
**Agriculture & Natural Resources
Committee**

HB 2504

Brief Description: Concerning water policy in regions with regulated reductions in aquifer levels.

Sponsors: Representatives Schoesler, Grant, Holmquist, Cox, Newhouse, Hinkle, Chandler, Sump and McMorris.

Brief Summary of Bill

- Declares the intention to have the Department of Ecology (DOE) enter into agreements regarding the delivery of water to deep well irrigated lands.
- Exempts from relinquishment the non-use of water from an aquifer the water level of which is authorized to decline in a regulated manner.
- Places limitations on the delivery of water from the federal Columbia Basin Project (Project) to persons withdrawing water from such an aquifer and on the relinquishment exemption as it applies to a person receiving such Project water.

Hearing Date: 1/28/04

Staff: Kenneth Hirst (786-7105).

Background:

A water right may be forfeited for non-use. The forfeiture may be found under common law principles of abandonment or may result from the application of state statutes on relinquishment. (*Okanogan Wilderness League v. Town of Twisp*, 133 Wn. 2d 769 and Chapter 90.14 RCW.) The relinquishment laws provide exemptions from relinquishment for certain listed "sufficient causes" for the non-use. (RCW 90.14.140.)

The DOE has adopted rules establishing the Odessa Groundwater Management Subarea. Part of the Subarea includes lands within the boundaries of the federal Columbia Basin Project. (Chapter 173-128A WAC.) The management policy for the Subarea establishes an authorized, regulated rate of decline in the level of the area's aquifer. (Chapter 173-130A RCW.) The aquifer level was originally allowed to decline 30 feet every three years. However, the spring static water table, as measured before pumping for irrigation, is prohibited from being lowered more than 300 feet

below the altitude of the static water level as it existed in the spring of 1967. (WAC 173-130A-060 and 173-130A-070.)

Summary of Bill:

Agreements. The Legislature intends the DOE to enter into agreements with the United States and Project irrigation districts regarding the allocation of water conserved from within the currently served areas to deep well irrigated lands within the Project and for other authorized project beneficial uses. The DOE may provide the districts with data identifying areas with the most serious ground water depletions. The irrigation districts must consider and may rely on the DOE's data and recommendations in making allocation decisions to offset groundwater withdrawals consistent with the operational constraints of the distribution system. (Section 2.)

Policy. Reduced withdrawals of ground water under a water right are exempted from relinquishment for non-use of the right if the source of the water for the right is an aquifer for which the DOE has adopted rules establishing a ground water subarea management policy that specifies an authorized rate of decline in the spring static water level of the aquifer.

Limitations are established for applying this relinquishment policy to reduced withdrawals from such an aquifer under a person's right if water from a federal irrigation project is also delivered for use by the person. The policy applies to such reduced withdrawals only if:

- the delivery is designed to reduce the rate of decline in the static water level of the aquifer; and
- the total number of acres irrigated by the person under the right and through the use of the delivered Project water does not exceed the number of acres authorized to be irrigated under the person's water right permit or certificate for the use of water from the aquifer. (Section 3.)

These limitations also apply to the authority to deliver Project water for use by a person with a right to water from such an aquifer. (Section 4.)

Appropriation: None.

Fiscal Note: Not requested.

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