

# SENATE BILL REPORT

## E2SHB 2860

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As of February 14, 2006

**Title:** An act relating to water resource management in the Columbia river basin.

**Brief Description:** Regarding water resource management in the Columbia river basin.

**Sponsors:** House Committee on Capital Budget (originally sponsored by Representatives Grant, Newhouse, Hankins, Haler, Walsh and McCune).

**Brief History:** Passed House: 2/13/06, 94-4.

**Committee Activity:** Water, Energy & Environment:

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### SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

**Staff:** Margaret King (786-7416)

**Background:** The 2005 Capital Budget contained a \$10 million appropriation to the Department of Ecology (Department). However, the funding in the appropriation may not be used by the Department unless and until the Legislature takes action to establish policy requirements for a new water resources and water rights management program for the mainstem of the Columbia River.

**Summary of Bill:** The Department is to aggressively pursue a program of developing new water supplies for a balanced set of needs, meeting growing water demands by farmers and cities, as well as securing sufficient river flows during the periods that are critical for restoring salmon runs.

A new water supply account is created to assess and fund storage projects and conservation projects for both instream and out-of-stream uses. Two-thirds of the funds in the account is to be used to support the development of new storage. Conserved water that results from expenditures from the account is to be placed in trust in proportion to the amount of state funding that the project received. The Department of Ecology is to provide an evaluation of storage facilities and alternatives and is to make the report available to the public for comment.

Water supplies that are developed and secured through projects funded by the account must be used in specified ways. Two-thirds of this water is to be allocated to out-of-stream uses, while one-third is allocated to enhance instream flows to maximize benefits to salmon and steelhead.

Specified needs are identified on which the Department must focus its efforts when developing new water supplies for the Columbia River basin. These include alternatives to groundwater for the Odessa subarea, sources of water supplies for pending water right applications for municipalities and others, and new uninterruptible water supplies for the holders of interruptible water rights on the mainstem of the Columbia River.

The Department may use voluntary regional agreements that set conditions for granting new water withdrawals from the Columbia mainstem and the lower Snake river mainstem as those terms are defined. These agreements must ensure that there is "no negative impact" on mainstem flows during fish-critical months of July and August in the Columbia mainstem and "no negative impact" on the lower Snake river mainstem flows during the months of April through August. Attempts are to be made to harmonize the agreements with locally-based watershed planning in the areas covered by the agreement.

A 60 day process for consultation regarding water rights approved by the voluntary agreement is set forth and a 30 day time period is provided for public comment. The consultation process set forth in the provision meets all consultation requirements for issuance of new water rights under state law for the voluntary agreements. The provisions relating to the voluntary agreements and conditions set forth in the agreements cannot be used as precedent. The Department must monitor and evaluate how much water is being allocated to instream and out-of-stream uses and provide an interim report to the legislature by June 30, 2008, and a final report by June 30, 2011. The specific authority for using voluntary agreements expires on June 30, 2012.

New water supplies through conservation projects is encouraged and the department is to provide a water supply and storage projects inventory by November 15, 2006.

The Department is to establish a water resources information system that will include important water use and water rights information critical to improving water management and is to make the aggregate data available on the Department's web site no later than June 30, 2009.

The \$10 million appropriation in the 2005 Capital Budget is amended to specify that the money can be used to begin implementing the goals of the Account. A "null and void" provision requires enactment this year of bond authorization legislation of at least \$200 million to fund the account.

**Appropriation:** Yes.

**Fiscal Note:** Requested on February 13, 2006.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill takes effect on July 1, 2006.