
**Agriculture and Natural Resources
Committee**

HB 1752

Brief Description: Modifying the application of the annual consumptive quantity calculation to change applications related to certain water rights held by the United States bureau of reclamation.

Sponsors: Representatives Dye, Dent, Graham and Eslick.

Brief Summary of Bill

- Authorizes the United States Bureau of Reclamation (Bureau) to apply for and obtain approval for a change in the number of acres that may be irrigated with water rights held by the Bureau for water use within the boundaries of the Columbia Basin Project, so long as certain criteria are met.

Hearing Date: 1/24/24

Staff: Robert Hatfield (786-7117).

Background:

Water Rights.

Washington operates under a water right permit system. With certain exceptions, new rights to use surface or groundwater must be established according to the permit system. Exemptions include any withdrawal of public groundwater for stock watering purposes, for watering a lawn, or for a noncommercial garden less than one-half acre. Single or group domestic uses or industrial purposes not exceeding 5,000 gallons a day are also exempt.

The Department of Ecology (Ecology) must consider a four-part test when deciding whether to

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issue a new water right, specifically whether:

- water is available;
- a beneficial use of water would be made;
- granting the right would impair existing rights; and
- the proposed use would detrimentally affect the public welfare.

If an application passes this test, Ecology issues a permit which establishes a timetable for constructing the infrastructure to access the water and for putting water to beneficial use. When the conditions of the permit are satisfied, Ecology issues a water right certificate.

Water Rights—Transfer.

A water right, once perfected, may be transferred without loss of priority of right if the transfer can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. A change in the place of use, point of diversion, or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if such change results in no increase in the annual consumptive quantity of water used under the water right.

Columbia Basin Project.

The Columbia Basin Project began in 1933 with the allocation of funds for Grand Coulee Dam and was authorized by the United States Congress in 1943. The Columbia Basin Project currently serves about 671,000 acres, or approximately 65 percent of the 1,029,000 acres originally authorized by Congress, in portions of Grant, Lincoln, Adams, and Franklin counties, with some northern facilities located in Douglas County. The Columbia Basin Project is operated by the United States Bureau of Reclamation.

Summary of Bill:

For water rights held by the United States Bureau of Reclamation (Bureau) for water use within the boundaries of the Columbia Basin Project, the Bureau may apply for and obtain approval for a change in the number of acres that may be irrigated with such water rights, so long as such a change does not result in any increase in the instantaneous or annual out-of-stream authorized quantity of such rights and so long as the Department of Ecology determines that such a change would not result in an impairment of any other water rights. The requirement that a change in a water right to irrigate additional acreage may be permitted if such change does not result in an increase in the annual consumptive quantity of water used under the water right does not apply to such a change.

Appropriation: None.

Fiscal Note: Requested on January 17, 2023.

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

passed.