

FINAL BILL REPORT

HB 1143

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Synopsis as Enacted

Brief Description: Authorizing the placement of water rights banked pursuant to RCW 90.92.070 into the trust water rights program.

Sponsors: Representatives Rude, Klicker, Eslick and Dent.

House Committee on Rural Development, Agriculture & Natural Resources
Senate Committee on Agriculture, Water, Natural Resources & Parks

Background:

Trust Water Rights Program.

The state may acquire a trust water right by donation, purchase, or lease. Trust water rights are placed in the Trust Water Rights Program and managed by the Department of Ecology (Ecology). The state has two trust water rights systems, one for the Yakima River basin and the other for the rest of the state.

The Trust Water Rights Program enables the voluntary transfer of water and water rights to the state, either temporarily or permanently. While a water right is held in trust, it is considered an exercised water right and is protected from relinquishment. Water held in trust retains its original priority date.

Water Banks.

Ecology is authorized to use water banking to mitigate for new water uses, hold water for beneficial uses consistent with terms established by the transferor, meet future water supply needs, and provide a source of water to third parties, on a temporary or permanent basis, for any allowed beneficial use.

The process to establish a water bank begins with a consultation between Ecology's Water Resources Program and a would-be banker. If Ecology agrees that the banker's proposal is in the public interest, a water banking agreement may be negotiated. This agreement describes how Ecology will take ownership of a water right and hold it in the Trust Water

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Rights Program in exchange for processing applications for mitigated new uses.

Walla Walla Pilot Local Water Management Program.

The Walla Walla Pilot Local Water Management Program was created through legislation enacted in 2009. The Walla Walla Water Management Board (Board) is authorized, among other duties, to establish a water bank in which surface water and groundwater right holders may deposit their water rights on a permanent or temporary basis. The Board may manage those water rights in order to mitigate for impairment to instream flows and other existing water rights.

The Walla Walla Pilot Local Water Management Program expires June 30, 2021.

Summary:

Upon a request made by a water right holder to the Department of Ecology (Ecology) on or before June 30, 2021, a water right banked as part of the Walla Walla Pilot Local Water Management Program must be accepted by Ecology as a temporary trust water right donation for a period of up to two years, in the same quantity that the water right was banked as part of the Walla Walla Pilot Local Water Management Program.

Votes on Final Passage:

House	98	0
Senate	48	0

Effective: April 21, 2021