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 do not require compliance with the procedures set forth in RCW 90.44.130 for the establishment of groundwater areas or subareas, and for declarations of claims of ownership of artificially stored groundwater within such areas or subareas, except that the department of ecology is authorized to first establish a groundwater area or subarea under the procedure provided in RCW 90.44.130 before an agreement is entered into with the United States for the allocation of groundwater in such groundwater area or subarea. 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.
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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