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**SUBSTITUTE SENATE BILL 5230**

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**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)

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

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

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

The department of ecology is authorized to enter into agreements with the United States for the allocation of groundwaters that exist as a result of the Columbia Basin project. Such agreements will be used for purposes of allocating that groundwater and shall not require compliance with the procedures set forth in RCW 90.44.130 for declarations of claims of ownership of artificially stored groundwater within a groundwater area or subarea. Before entering into an agreement with the United States for the allocation of groundwaters that exist as a result of the Columbia Basin project, the department of ecology shall first establish a groundwater area or subarea under the procedure provided in RCW 90.44.130. Agreements for the allocation of groundwater that exist as a result of the Columbia Basin project fulfill the requirements of RCW 90.44.130 for determinations of the availability of public groundwater. The agreements and any allocation of water pursuant to the agreements must be consistent with authorized project purposes, federal and state reclamation laws, including federal rate requirements, and provisions of United States' repayment contracts pertaining to the project. The agreements must provide that the department grant an application to beneficially use such water only if the department determines that the application will not impair existing water rights or project operations or harm the public interest. Use of water allocated pursuant to the terms of the agreements must be contingent upon issuance of licenses by the United States to approved applicants. This section is not intended to alter or affect any ownership interest or rights in groundwaters that are not allocated pursuant to the agreements. Before implementing any such agreements, the department, with the concurrence of the United States, shall adopt a rule setting forth the procedures for implementing the agreements and the priorities for processing of applications. The department is authorized to accept funds for administrative and staff expenses that it incurs in connection with entering into or implementing the agreements.

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