapter and is in the public interest. The director shall include a description of the necessary training requirements for commissioners in the notice of approval sent to the county legislative authority.

[1997 c 441 § 4.]

90.80.035

Water conservancy boards for water resource inventory areas — Multicounty water conservancy boards — Petition for creation.

(1) If a county is the only county having lands comprising a water resource inventory area as defined in chapter

[173-500](#) WAC, the county may elect to establish a water conservancy board for the water resource inventory area, rather than for the entire county.

(2) Counties having lands within a water resource inventory area may jointly petition the department for establishment of a water conservancy board for the water resource inventory area. Counties may jointly petition the department to establish boards serving multiple counties or one or more water resource inventory areas. For any of these multicounty options, the counties must reach their joint determination on the decision to file the petition, on the proposed bylaws, and on other matters relating to the establishment and operation of the board in accordance with the provisions of this chapter and chapter [39.34](#) RCW, the interlocal cooperation act. Each county must meet the requirements of RCW [90.80.020](#)(2). The counties must jointly determine the sufficiency of a petition under RCW [90.80.020](#)(3) and each county legislative authority must hold a hearing in its county.

(3) If establishment of a multicounty water conservancy board under any of the options provided in subsection (2) of this section is approved by the department, the counties must jointly appoint the board commissioners and jointly appoint members to fill vacancies as they occur, and may jointly appoint alternates in accordance with the provisions of this chapter and chapter [39.34](#) RCW.

(4) A board established for more than one county or for one or more water resource inventory areas has the same powers as other boards established under this chapter. The board has no jurisdiction outside the boundaries of the water resource inventory area or areas or the county or counties, as applicable, for which it has been established, except as provided in this chapter.

(5) The counties establishing a board for a multiple county area must designate a lead county for purposes of providing a single point of contact for communications with the department. The lead county shall forward the information required in RCW [90.80.030](#)(1) for each county.

[2004 c 10 § 2; 2001 c 237 § 8.]

Notes:

Finding -- Intent -- Severability -- Effective date -- 2001 c 237: See notes following RCW [90.82.040](#).

Intent -- 2001 c 237: See note following RCW [90.66.065](#).

90.80.040

Rules — Minimum training requirements and continuing education.

The director of the department may, as deemed necessary by the director, adopt rules in accordance with chapter

[34.05](#) RCW necessary to carry out this chapter, including minimum requirements for the training and continuing education of commissioners. Training courses for commissioners shall include an overview of state water law and hydrology. Prior to commissioners taking action on proposed water right transfers, the commissioners shall comply with training requirements that include state water law and hydrology.

[1997 c 441 § 5.]

90.80.050

Corporate powers — Board composition — Members' terms, expenses — Alternates — Eligibility to be appointed.

(1) A water conservancy board constitutes a public body corporate and politic and a separate unit of local government in the state. Each board shall consist of three commissioners appointed by the county legislative authority or authorities as applicable for six-year terms. The county legislative authority or authorities shall stagger the initial appointment of commissioners so that the first commissioners who are appointed shall serve terms of two, four, and six years, respectively, from the date of their appointment. The county legislative authority or authorities may appoint two additional commissioners, for a total of five. If the county or counties elect to appoint five commissioners, the initial terms of the additional commissioners shall be for three and five-year terms respectively. All vacancies shall be filled for the unexpired term.

(2) The county legislative authority or authorities shall consider, but are not limited in appointing, nominations to the board by people or entities petitioning or requesting the creation of the board. The county legislative authority or authorities shall ensure that at least one commissioner is an individual water right holder who diverts or withdraws water for use within the area served by the board. The county legislative authority or authorities must appoint one person who is not a water right holder, except as provided in subsection (5) of this section. If the county legislative authority or authorities choose not to appoint five commissioners, and as of May 10, 2001, there is no commissioner on an existing board who is not a water right holder, the county or counties are not required to appoint a new commissioner until the first vacancy occurs. In making appointments to the board, the county legislative authority or authorities shall choose from among persons who are residents of the county or counties or a county that is contiguous to the county that the water conservancy board is to serve.

