

1 the subdivision, and/or impact fees imposed under RCW 82.02.050  
2 through 82.02.090 may be required as a condition of subdivision  
3 approval. Dedications shall be clearly shown on the final plat. No  
4 dedication, provision of public improvements, or impact fees imposed  
5 under RCW 82.02.050 through 82.02.090 shall be allowed that  
6 constitutes an unconstitutional taking of private property. The  
7 legislative body shall not as a condition to the approval of any  
8 subdivision require a release from damages to be procured from other  
9 property owners.

10 (3) If the preliminary plat includes a dedication of a public  
11 park with an area of less than two acres and the donor has designated  
12 that the park be named in honor of a deceased individual of good  
13 character, the city, town, or county legislative body must adopt the  
14 designated name.

15 (4) If water supply is to be provided by a groundwater withdrawal  
16 exempt from permitting under RCW 90.44.050, the applicant's  
17 compliance with RCW 90.44.050 and with applicable rules adopted  
18 pursuant to chapters 90.22 and 90.54 RCW is sufficient in determining  
19 appropriate provisions for water supply for a subdivision,  
20 dedication, or short subdivision under this chapter.

## 21 PART 2

22 NEW SECTION. **Sec. 201.** The definitions in this section apply  
23 throughout this chapter unless the context clearly requires  
24 otherwise.

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

26 (2) "Lead agency" has the same meaning as defined in RCW  
27 90.82.060.

28 (3) "Water resource inventory area" or "WRIA" means a water  
29 resource inventory area established in chapter 173-500 WAC as it  
30 existed on the effective date of this section.

31 NEW SECTION. **Sec. 202.** (1) Unless requirements are otherwise  
32 specified in the applicable rules adopted under this chapter or under  
33 chapter 90.22 or 90.54 RCW, potential impacts on a closed water body  
34 and potential impairment to an instream flow are authorized for new  
35 domestic groundwater withdrawals exempt from permitting under RCW  
36 90.44.050 through compliance with the requirements established in  
37 this section.

1 (2) In the following water resource inventory areas with instream  
2 flow rules adopted by the department under chapters 90.22 and 90.54  
3 RCW that do not explicitly regulate permit-exempt groundwater  
4 withdrawals and that have completed a watershed plan adopted under  
5 chapter 90.82 RCW, the department shall work with the initiating  
6 governments and the planning units described in chapter 90.82 RCW to  
7 review existing watershed plans to identify the potential impacts of  
8 exempt well use, identify evidence-based conservation measures, and  
9 identify projects to improve watershed health: 1 (Nooksack); 11  
10 (Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan);  
11 55 (Little Spokane); and 59 (Colville).

12 (3) In the water resource inventory areas listed in subsection  
13 (2) of this section, the lead agency shall invite a representative  
14 from each federally recognized Indian tribe that has a usual and  
15 accustomed harvest area within the water resource inventory area to  
16 participate as part of the planning unit.

17 (4)(a) In collaboration with the planning unit, the initiating  
18 governments must update the watershed plan to include recommendations  
19 for projects and actions that will measure, protect, and enhance  
20 instream resources and improve watershed functions that support the  
21 recovery of threatened and endangered salmonids. Watershed plan  
22 recommendations may include, but are not limited to, acquiring senior  
23 water rights, water conservation, water reuse, stream gaging,  
24 groundwater monitoring, and developing natural and constructed  
25 infrastructure, which includes, but is not limited to, such projects  
26 as floodplain restoration, off-channel storage, and aquifer recharge.  
27 Qualifying projects must be specifically designed to enhance  
28 streamflows and not result in negative impacts to ecological  
29 functions or critical habitat.

30 (b) At a minimum, the watershed plan must include those actions  
31 that the planning units determine to be necessary to offset potential  
32 impacts to instream flows associated with permit-exempt domestic  
33 water use. The highest priority recommendations must include  
34 replacing the quantity of consumptive water use during the same time  
35 as the impact and in the same basin or tributary. Lower priority  
36 projects include projects not in the same basin or tributary and  
37 projects that replace consumptive water supply impacts only during  
38 critical flow periods. The watershed plan may include projects that  
39 protect or improve instream resources without replacing the  
40 consumptive quantity of water where such projects are in addition to

1 those actions that the planning unit determines to be necessary to  
2 offset potential consumptive impacts to instream flows associated  
3 with permit-exempt domestic water use.

4 (c) Prior to adoption of the updated watershed plan, the  
5 department must determine that actions identified in the watershed  
6 plan, after accounting for new projected uses of water over the  
7 subsequent twenty years, will result in a net ecological benefit to  
8 instream resources within the water resource inventory area.

9 (d) The watershed plan may include:

10 (i) Recommendations for modification to fees established under  
11 this subsection;

12 (ii) Standards for water use quantities that are less than  
13 authorized under RCW 90.44.050 or more or less than authorized under  
14 subsection (5) of this section for withdrawals exempt from  
15 permitting;

16 (iii) Specific conservation requirements for new water users to  
17 be adopted by local or state permitting authorities; or

18 (iv) Other approaches to manage water resources for a water  
19 resource inventory area or a portion thereof.

