

# HOUSE BILL REPORT

## SHB 2874

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### As Amended by the Senate

**Title:** An act relating to agreements for allocation of Columbia basin project water that exists in underground storage and is available as a result of irrigation in the Columbia basin project.

**Brief Description:** Authorizing the department of ecology to enter into agreements to allocate Columbia basin project waters.

**Sponsors:** By House Committee on Agriculture & Ecology (originally sponsored by Representatives Schoesler and Grant).

#### **Brief History:**

##### **Committee Activity:**

Agriculture & Ecology: 2/8/02 [DPS].

##### **Floor Activity:**

Passed House: 2/14/02, 98-0.

Senate Amended.

Passed Senate: 3/8/02, 46-2.

#### **Brief Summary of Substitute Bill**

- Allows the Department of Ecology to enter certain agreements with the United States for allocating ground waters related to the Columbia Basin Project.

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Linville, Chair; Hunt, Vice Chair; Schoesler, Ranking Minority Member; Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

**Staff:** Kenneth Hirst (786-7105).

#### **Background:**

The Columbia Basin Project of the U.S. Bureau of Reclamation receives its waters from Franklin D. Roosevelt Lake behind Grand Coulee Dam. The project is delivered water

by way of Banks Lake and currently includes over 600,000 irrigated acres. The Department of Ecology (DOE) has entered an agreement with the Bureau and has adopted implementing rules for managing certain comingled waters associated with the project in the Quincy area. Under these rules the department may issue water use permits, including those for using waters stored artificially by the Bureau as part of the project.

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**Summary of Substitute Bill:**

The DOE may enter into agreements with the United States for the allocation of ground waters resulting from the Columbia Basin Project. The agreements must be consistent with authorized purposes of the project, federal and state reclamation laws, and federal rate and repayment contract obligations regarding the project. The agreements must provide that the DOE grant an application to use the water only if it determines that the application will not impair existing water rights or project operations, or harm the public interest. Use of any water allocated under the agreements must be contingent upon issuance of licenses by the United States to approved applicants.

Before implementing the agreements, the DOE, with the concurrence of the United States, must adopt rules establishing the procedures for implementing the agreements and the priorities for processing applications. The DOE may accept funds to cover any administrative and staff expenses that it incurs in connection with such an agreement.

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**EFFECT OF SENATE AMENDMENT(S):**

The amendments state the legislature's intent to grant authority to the department to enter the agreements with the United States regarding the ground water, state that the rules on this matter adopted by the department are significant legislative rules and require annual reporting to the legislature by the department.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

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

**Testimony For:** The DOE has an agreement with the Bureau of Reclamation that allows it to issue permits for the use of ground waters in the northern part of the project, near Quincy, but not for the use of ground waters that have accumulated in the southern part of the project, in the Pasco basin. Agreements for issuing permits in the Pasco basin would make water available to both municipal and irrigation users. The Legislature's "cut-off" has acted as a deadline for moving negotiations on these agreements along.

**Testimony Against:** None.

**Testified:** (In support) Mike Schwisow, Washington State Water Resources Association.