

# SENATE BILL REPORT

## HB 1391

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As Reported by Senate Committee On:  
Environment, Water & Energy, March 9, 2011

**Title:** An act relating to water delivered from the federal Columbia basin project.

**Brief Description:** Regarding the use of water delivered from the federal Columbia basin project.

**Sponsors:** Representatives Warnick, Haler, Fagan, Schmick, Chandler, McCune, Armstrong, Condotta, Johnson, Hinkle and Parker.

**Brief History:** Passed House: 3/02/11, 96-0.

**Committee Activity:** Environment, Water & Energy: 3/09/11 [DP].

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### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

**Majority Report:** Do pass.

Signed by Senators Rockefeller, Chair; Nelson, Vice Chair; Honeyford, Ranking Minority Member; Chase, Delvin, Fraser and Morton.

**Staff:** Karen Epps (786-7424)

**Background:** Ground Water Management Subareas may be established by Department of Ecology (Ecology) 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 (Project) water as once anticipated even though they lie within project boundaries.

Ecology must issue a superseding water right permit or certificate for such a groundwater right if water from the federal Project is delivered for use by a person who holds such a groundwater right. The superseding water right permit or certificate must designate the portion of the groundwater right that is replaced by water from the federal Project as a standby or reserve right that may be used when water delivered by the federal Project is curtailed or otherwise not available. The total number of acres irrigated by the person under the groundwater right and through the use of the Project's water must not exceed the quantity of water used and number of acres irrigated under the person's water right permit or certificate for the use of water from the aquifer.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** The total number of acres irrigated by a person under the groundwater right and through the use of the Project's water must not exceed the quantity of water authorized by the federal Bureau of Reclamation and the number of acres irrigated under the person's water right permit or certificate for the use of water from the aquifer.

**Appropriation:** None.

**Fiscal Note:** Available.

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

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

**Staff Summary of Public Testimony:** PRO: This bill is an attempt to help replenish the Odessa Aquifer. There is water available through the Columbia Basin Project for the farmers that are using wells. This bill would not authorize the use of more water or more acreage. The farmers would not lose their rights to use groundwater when surface water is not available. The 2004 bill was designed to encourage conservation to help replenish the Odessa Aquifer. The conserved water is going towards reducing the drain on the Odessa Aquifer. This bill is correcting an error related to the water duty for a privately held groundwater right with the water allocation provided in a Reclamation water service contract that was included in the 2004 legislation. That language creates confusion since the water duty for each landowner within a Reclamation project irrigation district is determined by Reclamation and the District's Board of Directors. This bill clarifies that the water available through the contract is that which is authorized by the Bureau of Reclamation.

**Persons Testifying:** PRO: Representative Warnick, prime sponsor; Mike Schwisow, Washington State Water Resources Association.