20 (e) Any modification to fees collected under subsection (5) of  
21 this section or standards for water use quantities that are less than  
22 authorized under RCW 90.44.050 or more or less than authorized under  
23 subsection (5) of this section for withdrawals exempt from permitting  
24 may not be applied unless authorized by rules adopted under this  
25 chapter or under chapter 90.54 RCW.

26 (5) Until an updated watershed plan is approved and rules are  
27 adopted under this chapter or chapter 90.54 RCW, a city or county  
28 issuing a building permit under RCW 19.27.097(1)(c), or approving a  
29 subdivision under chapter 58.17 RCW in a watershed listed in  
30 subsection (2) of this section must:

31 (a) Record relevant restrictions or limitations associated with  
32 water supply with the property title;

33 (b) Collect applicable fees, as described under this section;

34 (c) Record the number of building permits issued under chapter  
35 19.27 RCW or subdivision approvals issued under chapter 58.17 RCW  
36 subject to the provisions of this section;

37 (d) Annually transmit to the department three hundred fifty  
38 dollars of each fee collected under this subsection;

1 (e) Annually transmit an accounting of building permits and  
2 subdivision approvals subject to the provisions of this section to  
3 the department;

4 (f) Until rules have been adopted that specify otherwise, require  
5 the following measures for each new domestic use that relies on a  
6 withdrawal exempt from permitting under RCW 90.44.050:

7 (i) An applicant shall pay a fee of five hundred dollars to the  
8 permitting authority;

9 (ii) An applicant may obtain approval for a withdrawal exempt  
10 from permitting under RCW 90.44.050 for domestic use only, with a  
11 maximum annual average withdrawal of three thousand gallons per day  
12 per connection.

13 (6) Rules adopted under this chapter or under chapter 90.54 RCW  
14 may:

15 (a) Rely on watershed plan recommendations and procedures  
16 established in this section to authorize new withdrawals exempt from  
17 permitting under RCW 90.44.050 that would potentially impact a closed  
18 waterbody or a minimum flow or level;

19 (b) Rely on projects identified in the watershed plan to offset  
20 consumptive water use; and

21 (c) Include updates to fees based on the planning unit's  
22 determination of the costs for offsetting consumptive water use.

23 (7) (a) If a watershed plan that meets the requirements of this  
24 section is not adopted in water resource inventory area 1 (Nooksack)  
25 by February 1, 2019, the department must adopt rules for that water  
26 resource inventory area that meet the requirements of this section by  
27 August 1, 2020.

28 (b) If a watershed plan that meets the requirements of this  
29 section is not adopted in water resource inventory area 11  
30 (Nisqually) by February 1, 2019, the department must adopt rules for  
31 that water resource inventory area that meet the requirements of this  
32 section by August 1, 2020.

33 (c) The department must adopt rules that meet the requirements of  
34 this section for any of the following water resource inventory areas  
35 that do not adopt a watershed plan that meets the requirements of  
36 this section by February 1, 2021: 22 (Lower Chehalis); 23 (Upper  
37 Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville).

38 (8) This section only applies to new domestic groundwater  
39 withdrawals exempt from permitting under RCW 90.44.050 in the  
40 following water resource inventory areas with instream flow rules

1 adopted under chapters 90.22 and 90.54 RCW that do not explicitly  
2 regulate permit-exempt groundwater withdrawals: 1 (Nooksack); 11  
3 (Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan);  
4 55 (Little Spokane); and 59 (Colville) and does not restrict the  
5 withdrawal of groundwater for other uses that are exempt from  
6 permitting under RCW 90.44.050.

7 NEW SECTION. **Sec. 203.** (1) Unless requirements are otherwise  
8 specified in the applicable rules adopted under this chapter or  
9 chapter 90.22 or 90.54 RCW, potential impacts on a closed water body  
10 and potential impairment to an instream flow are authorized for new  
11 domestic groundwater withdrawals exempt from permitting under RCW  
12 90.44.050 through compliance with the requirements established in  
13 this section.

14 (2)(a) In the following water resource inventory areas with  
15 instream flow rules adopted by the department under chapters 90.22  
16 and 90.54 RCW that do not explicitly regulate permit-exempt  
17 groundwater withdrawals and that have either not adopted a watershed  
18 plan, or adopted a partial watershed plan, under chapter 90.82 RCW,  
19 the department shall establish watershed restoration and enhancement  
20 committees in the following water resource inventory areas: 7  
21 (Snohomish); 8 (Cedar-Sammamish); 9 (Duwamish-Green); 10 (Puyallup-  
22 White); 12 (Chambers-Clover); 13 (Deschutes); 14 (Kennedy-  
23 Goldsborough); and 15 (Kitsap).

24 (b) The department shall chair the watershed restoration and  
25 enhancement committee and invite the following entities to  
26 participate:

27 (i) A representative from each federally recognized Indian tribe  
28 that has reservation land within the water resource inventory area;

29 (ii) A representative from each federally recognized Indian tribe  
30 that has a usual and accustomed harvest area within the water  
31 resource inventory area;

32 (iii) A representative from the department of fish and wildlife,  
33 appointed by the director of the department of fish and wildlife;

34 (iv) A representative designated by each county within the water  
35 resource inventory area;

36 (v) A representative designated by each city within the water  
37 resource inventory area;

38 (vi) A representative designated by the largest irrigation  
39 district within the water resource inventory area;