

Note: DRAFT for Committee review –intended to further Committee discussions.

Paul Pickett, Squaxin Island Tribe, May 1, 2020

## Adaptive Management and Implementation of the Plan

### South Sound Water Master

Purpose: Provide dedicated staff for the South Sound WRIs to provide education, outreach, and technical assistance; support compliance with water resources laws and regulations; and support implementation of the Plan.

### Background

RCW 90.03.060<sup>1</sup> allows Ecology to establish a “water master district” and appoint a “water master”, who:

*...shall be supervised by the department, shall be compensated for services from funds of the department, and shall be technically qualified to the extent of understanding the elementary principals of hydraulics and irrigation, and of being able to make water measurements in streams and in open and closed conduits of all characters, by the usual methods employed for that purpose.*

In addition, the law provides that:

*Counties and municipal and public corporations of the state are authorized to contribute moneys to the department to be used as compensation to water masters in carrying out their duties. All such moneys received by the department shall be used exclusively for said purpose.*

RCW 90.03.070 describes duties of the water master, which while mostly addressing surface water diversions, also states:

*In addition to dividing the available waters and supervising the stream patroller in his or her district, he or she shall enforce such rules and regulations as the department shall from time to time prescribe.*

This general mandate allows a broad latitude of duties, since “enforcing rules and regulations” could occur in variety of ways.

In addition, RCW 90.44.200<sup>2</sup> allows Ecology to designate a groundwater supervisor, whose duties, compensation, and authorities are described by the laws governing the water masters (RCW 90.03.060). Groundwater supervisors “supervise the withdrawal of public groundwaters and the carrying out of orders issued by the department”.

WAC Chapter 508-12<sup>3</sup> affords water masters the authority of “regulation and control of waters”, and further describes the scope and limitations of that authority. The job descriptions of existing water masters indicate that Ecology has broadly interpreted the duties of a water master:

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<sup>1</sup> <https://apps.leg.wa.gov/RCW/default.aspx?cite=90.03>

<sup>2</sup> <https://apps.leg.wa.gov/RCW/default.aspx?cite=90.44&full=true#90.44.200>

<sup>3</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=508-12>

*SWRO Water Master: The position is the regional expert in this field and addresses water use violations through education, technical assistance and/or informal or formal enforcement, as appropriate. The position responds to complaints of illegal use, impairment of senior rights, and other highly complex water-resources compliance issues with conflicting interests among the parties and broad public impacts. The position works with the regional section manager to develop and implement the region's water resource management strategies and priorities for assigned Central Puget watersheds.*

*Northeast Water Master: develop and implement Ecology's water resource management strategies and priorities for northeast Washington. Responsible for recognizing emerging water resource issues and for independently determining work objectives and goals to effectively manage surface water and groundwater. Represents the agency in negotiations regarding complex and/or controversial water resource issues in those areas. Coordinates Ecology's work with local, state, federal and tribal governments, municipalities, private industry, consultants, water use stakeholder groups, and the general public.*

In the 2019-21 Biennium State Budget, Ecology received funding for 5 new water master positions – one for Southwest Region (west of the Cascades, from Pierce County south, including the Olympic peninsula) and four for Northwest Region (west of the Cascades, from King County north, including Kitsap County).

#### Proposal and scope of duties

The Plan proposes that Ecology create a new position of “South Sound Water Master”, which would include both water master and ground water supervisor authorities. The duties of the position would include:

- Monitor instream flows, wells, and other relevant water bodies for compliance with state rules and regulations
- Support implementation of watershed plans developed under RCW 90.94 by carrying out tasks designated for the water master in the plans.
- Conduct education, outreach, and technical support for permit-exempt wells owners and water rights holders
- Provide technical support to Ecology water rights decisions in the South Sound
- Develop and implement compliance guidelines, including
  - Criteria for determining noncompliance
  - Procedures for addressing noncompliance through a stepwise escalation of actions: education and voluntary compliance at first; if egregious or ineffective, then notice of violation, order, or penalties.
  - Immediate action if causing substantial harm to other water rights, public or tribal resources.
- Investigate and enforce against illegal water use
- Enforce the PE well water use limitations, including special conditions for drought, though a complaint response system.

### Water Master District Boundaries

The proposed water master district would be, at a minimum all of the south sound watersheds inside (west of) the Tacoma Narrows, encompassing WRIAs 11, 12, 13, 14, and the southern part of WRIA 15 that drains to the South Sound.

The District could also include all of WRIA 14, depending on the desires of the WRIA 15 Committee.

### Funding

Based on the 2019-21 biennial state budget, one water master position would require about \$132,000 per year. This would require reassignment of existing staff, or an additional legislative appropriation.

Local governments may wish to consider a contribution to support the water master position, to demonstrate their support and improve chances for Ecology adoption and legislative funding.