(3) The county legislative authority or authorities may appoint up to two alternates to serve in a reserve capacity as replacements for absent or recused commissioners, and while serving in that capacity an alternate may serve for all or any portion of a meeting of the board. Alternates do not hold an appointed commissioner position on a board as set forth under subsection (1) of this section. An alternate shall be appointed to serve a six-year term.

(4) No commissioner may participate in a record of decision of a board until he or she has successfully completed the necessary training required under RCW

90.80.040. Commissioners shall serve without compensation, but are entitled to reimbursement for necessary travel expenses in accordance with RCW 43.03.050 and 43.03.060 and costs incident to receiving training.

(5) For the purposes [of] determining a person's eligibility to be appointed as a commissioner who is not a water right holder under this section, a person is not considered to be a water right holder: (a) By virtue of the person's receiving water from a municipal water supplier as defined in RCW 90.03.015, or (b) if the only water right held by the person is a right to the type of residential use of water that is exempted from permit requirements by RCW 90.44.050 and that right is for water from a well located in a county with a population that is not greater than one hundred fifty thousand people.

[2004 c 104 § 2; 2004 c 10 § 3; 2001 c 237 § 10; 1997 c 441 § 6.]

Notes:

Reviser's note: This section was amended by 2004 c 10 § 3 and by 2004 c 104 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Purpose -- 2004 c 104: "The purpose of this act is to ensure that counties have a sufficient portion of their citizenry eligible to serve as commissioners of water conservancy boards to enable the appointing legislative authorities to fill positions on the boards in both urban and rural counties." [2004 c 104 § 1.]

Finding -- Intent -- Severability -- Effective date -- 2001 c 237: See notes following RCW 90.82.040.

Intent -- 2001 c 237: See note following RCW 90.66.065.

90.80.055

Additional board powers.

(1) Except as provided in subsection (2) of this section, a board shall operate on a countywide basis or on an areawide basis in the case of a board with jurisdiction in more than one county or water resource inventory area, and have the following powers, in addition to any other powers granted in this chapter:

(a) Except as provided in subsection (2) of this section, a board may act upon applications for the same kinds of transfers that the department itself is authorized to act upon, including an application to establish a trust water right under chapter

[90.38](#) or [90.42](#) RCW. A board may not act upon an application for the type of transfer within an irrigation district as described in RCW [90.03.380](#)(3). If a board receives an application for a transfer between two irrigation districts as described in RCW [90.03.380](#)(2), the board must, before publication of notice of the application, receive the concurrence specified in that section.

(b) A board may act upon an application to transfer a water right claim filed under chapter [90.14](#) RCW. In acting upon such an application, the board must make a tentative determination as to the validity and extent of the right, if any, embodied in the claim and may only issue a record of decision regarding a transfer of such a claim to the extent it is tentatively determined to be valid. Neither the board's tentative determination, nor the director's acceptance of such a tentative determination, constitutes an adjudication of the right under RCW [90.03.110](#) through [90.03.240](#) or [90.44.220](#), and such a determination does not preclude or prejudice a subsequent challenge to the validity, priority, or quantity of the right in a general adjudication under those sections.

(c) A board may establish a water right transfer information exchange through which all or part of a water right may be listed for sale or lease. The board may also accept and post notices in the exchange from persons interested in acquiring or leasing water rights from willing sellers.

(d) The director shall assign a representative of the department to provide technical assistance to each board. If requested by the board, the representative shall work with the board as it reviews applications for formal acceptance, prepares draft records of decision, and considers other technical or legal factors affecting the board's development of a final record of decision. A board may request and accept additional technical assistance from the department. A board may also request and accept assistance and support from the county government or governments of the county or counties in which it operates.

(2) The jurisdiction of a board shall not apply within the boundaries of a federal Indian reservation or to lands held in trust for an Indian band, tribe, or nation by the federal government.

[2001 c 237 § 9.]

Notes:

Finding -- Intent -- Severability -- Effective date -- 2001 c 237: See notes following RCW [90.82.040](#).

Intent -- 2001 c 237: See note following RCW [90.66.065](#).

90.80.057

Quorum.

