

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2874**

57th Legislature  
2002 Regular Session

Passed by the House March 11, 2002  
Yeas 96 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate March 8, 2002  
Yeas 46 Nays 2

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**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2874** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2874**

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AS AMENDED BY THE SENATE

Passed Legislature - 2002 Regular Session

**State of Washington                      57th Legislature                      2002 Regular Session**

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

Read first time 02/08/2002. Referred to Committee on .

1            AN ACT Relating to agreements for allocation of ground waters that  
2 exist as a result of the Columbia basin project; adding new sections to  
3 chapter 89.12 RCW; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.**    The legislature finds that delivery of  
6 Columbia basin project water through canals and its application to land  
7 through irrigation over approximately the past fifty years has  
8 dramatically affected ground water in the Pasco basin, located in  
9 western Franklin county, along the Columbia river and north of the city  
10 of Pasco.    According to studies conducted by the United States  
11 geological survey, the volume of ground water has increased by about  
12 five million acre-feet.    About eighty-five percent of this increase is  
13 the result of percolation following irrigation and seepage from the  
14 distribution system.    Ground water levels have also risen as a result  
15 of reservoirs formed behind the dams on the Columbia and Snake rivers.  
16 As a result of drainage management, the system is reported to be at  
17 equilibrium.    The studies provide the information needed to determine  
18 which ground water is a result of the project and which is naturally  
19 occurring.    Potential problems associated with the raised ground water

1 levels include landslides and loss of arable land through ponding.  
2 Benefits include dilution of concentrations of nitrate and increase in  
3 volume of water potentially available for beneficial use over the  
4 naturally occurring volume otherwise available.

5 NEW SECTION. **Sec. 2.** It is the intent of the legislature to grant  
6 authority to the department of ecology to enter into agreements with  
7 the United States for allocation of ground waters that exist as a  
8 result of the Columbia basin project, adopt rules for implementing the  
9 agreements and establishing priorities for processing applications, and  
10 accept funds for expenses incurred, consistent with applicable state  
11 and federal law. Inasmuch as rules adopted by the department will be  
12 significant legislative rules, the legislature intends to assure that  
13 it will be able to properly carry out its responsibility to both give  
14 direction and review the rules after their adoption by requiring  
15 periodic reports by the department.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 89.12 RCW  
17 to read as follows:

18 The department of ecology is authorized to enter into agreements  
19 with the United States for the allocation of ground waters that exist  
20 as a result of the Columbia basin project. The agreements and any  
21 allocation of water pursuant to the agreements must be consistent with  
22 authorized project purposes, federal and state reclamation laws,  
23 including federal rate requirements, and provisions of United States'  
24 repayment contracts pertaining to the project. The agreements must  
25 provide that the department grant an application to beneficially use  
26 such water only if the department determines that the application will  
27 not impair existing water rights or project operations or harm the  
28 public interest. Use of water allocated pursuant to the terms of the  
29 agreements must be contingent upon issuance of licenses by the United  
30 States to approved applicants. This section is not intended to alter  
31 or affect any ownership interest or rights in ground waters that are  
32 not allocated pursuant to the agreements. Before implementing any such  
33 agreements, the department, with the concurrence of the United States,  
34 shall adopt a rule setting forth the procedures for implementing the  
35 agreements and the priorities for processing of applications. The  
36 department is authorized to accept funds for administrative and staff

1 expenses that it incurs in connection with entering into or  
2 implementing the agreements.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 89.12 RCW  
4 to read as follows:

5 The department of ecology shall report annually to the standing  
6 committees of the legislature with jurisdiction over water resources  
7 regarding the activities authorized by section 3 of this act, beginning  
8 December 1, 2002, and ending December 1, 2007.

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