

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5230**

67th Legislature  
2021 Regular Session

Passed by the Senate March 9, 2021  
Yeas 39 Nays 10

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**President of the Senate**

Passed by the House April 11, 2021  
Yeas 97 Nays 1

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**Speaker of the House of  
Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5230** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5230**

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Passed Legislature - 2021 Regular Session

**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Dozier, Honeyford, King, Schoesler, Warnick, and Muzzall)

READ FIRST TIME 02/12/21.

1       AN ACT Relating to agreements for allocation of groundwater  
2 resulting from bureau of reclamation project operations; and amending  
3 RCW 89.12.170.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       **Sec. 1.** RCW 89.12.170 and 2002 c 330 s 3 are each amended to  
6 read as follows:

7       The department of ecology is authorized to enter into agreements  
8 with the United States for the allocation of groundwaters that exist  
9 as a result of the Columbia Basin project. Such agreements will be  
10 used for purposes of allocating that groundwater and shall not  
11 require compliance with the procedures set forth in RCW 90.44.130 for  
12 declarations of claims of ownership of artificially stored  
13 groundwater within a groundwater area or subarea. Before entering  
14 into an agreement with the United States for the allocation of  
15 groundwaters that exist as a result of the Columbia Basin project,  
16 the department of ecology shall first establish a groundwater area or  
17 subarea under the procedure provided in RCW 90.44.130. Agreements for  
18 the allocation of groundwater that exist as a result of the Columbia  
19 Basin project fulfill the requirements of RCW 90.44.130 for  
20 determinations of the availability of public groundwater. The  
21 agreements and any allocation of water pursuant to the agreements

1 must be consistent with authorized project purposes, federal and  
2 state reclamation laws, including federal rate requirements, and  
3 provisions of United States' repayment contracts pertaining to the  
4 project. The agreements must provide that the department grant an  
5 application to beneficially use such water only if the department  
6 determines that the application will not impair existing water rights  
7 or project operations or harm the public interest. Use of water  
8 allocated pursuant to the terms of the agreements must be contingent  
9 upon issuance of licenses by the United States to approved  
10 applicants. This section is not intended to alter or affect any  
11 ownership interest or rights in groundwaters that are not allocated  
12 pursuant to the agreements. Before implementing any such agreements,  
13 the department, with the concurrence of the United States, shall  
14 adopt a rule setting forth the procedures for implementing the  
15 agreements and the priorities for processing of applications. The  
16 department is authorized to accept funds for administrative and staff  
17 expenses that it incurs in connection with entering into or  
18 implementing the agreements.

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