For purposes of carrying out the official business of a board, a quorum consists of the physical presence of two of the three members of a three-member board or three of the five members of a five-member board. A board may operate with one or two vacant positions as long as it meets the quorum requirement.

[2001 c 237 § 19.]

Notes:

Finding -- Intent -- Severability -- Effective date -- 2001 c 237: See notes following RCW [90.82.040](#).

Intent -- 2001 c 237: See note following RCW [90.66.065](#).

90.80.060

Board powers — Funding.

(1) A water conservancy board may acquire, purchase, hold, lease, manage, occupy, and sell real and personal property or any interest therein, enter into and perform all necessary contracts, appoint and employ necessary agents and employees and fix their compensation, employ contractors including contracts for professional services, sue and be sued, and do any and all lawful acts required and expedient to carry out the purposes of this chapter.

(2) A board constitutes an independently funded entity, and may provide for its own funding as determined by the commissioners. The board may accept grants and may adopt fees for processing applications for transfers of water rights to fund the activities of the board. A board may not impose taxes or acquire property by the exercise of eminent domain.

[1997 c 441 § 7.]

90.80.065

Dissolution of board.

A water conservancy board may be formally dissolved by the county or jointly by the counties as applicable in which it operates by adoption of a resolution of the county legislative authority or authorities. Notice of the dissolution must be provided to the director. The department may petition the county legislative authority of the county or the lead county for a board to request that the board be dissolved for repeated statutory violations or demonstrated inability to perform the functions for which the board was created.

[2001 c 237 § 16.]

Notes:

Finding -- Intent -- Severability -- Effective date--2001 c 237: See notes following RCW [90.82.040](#).

Intent -- 2001 c 237: See note following RCW [90.66.065](#).

90.80.070

Applications for water transfers — Notice — Record of decision — Review — Alternate serving as commissioner.

(1) A person proposing a transfer of a water right may elect to file an application with a water conservancy board, if a board has been established for the geographic area where the water is or would be diverted, withdrawn, or used. If the person has already filed an application with the department, the person may request that the department convey the application to the conservancy board with jurisdiction and the department must promptly forward the application. A board is not required to process an application filed with the board. If a board decides that it will not process an application, it must return the application to the applicant and must inform the applicant that the application may be filed with the department. An application to the board for a transfer shall be made on a form provided by the department. A board may require an applicant to submit within a reasonable time additional information as may be required by the board in order to review and act upon the application. At a minimum, the application shall include information sufficient to establish to the board's satisfaction that a right to the quantity of water being transferred exists, and a description of any applicable limitations on the right to use water, including the point of diversion or withdrawal, place of use, source of supply, purpose of use, quantity of use permitted, time of use, period of use, and the place of storage.

(2) The applicant for any proposed water right transfer may apply to a board for a record of decision on a transfer if the water proposed to be transferred is currently diverted, withdrawn, or used within the geographic area in which the board has jurisdiction, or would be diverted, withdrawn, or used within the geographic area in which the board has jurisdiction if the transfer is approved. In the case of a proposed water right transfer in which the water is currently diverted or withdrawn or would be diverted or withdrawn outside the geographic boundaries of the county or the water resource inventory area where the use is proposed to be made, the board shall hold a public hearing in the county of the diversion or withdrawal or proposed diversion or withdrawal. The board shall provide for prominent publication of notice of the hearing in a newspaper of general circulation published in the county in which the hearing is to be held for the purpose of affording an opportunity for interested persons to comment upon the application. If an application is for a transfer of water out of the water resource inventory area that is the source of the water, the board shall consult with the department regarding the application.

(3) After an application for a transfer is filed with the board, the board shall publish notice of the application and send notice to state agencies in accordance with the requirements of RCW

[90.03.280](#). In addition, the board shall send notice of the application to any Indian tribe with reservation lands that would be, but for RCW [90.80.055](#)(2), within the area in which the board has jurisdiction. The board shall also provide notice of the application to any Indian tribe that has requested that it be notified of applications. Any person may submit comments and other information to the board regarding the application. The comments and information may be submitted in writing or verbally at any public meeting of the board to discuss or decide on the application. The comments must be considered by the board in making its record of decision.

