

SENATE BILL REPORT

SHB 2504

As Reported By Senate Committee On:
Natural Resources, Energy & Water, February 18, 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: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Schoesler, Grant, Holmquist, Cox, Newhouse, Hinkle, Chandler, Sump and McMorris).

Brief History:

Committee Activity: Natural Resources, Energy & Water: 2/18/04 [DP].

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: Do pass.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Honeyford, Oke and Regala.

Staff: Evan Sheffels (786-7486)

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 Bill: To offset aquifer depletions due to ground water withdrawals, the Legislature intends for DOE to enter into agreements with the United States and CBP irrigation districts. Such agreements will allow surface water conserved within currently served project areas to be delivered to deep well irrigated lands in ground water management subareas within project boundaries. Other authorized project beneficial uses are also allowed.

Where such deliveries occur, 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. This reserve right may again 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 of certificate.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is identical to SSB 6190 that already passed this committee. The bill passed the House without opposition. This bill reflects the work of DOE and the Bureau of Reclamation on the idea of delivering conserved irrigation district water to deep well irrigators to help resolve declining aquifer problems. It is a win-win bill.

Testimony Against: None.

Testified: PRO: Mike Schwisow, Washington State Water Resources Association; Dick Erickson, East Columbia Basin Irrigation District.

Signed In/Did Not Testify: PRO: Representative Jania Holmquist.