
**Agriculture & Natural Resources
Committee**

HB 2192

Brief Description: Regarding water resource management on the main stem of the Columbia and Snake rivers to promote the production of biofuel crops and organic crops.

Sponsors: Representatives Blake, Chandler, Haler, Wilcox, Takko, Hinkle, Kretz, Johnson, Fagan, Orcutt, Warnick, Schmick, Armstrong, Condotta, Nealey, Springer, Klippert, Short, Walsh, Taylor and Van De Wege.

Brief Summary of Bill

- Creates a perpetual appropriation of an annual aggregate of 100,000 acre feet of water from the main stem of the Columbia and Lower Snake rivers to be used for the irrigation of biofuel crops and organic crops.

Hearing Date: 1/11/12

Staff: Jason Callahan (786-7117).

Background:

Under the state water code, a person must have a water right for any use of surface water and for larger withdrawals of groundwater. A water right is a legal right to use a specified amount of water for a beneficial purpose. The Water Resources Program in Washington is managed by the Department of Ecology (Department). Among other duties, the Department processes applications and permits for the use of water, and makes a final certification that there is an adequate water supply.

Summary of Bill:

A perpetual appropriation of an annual aggregate of 100,000 acre feet of water is established in the main stem of the Columbia and Lower Snake rivers; however, all water from this

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appropriation must be used for the irrigation of biofuel crops and organic crops. Eligible crops must be either used for the feedstock for the production of ethanol, biodiesel, or other fuels, or be certified as organic by the United States or Washington Department of Agriculture. Eligible water must either be in specified portions of the Columbia River or the Lower Snake River. For the Columbia River, the appropriations may only occur between the Canadian border and the Bonneville Dam. For the Lower Snake River, the water must be located between the confluence of the Columbia and the Ice Harbor pool.

Permits and certificates issued by the Department to fulfill the appropriation must be uninterrupted. The Department may not deny or condition the permits or certificates to satisfy instream flow or no net loss requirements. Allocated water also is deemed to not require additional mitigation or consultation requirements. However, permits for the water use must specifically designate the acreage where the water will be used and any future change of location must be approved by the Department.

The identified acreage may not have a water duty greater than 2.8 acre feet per acre unless empirical data can verify a higher required level. Applicants for the appropriation must agree, as a condition on the use of the water, to recalibrate the water duty for all other water rights held by the applicant. The recalibration must occur using methodologies jointly agreed upon by the Department and the state's various water conservancy boards.

Appropriation: None.

Fiscal Note: Requested January 4, 2012.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.