(4) If a majority of the board determines that the application is complete, and that the transfer is in accordance with RCW [90.03.380](#), [90.03.390](#), or [90.44.100](#), the board must issue a record of decision approving the transfer, subject to review by the director. In making its record of decision, the board must consider among other things whether the proposed transfer can be made without detriment or injury to existing water rights, including rights established for instream flows. The board must include in its record of decision any conditions that are deemed necessary for the transfer to qualify for approval under the applicable laws of the state. The basis for the record of decision of the board must be documented in a report of examination. The board's proposed approval must clearly state that the applicant is not permitted to proceed to effect the proposed transfer until a final decision is made by the director. In making its record of decision, the board must consider among other things whether the proposed transfer can be made without detriment or injury to existing water rights, including rights established for instream flows.

(5) If a majority of the board determines that the application cannot be approved under the applicable laws of the state of Washington, the board must make a record of decision denying the application together with its report of examination documenting its record of decision. The board's record of decision is subject to review by the director under RCW [90.80.080](#).

(6) When alternates appointed under the provisions of RCW [90.80.050](#)(3) are serving as commissioners on a board, a majority vote of the board must include at least one commissioner appointed under the provisions of RCW [90.80.050](#)(1).

(7) An alternate when serving as a commissioner in the review of an application before the board shall:

(a) Review the written record before the board and any exhibits provided for the review or provided at the hearing if a hearing was held;

- (b) Review any audio or video recordings made of the proceedings on the application; and
- (c) Conduct a site visit if a site visit by other commissioners acting on the application has been previously conducted.
- (8) An alternate serving as a commissioner shall be guided by the conflict of interest standards applicable to all commissioners under RCW [90.80.120](#). The board shall provide notice of an alternate sitting as a commissioner to the applicant and other participants in proceedings before the board in a timely manner to provide sufficient time for any challenges for conflict of interest to be made prior to the board's decision on the application.

[2004 c 10 § 4; 2001 c 237 § 11; 1997 c 441 § 9.]

Notes:

Finding -- Intent -- Severability -- Effective date -- 2001 c 237: See notes following RCW [90.82.040](#).

Intent -- 2001 c 237: See note following RCW [90.66.065](#).

90.80.080

Records of decision — Transmittal to department and others — Internet posting — Review.

(1) The board must provide a copy of its record of decision to the applicant. The board shall submit its record of decision on the transfer application to the department for review. The board shall also submit its report of examination to the department summarizing factual findings on which the board relied in reaching its record of decision and a copy of the files and records upon which the board's record of decision is based. The board shall also promptly transmit notice by mail to any person who objected to the transfer or who requested notice of the board's record of decision.

(2) Upon receipt of a board's record of decision, the department shall promptly post the text of the record of decision transmittal form on the department's internet site. The director shall review each record of decision made by a board for compliance with applicable state water law.

(3) Any party to a transfer, third party who alleges his or her water right will be impaired by the proposed transfer, or other person may file a letter of concern or support with the department and the department may consider the concern or support expressed in the letter. Such letters must be received by the department within thirty days of the department's receipt of the board's record of decision.

(4) The director shall review the record of decision of the board and shall affirm, reverse, or modify the action of the board within forty-five days of receipt. The forty-five day time period may be extended for an additional thirty days by the director or at the request of the board or applicant. If the director fails to act within the prescribed time period, the board's record of decision becomes the decision of the department and is appealable as provided by RCW

[90.80.090](#). If the director acts within the prescribed time period, the director's decision to affirm, modify, or reverse is appealable as provided by RCW [90.80.090](#), and the director's decision to remand is appealable as provided by *RCW [90.80.120](#)(2)(b).

[2001 c 237 § 12; 1997 c 441 § 11.]

Notes:

***Reviser's note:** RCW [90.80.120](#) was amended by 2004 c 10 § 5, changing subsection (2)(b) to subsection (3)(b).

Finding -- Intent -- Severability -- Effective date -- 2001 c 237: See notes following RCW [90.82.040](#).

Intent -- 2001 c 237: See note following RCW [90.66.065](#).

90.80.090

Appeals from director's decisions.

