

# HOUSE BILL REPORT

## HB 2867

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### As Reported By House Committee On:

Agriculture & Ecology  
Appropriations

**Title:** An act relating to underground water storage.

**Brief Description:** Defining a "reservoir" to include an underground geological formation.

**Revised for 2nd Substitute:** Providing for the issuance of reservoir permits to store and recover water in an underground geological formation.

**Sponsors:** Representatives Linville, G. Chandler, Miloscia, Mitchell, Koster and Cooper.

### Brief History:

#### Committee Activity:

Agriculture & Ecology: 2/4/00 [DPS];

Appropriations: 2/7/00 [DP2S(w/o sub AGECE)].

### Brief Summary of Second Substitute Bill

· Authorizes permits for projects that artificially store water in underground natural formations as part of artificial storage and recovery projects.

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## HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

**Staff:** Kenneth Hirst (786-7105).

### Background:

Under the groundwater code, the Department of Ecology (DOE) may limit withdrawal by appropriators of groundwater to maintain a safe sustaining yield of water from a groundwater source for senior appropriators. For this purpose, the DOE may designate groundwater areas or sub-areas and may also designate separate depth zones within such an area or sub-area to control the withdrawal. If the DOE makes such a designation, a person claiming to be the owner of artificially stored groundwater within such an area, sub-area, or zone must file a declaration to that effect with the DOE.

Applications for reservoir permits are filed under the surface water code with the DOE. A person wishing to use any water stored in a reservoir must file an application for a secondary permit and provide evidence that an agreement has been entered into with the owners of the reservoir for enough water for the secondary permit.

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**Summary of Substitute Bill:**

The "reservoirs" for which permits may be processed now include natural underground formations where water, including reclaimed water, may be stored and used as part of an artificial storage and recovery project. For such a project, the water may be stored by injection or surface spreading and infiltration. To qualify, the underground formation must meet standards for review and mitigation established by the DOE by rule. The issues to be addressed in this review and mitigation are: aquifer vulnerability and hydraulic continuity, geo-technical impacts, chemical compatibility of surface and ground waters, recharge and recovery treatment requirements, system operation water rights, and environmental impacts.

Analysis of such a project and geological formation must be conducted through studies initiated by the applicant under the direction and review of the DOE. A permit filing and examination fee for such a project is established. The fee is \$2,500, but may be reimbursed if the permit is issued and the project conveys a trust water right to the state.

An artificial storage and recovery project does not apply to water artificially stored as a result of irrigation seepage losses or to artificially stored water that may be claimed when a groundwater sub-area is established.

**Substitute Bill Compared to Original Bill:** The original bill expanded the definition of "reservoir" to include an underground formation. The remaining provisions are provided by the substitute bill.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (Original bill): 1) This is an innovative storage ideas. It should not be limited to just one type of project but be flexible enough to allow cooperative agreements among a number of water right holders. 2) The Lakehaven Utility District is proposing an "oasis" project for storing 30,000 acre feet of water underground.

(With concerns) (Original bill): Care should be taken not to alter unintentionally the requirements for surface storage projects.

**Testimony Against:** None.

**Testified:** (In support) (Original bill): Mark Triplett and Mike Krautkramer, Lakehaven Utility District.

(With concerns) (Original bill): Dick Ducharme, Building Industry Association of Washington; and Kathleen Collins, Washington Water Policy Alliance.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by 26 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Parlette; Regala; Rockefeller; Ruderman; Tokuda and Wensman.

**Staff:** Jeff Olsen (786-7157).

**Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Agriculture & Ecology:** To the list of artificially stored ground waters that are not considered reservoirs or artificial storage and recovery projects, the second substitute adds any such waters that result from the construction, operation, or maintenance of an irrigation district project or operational losses which occur during the irrigation of land. The authority for the Department of Ecology to charge a \$2,500 filing and examination fee for an artificial storage and

recovery project is removed, including the provision to waive the fee if a permit is issued that conveys a trust water right to the state.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Second Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The Lakehaven Utility District has been studying a unique geological formation under Federal Way with the ability to store 29,000 acre feet of water. This project could be a vital component to the long-term water planning for the State of Washington. Concerns about the fee language can be handled with an amendment. Also, a proposed amendment to the bill clarifies that irrigators would not be affected by the bill, and would not need to file an additional application. Provides a streamlined method to evaluate projects over existing law, allowing one rule development process for all projects.

**Testimony Against:** None.

**Testified:** Mark Triplett, Lakehaven Utility District; Judy Turpin, Washington Environmental Council; and Ken Slattery, Department of Ecology.