
HOUSE BILL 1349

State of Washington

65th Legislature

2017 Regular Session

By Representatives Taylor, Shea, Buys, Chandler, Short, Haler, and Koster

Read first time 01/18/17. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to declaring any minimal cumulative impacts of
2 permit-exempt groundwater wells on water levels to be overwhelmingly
3 offset by state investments in fish habitat improvement projects; and
4 adding new sections to chapter 90.44 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.44
7 RCW to read as follows:

8 (1) The legislature finds that, since 1997, the state has
9 invested millions of dollars during twenty years of projects that
10 benefit fish. The following expenditures, among others, have
11 benefited fish by improving habitat or by making more water available
12 to remain in streams:

13 (a) One hundred sixty-four million dollars for water projects
14 that improve water resource availability, including:

15 (i) Water irrigation efficiencies program;

16 (ii) Watershed plan implementation and flow achievement;

17 (iii) Sunnyside Valley irrigation district water conservation;

18 (iv) Drought response;

19 (v) Water conveyance projects; and

20 (vi) The purchase of water rights, mitigation, and water
21 availability studies; and

1 (b) One hundred twenty million dollars in land acquisitions for
2 salmon or fish habitat, which has leveraged an additional one hundred
3 eighty million dollars in investments by the federal government or
4 project sponsors. These funds were expended on:

- 5 (i) Salmon recovery funding board grants;
- 6 (ii) Estuary and salmon restoration program grants;
- 7 (iii) Fish passage barrier removal board grants;
- 8 (iv) Coastal restoration grants;
- 9 (v) Chehalis basin program habitat grants;
- 10 (vi) Family forest fish passage program grants; and
- 11 (vii) Puget Sound acquisition and restoration grants.

12 (2) In addition, since 2007, the Bonneville power administration
13 has invested three hundred thirty-one million dollars in fish habitat
14 improvement projects in Washington. These investments are on top of
15 the approximately two hundred million dollars to two hundred fifty
16 million dollars per year in regional revenues that are foregone due
17 to water spillage at dams for the protection of fish runs. A
18 substantial portion of these investments and foregone revenues are
19 borne by Washington residents in the form of higher electric utility
20 rates.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.44
22 RCW to read as follows:

23 In light of the expenditures identified in section 1 of this act
24 and since the primary rationale for designating instream flows has
25 historically been to protect fish habitat, any cumulative de minimis
26 impacts on instream or base flows that are associated with permit-
27 exempt groundwater withdrawals under RCW 90.44.050 are deemed to be
28 forever fully mitigated by the beneficial impacts on fish habitat
29 that accrue from these investments in state water resource
30 improvement. Therefore, the withdrawal of permit-exempt groundwater
31 under RCW 90.44.050 does not require a water right under this title,
32 and such withdrawals are deemed not to impair senior water rights.

--- END ---