The decision of the director to approve or deny an action to create a board, or to approve, deny, or modify a water right transfer either by action or inaction is appealable in the same manner as other water right decisions made pursuant to chapters

[90.03](#) and [90.44](#) RCW.

[2001 c 237 § 13; 1997 c 441 § 12.]

Notes:

Finding -- Intent -- Severability -- Effective date -- 2001 c 237: See notes following RCW [90.82.040](#).

Intent -- 2001 c 237: See note following RCW [90.66.065](#).

90.80.100

Damages arising from records of decisions on transfers — Immunity.

Neither the county or counties, the department, a conservancy board, or its employees, nor individual conservancy board commissioners shall be subject to any cause of action or claim for damages arising out of records of decisions on transfers made by a board under this chapter.

[2001 c 237 § 14; 1997 c 441 § 13.]

Notes:

Finding -- Intent -- Severability -- Effective date -- 2001 c 237: See notes following RCW [90.82.040](#).

Intent -- 2001 c 237: See note following RCW [90.66.065](#).

90.80.110

Approval of interties.

Nothing in this chapter eliminates or lessens the requirements necessary for the approval of interties.

[1997 c 441 § 15.]

90.80.120

Conflicts of interest.

(1) A commissioner of a water conservancy board shall not engage in any act which is in conflict with the proper discharge of the official duties of a commissioner. A commissioner is deemed to have a conflict of interest if he or she:

- (a) Has an ownership interest in a water right subject to an application for approval before the board;
- (b) Receives or has a financial interest in an application submitted to the board or a project, development, or venture related to the approval of the application; or
- (c) Solicits, accepts, or seeks anything of economic value as a gift, gratuity, or favor from any person, firm, or corporation involved in the application.

(2) In the event of a recusal of an appointed commissioner, an alternate may serve as a commissioner on a board and may act upon the official board business for which the conflict of interest exists.

(3) The department shall return a record of decision to a conservancy board without action where the department determines that any member of a board has violated subsection (1) of this section.

(a) If a person seeking to rely on this section to disqualify a commissioner knows of the basis for disqualification before the time the board issues a record of decision, the person must request the board to have the commissioner recuse himself or herself from further involvement in processing the application, or be barred from later raising that challenge.

(b) If the commissioner does not recuse himself or herself or if the person becomes aware of the basis for disqualification after the board issues a record of decision but within the time period under RCW

[90.80.080](#)(3) for filing objections with the department, the person must raise the challenge with the department. If the department determines that the commissioner should be disqualified under this section, the director must remand the record of decision to the board for reconsideration and resubmission of a record of decision. The disqualified commissioner shall not participate in any further board review of the application. The department's decision on whether to remand a record of decision under this section may only be appealed at the same time and in the same manner as an appeal of the department's decision to affirm, modify, or reverse the record of decision after remand.

(c) If the person becomes aware of the basis for disqualification after the time for filing objections with the department, the person may raise the challenge in an appeal of the department's final decision under RCW [90.80.090](#).

[2004 c 10 § 5; 2001 c 237 § 15; 1997 c 441 § 16.]

Notes:

Finding -- Intent -- Severability -- Effective date -- 2001 c 237: See notes following RCW [90.82.040](#).

Intent -- 2001 c 237: See note following RCW [90.66.065](#).

90.80.130

Application of open public meetings act.

Water conservancy board activities are subject to the open public meetings act, chapter

[42.30](#) RCW and to chapter [42.32](#) RCW. This includes announcing meetings in advance.

[2001 c 237 § 17; 1997 c 441 § 17.]

Notes:

Finding -- Intent -- Severability -- Effective date -- 2001 c 237: See notes following RCW [90.82.040](#).

Intent -- 2001 c 237: See note following RCW [90.66.065](#).

90.80.135

Application of public records act.

(1) A board is subject to the requirements of chapter

[42.56](#) RCW. Each board must establish and maintain records of its proceedings and determinations. While in the possession of the board, all such records must be made available for inspection and copies must be provided to the public on request under the provisions of chapter [42.56](#) RCW.

(2) Upon the conclusion of its business involving a water right transfer application, a board must promptly send the original copies of all records relating to that application to the department for recordkeeping. A board may keep a copy of the original documents. After the records are transferred to the department, the responsibility for making the records available under chapter [42.56](#) RCW is transferred to the department.

