

SENATE BILL REPORT

HB 3275

As Reported By Senate Committee On:
Water, Energy & Environment, February 23, 2006

Title: An act relating to expedited processing for small water impoundments.

Brief Description: Regarding expedited processing for small water impoundments.

Sponsors: Representative Hinkle.

Brief History: Passed House: 2/13/06, 98-0.

Committee Activity: Water, Energy & Environment: 2/21/06, 2/23/06 [DPA, DNP].

SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

Majority Report: Do pass as amended.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala.

Minority Report: Do not pass.

Signed by Senators Morton, Ranking Minority Member; Delvin, Honeyford and Mulliken.

Staff: Margaret King (786-7416)

Background: With certain exceptions, new rights to use surface or ground water must be established according to the water right permit system. The water code requires reservoir permits for both surface reservoirs and for the storage of water in an underground formation for subsequent use as part of an underground artificial storage and recovery project. A water right permit, called a "secondary" permit, is also required for the use of the water stored in a surface reservoir.

The Department of Ecology (Department) is responsible for processing and issuing secondary permits. Generally, the Department issues permits in the order that applications are received; however, the Department may expedite the processing of applications for certain storage projects. Projects that may receive expedited processing include adding capacity to an existing storage facility, changing the purpose of an existing storage facility's use, and developing storage facilities that do not require a new water right.

Summary of Amended Bill: The Department is directed to expedite the processing of applications for storage projects that have a volume of 100 acre feet or less if the project will create a substantial late-season flow and habitat improvement for fish by eliminating the diversion of water during a stream's base flow. Prior to granting an application, the department must receive a certification in writing from both the department of fish and wildlife and any affected tribe that the project will provide a substantial improvement for resident or anadromous fish and that no existing rights are impaired.

Amended Bill Compared to Original Bill: The amended bill adds a requirement that any affected tribe and the department of fish and wildlife must review the proposal and certify in writing that the proposed project will provide a substantial improvement for resident or anadromous fish and doesn't impair existing rights.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: This type of storage will provide a useful tool along tributaries to enhance stream flows for fish and farmers.

Testimony Against: None.

Testimony Other: There needs to be a requirement that the Department of Fish and Wildlife and the Fisheries co-managers be consulted and that both entities must make a determination that the new storage would in fact be beneficial to fish and a significant environmental benefit before a secondary permit can be issued. There should be additional language that requires a finding of significant environmental benefits before a permit can be issued..

Who Testified: FOR: Representative Hinkle, prime sponsor.

OTHER: Dawn Vyvyan, Yakima Nation; Mo McBroom, Washington Environmental Council.