

SENATE BILL REPORT

SB 5658

As Reported By Senate Committee On:
Agriculture & Environment, February 19, 1997

Title: An act relating to water resources.

Brief Description: Prohibiting a moratorium on new appropriations of Columbia or Snake river waters based on certain contingencies.

Sponsors: Senators Morton, Hale, Deccio, Anderson and Hochstatter.

Brief History:

Committee Activity: Agriculture & Environment: 2/12/97, 2/19/97 [DP, DNP].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: Do pass.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse and Oke.

Minority Report: Do not pass.

Signed by Senators Fraser and McAuliffe.

Staff: Bob Lee (786-7404)

Background: On December 20, 1991, the National Marine Fisheries Service listed Snake River sockeye salmon as an endangered species. Since that time, the National Marine Fisheries Service has listed two additional species as endangered: the Snake River spring/summer chinook and the Snake River fall chinook.

In response to these listings, the Department of Ecology adopted rules withdrawing from further appropriation the waters of the main stems of the Columbia and Snake Rivers. The processing of water right applications filed before December 20, 1991 were not affected, but the rules placed a moratorium on processing applications that were filed after that date.

The rules, one pertaining to the main stem of the Columbia River from Bonneville Dam to the Canadian border, and the other pertaining to the main stem of the Snake River from Pasco to the Idaho border, went into affect on January 3, 1993. Originally the rules were due to expire on June 30, 1994. However, the rules were since extended and will expire on June 30, 1999 unless extended further.

Washington's moratorium also includes withdrawal of ground waters that are in direct hydraulic continuity with the main stem waters. However, the moratorium does not affect wells that withdraw less than 5,000 gallons per day that are exempt from permit requirements.

The Columbia River drainage includes portions of seven states and the Province of British Columbia. Idaho and Oregon have adopted laws in response to the listings. Oregon's rule has an exemption for domestic water use— and for uses with measurable public benefit.— Idaho has laws that restrict withdrawals from two specific rivers that are tributary to the Snake River.

Summary of Bill: The Department of Ecology is prohibited from withdrawing Columbia or Snake River waters from further appropriation based upon uncertainty as to whether sufficient water would be available to satisfy the needs of speculative future instream uses. The rules adopted by the Department of Ecology to withdraw Columbia and Snake River waters from appropriation is declared void.

On rivers with an average annual flow of over 60 million acre-feet, the department is to process water right applications for municipal or domestic use within 180 days if the application is for less than 1/100,000 of the average annual flow.

Consistent with existing state policy, the Department of Ecology is directed to vigorously represent the state's interests in water resource allocation and management issues. The department is not to adopt rules that apply to the main stem of the Snake River that are more restrictive than those adopted by adjacent states for the same type of use.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Towns located adjacent to the Columbia River have been unable to provide water service to proposed group homes for the elderly, migrant housing or adequate flows for fire hydrants due to the moratorium on issuance of water rights from the Columbia River. The Columbia River is the largest river in the west and there is no shortage of water to warrant a moratorium.

Testimony Against: The purpose of the moratorium on processing water right application is to preserve sufficient flow to flush juvenile fish down stream through the reservoirs that have slowed the movement of water. Lifting the moratorium will increase withdrawals that will slow the flow of water through the reservoirs.

Action is needed to respond to endangered fish species listings.

Testified: Ed Owens, Coalition of Coastal Fisheries (pro); Enid Laves, WA State Hort. Assn. (pro); Greg Stewart, River Council of Washington (con); Laura Hitchcock, Sierra Club (con); Ken Slattery, DOE (con); Bonnie House, City of Brewster (pro); Steve Jenkins, City of Bridgeport (pro); Wade Troutman (pro).