[2005 c 274 § 366; 2001 c 237 § 18.]

Notes:

Part headings not law -- Effective date--2005 c 274: See RCW [42.56.901](#) and [42.56.902](#).

Finding -- Intent -- Severability -- Effective date -- 2001 c 237: See notes following RCW [90.82.040](#).

Intent -- 2001 c 237: See note following RCW [90.66.065](#).

90.80.140

Transfers approved under chapter 90.03 or 90.44 RCW not affected.

Nothing in this chapter affects transfers that may be otherwise approved under chapter

[90.03](#) or [90.44](#) RCW.

[2001 c 237 § 20; 1997 c 441 § 18.]

Notes:

Finding -- Intent -- Severability -- Effective date -- 2001 c 237: See notes following RCW [90.82.040](#).

Intent -- 2001 c 237: See note following RCW [90.66.065](#).

90.80.150

Reports to legislative committees.

The department shall report biennially by December 31st of each even-numbered year to the appropriate committees of the legislature on the boards formed or sought to be formed under the authority of this chapter, the transfer applications reviewed and other activities conducted by the boards, and the funding of such boards. Conservancy boards must provide information regarding their activities to the department to assist the department in preparing the report.

[2001 c 237 § 21; 1997 c 441 § 19.]

Notes:

Finding -- Intent -- Severability -- Effective date -- 2001 c 237: See notes following RCW [90.82.040](#).

Intent -- 2001 c 237: See note following RCW [90.66.065](#).

90.80.900

Severability — 1997 c 441.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1997 c 441 § 20.]

90.80.901

Reports to the legislature.

(1) By December 31, 2004, the department of ecology must report to the appropriate legislative committees the pertinent experience acquired in implementing the various components of chapter 237, Laws of 2001 that are under its jurisdiction.

(2) Beginning December 31, 2001, and ending on December 31, 2004, the department of ecology shall report to the legislature by January 1st of each year on the results of processing applications under RCW

[90.03.380\(5\)](#) and processing applications through water conservancy boards under chapter [90.80](#) RCW. In the report due on December 31, 2004, the department of ecology shall provide an evaluation and make recommendations regarding modification of any of the provisions of RCW [90.03.380\(5\)](#).

(3) By October 1, 2001, the office of financial management must complete an assessment of watershed planning, including evaluation of the performance of both watershed planning units and state agencies involved in watershed planning. The office's assessment must address the progress of planning units toward completion of watershed plans and the use of funds provided by the state of Washington to planning units and state agencies for developing those plans. The assessment must include an assessment of the progress of planning units and the department of ecology in setting instream flows. The office must report the results of the assessment to the appropriate committees of the legislature, and the governor.

(4) Beginning December 31, 2001, and ending on December 31, 2004, the office of financial management shall review and report to the legislature by January 1st of each year on whether the department of ecology has adequate funding for fulfilling the department's responsibilities for processing applications through water conservancy boards under chapter [90.80](#) RCW.

(5) The office of financial management, in consultation with the departments of revenue, health, and ecology, must evaluate the long-term revenue impacts and the costs and benefits of the deductions and exclusions authorized by *RCW [82.16.0431](#). The office of financial management must also evaluate the costs and benefits and revenue impacts of other potential water conservation tax incentives, including but not limited to those that may involve the sales, use, property, utility, and business and occupations taxes. The office of financial management must report its findings regarding tax incentives by December 31, 2001, to the legislature's standing committees with jurisdiction over water resources and the legislative fiscal committees.

(6) The office of financial management, in consultation with the departments of health and ecology, must evaluate the level of water savings occurring from water suppliers' use of the tax incentive provisions in *RCW [82.16.0431](#) and must report its findings to the legislature by December 31, 2002.

[2001 c 237 § 32.]

Notes:

*Reviser's note: RCW [82.16.0431](#) expired June 30, 2003.

Finding -- Intent -- Severability--Effective date--2001 c 237: See notes following RCW [90.82.040](#).

Intent -- 2001 c 237: See note following RCW [90.66.065](#).