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. 1. 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 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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