

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2504**

Chapter 195, Laws of 2004

58th Legislature  
2004 Regular Session

AQUIFER REGULATION

EFFECTIVE DATE: 6/10/04

Passed by the House February 11, 2004  
Yeas 94 Nays 0

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate March 3, 2004  
Yeas 48 Nays 0

BRAD OWEN

**President of the Senate**

Approved March 29, 2004.

GARY F. LOCKE

**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2504** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

**Chief Clerk**

FILED

March 29, 2004 - 2:54 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2504**

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Passed Legislature - 2004 Regular Session

**State of Washington                      58th Legislature                      2004 Regular Session**

**By** House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Schoesler, Grant, Holmquist, Cox, Newhouse, Hinkle, Chandler, Sump and McMorris)

READ FIRST TIME 02/05/04.

1            AN ACT Relating to water policy in regions with regulated  
2 reductions in aquifer levels; adding new sections to chapter 89.12 RCW;  
3 and adding a new section to chapter 90.44 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 89.12 RCW  
6 to read as follows:

7            (1) The legislature finds that conserved water from the developed  
8 portions of the federal Columbia basin project can provide an immediate  
9 source of surface water to offset a limited portion of ground water  
10 depletions within the undeveloped portions of the federal project  
11 extending the availability of ground water for domestic, municipal,  
12 industrial, and agricultural uses. The department of ecology has  
13 adopted rules establishing ground water management subareas within the  
14 federal Columbia basin project. A primary purpose of some of the rules  
15 was to manage ground water depletions that are occurring as a result of  
16 the department's decision to allow continued deep well agricultural  
17 irrigation in anticipation that development of the federal Columbia  
18 basin project would continue at its historic pace and that project  
19 water would replace ground water and recharge the depleted aquifer.

1 (2) The legislature also finds that recent studies have documented  
2 water conservation in areas served by project irrigation districts as  
3 a result of distribution system lining and piping and use of more  
4 efficient conveyance system technology.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 89.12 RCW  
6 to read as follows:

7 It is the intent of the legislature that the department of ecology  
8 enter into agreements with the United States and Columbia basin project  
9 irrigation districts regarding the allocation of water conserved from  
10 within areas currently served by project waters to deep well irrigated  
11 lands within the federal Columbia basin project and for other  
12 authorized project beneficial uses. The department may provide the  
13 irrigation districts data identifying areas with the most serious  
14 ground water depletions. The irrigation districts shall consider and  
15 may rely on the department's data and recommendations in making  
16 allocation decisions to offset ground water withdrawals consistent with  
17 the operational constraints of the distribution system.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.44 RCW  
19 to read as follows:

20 The department shall issue a superseding water right permit or  
21 certificate for a ground water right where the source of water is an  
22 aquifer for which the department adopts rules establishing a ground  
23 water management subarea and water from the federal Columbia basin  
24 project is delivered for use by a person who holds such a ground water  
25 right. The superseding water right permit or certificate shall  
26 designate that portion of the ground water right that is replaced by  
27 water from the federal Columbia basin project as a standby or reserve  
28 right that may be used when water delivered by the federal project is  
29 curtailed or otherwise not available. The period of curtailment or  
30 unavailability shall be deemed a low flow period under RCW  
31 90.14.140(2)(b). The total number of acres irrigated by the person  
32 under the ground water right and through the use of water delivered  
33 from the federal project must not exceed the quantity of water used and  
34 number of acres irrigated under the person's water right permit or

1 certificate for the use of water from the aquifer.

Passed by the House February 11, 2004.

Passed by the Senate March 3, 2004.

Approved by the Governor March 29, 2004.

Filed in Office of Secretary of State March 29, 2004.