

# FINAL BILL REPORT

## 2SHB 1322

---

---

C 239 L 23  
Synopsis as Enacted

**Brief Description:** Concerning the Walla Walla water 2050 plan.

**Sponsors:** House Committee on Capital Budget (originally sponsored by Representatives Rude, Chapman, Klicker, Lekanoff and Reeves; by request of Department of Ecology).

**House Committee on Agriculture and Natural Resources**  
**House Committee on Capital Budget**  
**Senate Committee on Agriculture, Water, Natural Resources & Parks**

### **Background:**

#### Walla Walla Pilot Local Water Management Program.

Legislation enacted in 2009 created the Walla Walla Pilot Local Water Management Program. Pursuant to that legislation, the Walla Walla Water Management Board was created with representatives drawn from city and county government, federally recognized Indian tribes, conservation districts, and water rights holders. The board was authorized, among other duties, to assume the role of the local watershed planning unit, administer the local water plan process, manage banked water, acquire water rights, and enter into agreements with water rights holders to not divert water becoming available from local water plans and water banking activities.

Legislation enacted in 2019 directed the Department of Ecology (Ecology) to collaborate with the Walla Walla Water Management Board to develop a 30-year strategic plan for water management in the Walla Walla River Basin. The final version of that plan, titled the Walla Walla Water 2050 Strategic Plan, was released in June 2021.

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

#### Columbia River Basin Water Supply Management Program.

Legislation enacted in 2006 created the Columbia River Basin Water Supply Development Program and directed Ecology to aggressively pursue the development of water supplies to

---

*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.*

benefit both instream and out-of-stream uses.

Water supplies secured through the development of new storage facilities pursuant to the Columbia River Basin Water Supply Development Program must be allocated as follows:

- two-thirds of active storage must be available for appropriation for out-of-stream uses; and
- one-third of active storage must be available to augment instream flows managed by Ecology.

### **Summary:**

#### Implementation of Walla Walla Water 2050 Strategic Plan.

In developing water supply solutions in the Walla Walla River Basin, the Department of Ecology (Ecology) should employ an integrated water resource management strategy that will provide concurrent water supply benefits to both instream and out-of-stream uses and address a variety of water resource and ecosystem challenges affecting fish passage, habitat functions, and agricultural, municipal, industrial, and domestic water supply, consistent with the Walla Walla Water 2050 Strategic Plan (2050 Plan). In developing such water supply solutions, Ecology will be advised by the Walla Walla Basin Advisory Committee, including representatives from a broad range of interests, including agricultural, environmental, and other stakeholders, and tribal, local, state, and federal governments.

Ecology must consider any increase in the quantity of water supply due to a project being implemented under the 2050 Plan that is completed after the effective date of the act as water supply developed under the act. Water supplies developed under the act must be managed consistent with the intent of the specific project being implemented.

The one-third/two-thirds allocation of water resources between instream and out-of-stream uses established for new water supplies developed in the Columbia River Basin does not apply to applications for water rights in the Walla Walla River Basin implementing the 2050 Plan.

At least half of the total costs to finance the implementation of the 2050 Plan must be funded through federal and other nonstate sources, including private funding from entities that benefit from projects. The condition on state funding applies to the total of all costs toward implementation of the 2050 Plan and not to individual projects funded under the act.

#### Interaction with the State of Oregon.

In consultation with affected federally recognized tribes, Ecology must evaluate the development of a bistate legal regulatory framework for allocation of developed water resources, in collaboration with the State of Oregon. Ecology must submit a report to the relevant committees of the Legislature by June 30, 2025, with a recommendation for the bistate legal regulatory framework necessary for equitable allocation and management of developed water resources from the build-out of water supply projects envisioned in the

2050 Plan.

Ecology is authorized to fund the development, construction, and implementation of projects to implement the 2050 Plan that may be located outside of the state, provided that the projects benefit instream and out-of-stream water demands in the state.

Water supplies developed under the act must be apportioned between the states consistent with any written agreements entered into with the State of Oregon and the Confederated Tribes of the Umatilla Indian Reservation related to the management of water in the Walla Walla River Basin.

Instream Flows and Impairment.

Ecology must consider any increase in the quantity of water supply due to a project being implemented under the 2050 Plan that is completed after the effective date of the act as water supply developed under the act. Water supplies developed under the act must be managed consistent with the intent of the specific project being implemented.

Ecology is authorized to designate water supplies developed under the act for instream flow purposes and to be placed into the trust water rights program. Water supplies developed under the act that are designated for instream flow purposes are unavailable to satisfy existing water rights, including water rights with superior priority, and are exempt from provisions that prohibit the involuntary impairment of existing water rights.

Nothing prevents Ecology from regulating water users consistent with existing adjudications to ensure that water use by holders of adjudicated surface water right certificates is not impaired by use under junior groundwater right certificates, claims, and permits.

**Votes on Final Passage:**

House	96	0
Senate	49	0

**Effective:** July 23, 2023