

SENATE BILL REPORT

SHB 1977

AS REPORTED BY COMMITTEE ON ENERGY & UTILITIES, MARCH 23, 1993

Brief Description: Clarifying authorization for water right certificate holders to participate in acreage expansion programs.

SPONSORS: House Committee on Natural Resources & Parks (originally sponsored by Representatives Schoesler, Sheahan, Rayburn, Chappell, Vance, Morton, Dyer, Fuhrman, Long, Chandler, Brumsickle, Foreman and Mastin)

HOUSE COMMITTEE ON NATURAL RESOURCES & PARKS

SENATE COMMITTEE ON ENERGY & UTILITIES

Majority Report: Do pass.

Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Owen, Roach, Vognild, West, and Williams.

Staff: Erika Lim (786-7488)

Hearing Dates: March 23, 1993

BACKGROUND:

Public ground waters are all natural ground waters plus all abandoned or forfeited artificial ground waters. They are subject to appropriation only under terms specified by law.

The Department of Ecology, in cooperation with agencies, local governments, and user groups, was directed to identify and designate ground water areas or sub-areas. This was to recognize existing water rights and to manage ground water aquifers for future use.

To ensure overall management procedures that addressed both local needs and state resource policies, each ground water area or sub-area has a management program. The programs were developed by ground water advisory committees that were appointed for each area or sub-area. After completion of a program, the Department of Ecology held public hearings. The department then prepared findings and adopted rules and regulations to implement the various programs.

One program, the Odessa ground water sub-area management policy, contains a rule under which water right certificate holders can expand their authorized irrigated acreage while not increasing actual withdrawal rates. If granted, the acreage expansion would allow the certificate holder to apply the average of the quantity of water beneficially used during the past three consecutive years to more land.

To initially apply for an acreage expansion, a water right certificate holder must submit a written request with supporting documentation to the Department of Ecology. If the water user wants to continue with the acreage expansion, that person must submit an annual statement of total water used. The department acknowledges continued program participation with an annual letter. Continued program participation does not result in a permanent amendment or change in a water right.

SUMMARY:

New participants in an acreage expansion program must renew authorization annually for the first two years. After that, the Department of Ecology may authorize program participation for ten-year periods.

For water users who have already participated for at least two years, the department may authorize participation for ten-year periods.

The department may require annual proof that the water user has complied with all the requirements of the acreage expansion program. If the water user fails to comply with all the requirements, the department can terminate that water user's program participation for one year.

Appropriation: none

Revenue: none

Fiscal Note: requested

TESTIMONY FOR:

There are people who have participated in this program for over 10 years. Every year they have to exchange paperwork with the Department of Ecology. This bill will cut routine and unnecessary paperwork.

Also, when banks are considering loan applications from program participants, they want to see long-term stability of the proposed security. This stability includes continued water usage.

TESTIMONY AGAINST: None

TESTIFIED: Representative Schoesler, prime sponsor; Ken Slattery, Department of Ecology (pro)