

HOUSE BILL REPORT

HB 1391

As Passed Legislature

Title: An act relating to water delivered from the federal Columbia basin project.

Brief Description: Regarding the use of water delivered from the federal Columbia basin project.

Sponsors: Representatives Warnick, Haler, Fagan, Schmick, Chandler, McCune, Armstrong, Condotta, Johnson, Hinkle and Parker.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/2/11 [DP].

Floor Activity:

Passed House: 3/2/11, 96-0.

Passed Senate: 4/4/11, 47-0.

Passed Legislature.

Brief Summary of Bill

- Modifies the allowable quantity of water permitted for irrigation in circumstances where a person has a groundwater right within a subarea using surface water from the Columbia Basin Project.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 13 members: Representatives Blake, Chair; Stanford, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dunshee, Hinkle, Kretz, Lytton, Orcutt, Pettigrew, Rolfes and Van De Wege.

Staff: Courtney Barnes (786-7194).

Background:

Columbia Basin Project.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Columbia Basin Project (Project) of the U.S. Bureau of Reclamation (Bureau) receives its waters from Franklin D. Roosevelt Lake behind Grand Coulee Dam. The Department of Ecology (Department) has entered into an agreement with the Bureau and has adopted rules for managing certain comingled waters associated with the Project. Under these rules, the Department may issue water use permits.

Groundwater Management Subareas.

A groundwater management subarea (subarea) may be established by rule by the Department to address aquifer levels and to regulate withdrawals of public groundwater. The Department has adopted rules establishing the WAC 508-14 Subarea, the Odessa Subarea, and the Quincy Subarea. Parts of these subareas include lands within the boundaries of the Project.

In 2004 the Legislature granted the Department the authority to enter into agreements with the Bureau and the Project irrigation districts to offset aquifer depletions due to groundwater withdrawals. Such agreements allow surface water conserved within currently served Project areas to be delivered to deep well irrigated lands in subareas within Project boundaries. When such deliveries occur, the Department must issue a superseding water right permit or certificate to indicate that the unused portion of a replaced subarea groundwater right is a reserve right with low flow protection from relinquishment.

This reserve right may again be used if the delivery of conserved Project water is curtailed or otherwise unavailable. The total acreage irrigated under the subarea groundwater right and delivered Project water must not exceed quantity or acreage limits described in the groundwater permit or certificate.

Summary of Bill:

The bill modifies the allowable quantity of water permitted for irrigation in circumstances where a person has a groundwater right within a subarea using surface water from the Project. The total acreage irrigated under the subarea groundwater right and delivered Project water must not exceed the quantity of water authorized by the Bureau or acreage limits described in the groundwater permit or certificate.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill is a small attempt to help farmers in the Project development, which began in the 1940s. The bill is drawn tightly and applies only to farmers who are using surface water from the Project for irrigation. The bill attempts to correct an error made in the original legislation from 2004. Water service contracts from the Bureau have a standard quantity of water that is allowed for withdrawal, but the current law limits the quantity to the

limits described in the state-issued groundwater right. Water service contracts are not water rights. They are shared use agreements. The bill will not increase consumptive use. The bill will allow irrigation districts to do more programs and begin additional conservation activities.

(Opposed) The bill is unclear and needs further work. The bill will allow an increase in consumptive use and eliminate state protections in place for senior water right holders to prevent impairment on the Columbia River.

Persons Testifying: (In support) Representative Warnick, prime sponsor; and Mike Schwisow, Washington State Water Resources Association.

(Opposed) Dawn Vyvyan, Yakama Nation.

Persons Signed In To Testify But Not Testifying: None.