

---

**BILL REQUEST - CODE REVISER'S OFFICE**

---

BILL REQ. #: S-4568.2/02 2nd draft

ATTY/TYPIST: SCG:mos

BRIEF DESCRIPTION:

2 **SHB 2874** - S COMM AMD

3 By Committee on Environment, Energy & Water

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that delivery of  
8 Columbia basin project water through canals and its application to land  
9 through irrigation over approximately the past fifty years has  
10 dramatically affected ground water in the Pasco basin, located in  
11 western Franklin county, along the Columbia river and north of the city  
12 of Pasco. According to studies conducted by the United States  
13 geological survey, the volume of ground water has increased by about  
14 five million acre-feet. About eighty-five percent of this increase is  
15 the result of percolation following irrigation and seepage from the  
16 distribution system. Ground water levels have also risen as a result  
17 of reservoirs formed behind the dams on the Columbia and Snake rivers.  
18 As a result of drainage management, the system is reported to be at  
19 equilibrium. The studies provide the information needed to determine  
20 which ground water is a result of the project and which is naturally  
21 occurring. Problems associated with the raised ground water levels  
22 include landslides and loss of arable land through ponding. Benefits  
23 include dilution of concentrations of nitrate and increase in volume of  
24 water potentially available for beneficial use over the naturally  
25 occurring volume otherwise available.

26 It is the intent of the legislature to provide authority to the  
27 department of ecology to conduct negotiations and enter into agreements  
28 with the United States for allocation of ground waters that exist as a  
29 result of the Columbia basin project, adopt rules for implementing the  
30 agreements and establishing priorities for processing applications, and  
31 accept funds for its expenses, as soon as the legislature can obtain  
32 and evaluate information necessary to provide a sufficiently specific  
33 grant of legislative authority from which to derive rules. The  
34 legislature finds that rules for implementing the agreements and  
35 processing applications will be significant legislative rules and that  
36 such advance information is necessary for the legislature to be able to

1 properly carry out its responsibility to both give direction and review  
2 the rules after their adoption.

3 NEW SECTION. **Sec. 2.** (1) The department of ecology shall develop  
4 a proposed scope for negotiations for entering into agreements with the  
5 United States for the allocation of ground waters that exist as a  
6 result of the Columbia basin project, shall develop a plan for  
7 conducting such negotiations, and shall report to the standing  
8 committees of the legislature with jurisdiction over water resources by  
9 December 1, 2002.

10 (2) Matters to be addressed by the department under subsection (1)  
11 of this section include, but are not limited to, the following:

12 (a) Assuring consistency with authorized project purposes; federal  
13 and state reclamation laws, including federal rate requirements; and  
14 provisions of United States repayment contracts pertaining to the  
15 project;

16 (b) The ability of the department to grant applications to  
17 beneficially use such water only if use of the water will not impair  
18 existing water rights or project operations or harm the public  
19 interest;

20 (c) The ability of the United States to issue licenses to approved  
21 applicants;

22 (d) Effect on any ownership interest or rights in ground waters  
23 that are not allocated pursuant to the agreements;

24 (e) Procedures for implementing the agreements and priorities for  
25 processing of applications;

26 (f) Administrative and staff expenses connected with entering into  
27 or implementing the agreements, including estimated total expenses and  
28 amounts to be recovered;

29 (g) The amount of water that will continue to be recharged and be  
30 available for use indefinitely and the amount of water that is not  
31 being recharged and will be depleted as a result of allocation and use;

32 (h) Allocation of the water among various beneficial uses,  
33 including, but not limited to, irrigation, municipal, domestic,  
34 commercial, and industrial;

35 (i) Effect on amount of water available for allocation and use as  
36 a result of conservation and efficiency measures applied to the  
37 Columbia basin project delivery system and irrigation practices and  
38 reductions in withdrawals from the Columbia river;

- 1 (j) Effect of allocation and use on water quality;
- 2 (k) Water needs for preservation of environmental benefits of the  
3 Columbia basin project and measures necessary to meet those needs;
- 4 (l) Effect of water availability on land use and associated  
5 environmental impacts;
- 6 (m) Public process and inclusion of affected interests;
- 7 (n) Watershed planning and any other local or statewide planning  
8 processes or initiatives;
- 9 (o) Potential liability of the state and the United States;
- 10 (p) Requirements for review of environmental impacts;
- 11 (q) Pending litigation related to the subject matter of the  
12 proposed agreements; and
- 13 (r) Duration of the proposed agreements."

14 **SHB 2874** - S COMM AMD  
15 By Committee on Environment, Energy & Water

16

17 On page 1, line 3 of the title, after "project;" strike the  
18 remainder of the title and insert "and creating new sections."

--- END ---