
HOUSE BILL 3101

State of Washington 59th Legislature 2006 Regular Session

By Representatives Buri, Grant, Newhouse, Linville and Kretz

Read first time 01/20/2006. Referred to Committee on Economic
Development, Agriculture & Trade.

1 AN ACT Relating to water policy in regions with regulated
2 reductions in aquifer levels; adding a new section to chapter 90.44
3 RCW; creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the
6 department of ecology adopted ground water management subarea rules to
7 manage aquifer depletions in the Odessa subarea, which includes
8 undeveloped portions of the federal Columbia basin project.

9 (2) The legislature also finds that deep well agricultural
10 irrigation was permitted within the Odessa subarea under the
11 expectation that federal Columbia basin project water would be
12 delivered to replace the temporary ground water withdrawals in time to
13 stabilize aquifer levels.

14 (3) The legislature further finds that because federal project
15 water has not been delivered as anticipated, aquifer levels have
16 continued to decline despite department of ecology and community
17 efforts to manage ground water withdrawals in a sustainable manner.

18 (4) The legislature further finds that, because substantial project

1 expansion and aquifer recharge is a long-term effort, the continued
2 availability of ground water for domestic, municipal, industrial, and
3 agricultural uses in the region is in great jeopardy.

4 (5) The legislature therefore declares that immediate relief is
5 needed to encourage more efficient use of water and to protect the
6 region's citizens from economic hardships and public health and safety
7 risks that can result from declining aquifer levels.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.44 RCW
9 to read as follows:

10 (1) In order to encourage more efficient use of water, where the
11 source of water is an aquifer within the Odessa ground water subarea as
12 defined in chapter 173-128A WAC:

13 (a) Any period of nonuse of a right to withdraw ground water from
14 the aquifer is deemed to be involuntary due to a drought or low flow
15 period under RCW 90.14.140(2)(b); and

16 (b) Such unused water is deemed a standby or reserve water supply
17 that may again be used after the period of nonuse, as long as: (i)
18 Reductions in water use are a result of conservation practices,
19 irrigation or water use efficiencies, long or short-term changes in the
20 types or rotations of crops grown, economic hardship, pumping or system
21 infrastructure costs, unavailability or unsuitability of water, or
22 willing and documented participation in cooperative efforts to reduce
23 aquifer depletion and optimize available water resources; (ii)
24 withdrawal or diversion facilities are maintained in good operating
25 condition; and (iii) the department has not issued a superseding water
26 right permit or certificate to designate a portion of the ground water
27 right replaced by federal Columbia basin project water as a standby or
28 reserve right under RCW 90.44.510.

29 (2) If water from the federal Columbia basin project has been
30 delivered to a place of use authorized under a right to withdraw ground
31 water from the aquifer, the provisions of RCW 90.44.510 apply and
32 supersede the provisions of this section.

33 (3) Portions of rights protected under this section may not be
34 transferred outside Odessa subarea boundaries as defined in WAC 173-
35 128A-040. Transfers within Odessa subarea boundaries remain subject to
36 the provisions of RCW 90.03.380, 90.03.390, 90.44.100, and WAC 173-
37 130A-200.

1 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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