

# SENATE BILL REPORT

## SB 6190

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As Reported By Senate Committee On:  
Natural Resources, Energy & Water, February 5, 2004  
Ways & Means, February 9, 2004

**Title:** An act relating to water policy in regions with regulated reductions in aquifer levels.

**Brief Description:** Concerning water policy in regions with regulated reductions in aquifer levels.

**Sponsors:** Senators Mulliken, Honeyford, Sheahan, Hewitt, Morton and Hale.

**Brief History:**

**Committee Activity:** Natural Resources, Energy & Water: 1/14/04, 2/5/04 [DPS].  
Ways & Means: 2/9/04 [DPS (NR)].

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### SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

**Majority Report:** That Substitute Senate Bill No. 6190 be substituted therefor, and the substitute bill do pass.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove, Honeyford, Oke and Regala.

**Staff:** Evan Sheffels (786-7486)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 6190 as recommended by Committee on Natural Resources, Energy & Water be substituted therefor, and the substitute bill do pass.

Signed by Senators Zarelli, Chair; Hewitt, Vice Chair; Parlette, Vice Chair; Carlson, Hale, Honeyford, Johnson, Pflug, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

**Staff:** Brian Sims (786-7431)

**Background:** Ground Water Management Subareas may be established by Department of Ecology (DOE) rule to address declining aquifer levels and regulate withdrawals of public ground water. Deep well irrigation occurs in some subarea lands that never received federal Columbia Basin Project (CBP) water as once anticipated even though they lie within project boundaries.

Statutory water relinquishment provisions are triggered when a water right holder "abandons or voluntarily fails without sufficient cause" to use water for five or more consecutive years. The water code provides a "sufficient cause" list of statutory excuses that protect a water right from relinquishment, including standby or reserve rights for use in low flow or drought periods.

**Summary of Substitute Bill:** To offset aquifer depletions due to ground water withdrawals, the department must enter into agreements with the United States and CBP irrigation districts. Such agreements may allow surface water conserved within currently served project areas to be delivered to deep well irrigated lands in ground water management subareas. Other authorized project beneficial uses are also allowed.

The department must issue a superseding water right permit or certificate to indicate that the unused portion of a replaced subarea ground water right is a reserve right with low flow protection from relinquishment that may be used if the delivery of conserved project water is curtailed or otherwise unavailable. The total acreage irrigated under the subarea ground water right and delivered project water must not exceed quantity or acreage limits described in the ground water permit or certificate.

**Substitute Bill Compared to Original Bill:** The geographic area where deep well owners can receive replacement water from a federal irrigation project is expanded to include any area for which the Department of Ecology has adopted ground water subarea management rules. Language is added to clarify that ground water replaced by conserved federal project water is a standby or reserve right not subject to relinquishment and may again be used if federal project water is no longer available.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill would encourage aquifer restoration and water conservation at the same time. Deep well farmers in depleted aquifer areas get replacement water and the aquifer gets environmental benefits. This is a targeted and sensible approach that gives Ecology an opportunity to solve some sensitive water resource problems.

**Testimony Against:** None.

**Testified:** PRO: Joe Stohr, Department of Ecology; Mike Schwisow, Washington State Water Resources.