

SENATE BILL REPORT

SB 6537

As of February 3, 2016

Title: An act relating to irrigation under the federal Columbia Basin project.

Brief Description: Concerning irrigation under the federal Columbia Basin project.

Sponsors: Senators Warnick, Benton, Bailey, Becker, Takko, Angel, Schoesler, King, Brown, Honeyford and Hewitt.

Brief History:

Committee Activity: Agriculture, Water & Rural Economic Development: 1/28/16.

SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

Staff: Diane Smith (786-7410)

Background: Ground Water Management Subareas may be established by the Department of Ecology (Ecology) by rule, to address declining aquifer levels and regulate withdrawals of public ground water. As an element of these Ground Water Management plans, the holder of a groundwater certificate may participate in an acreage expansion program on an annual basis for the first two years. Then Ecology may authorize participation for 10 more years, depending on the rigor of the certificate-holder's compliance with the program.

In the alternative to the procedure under an acreage expansion program, Ecology may grant a written application to change the purpose of use of a water right to enable irrigation of additional acreage. This requires that the change result in no increase in annual consumptive quantity of water and that no injury or detriment to existing water rights result from the change. If approved under this statutory authority, a change certificate is filed with Ecology and may be filed with county auditor and has the same effect as the original water right certificate or permit.

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 the project's boundaries. Ground Water Management plans have been established in some of these lands. Ecology may convert a state groundwater right to a superseding water right in these circumstances if certain conditions are met.

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.

This superseding groundwater permit or certificate states the acreage that can be irrigated, and how much of the original groundwater water right is held as a standby or reserve right in case the water from the federal Project should become unavailable.

The total number of acres irrigated by the person under the groundwater right and from the federal Project cannot exceed the quantity of water authorized by the federal Bureau of Reclamation (Bureau) and the number of acres irrigated under the person's groundwater water right to draw from the aquifer.

The Bureau's participation in the provision of water to an individual is effectuated by contract entered into with an irrigation district. The individual must have made arrangements with the irrigation district to receive water from the district in lieu of using the individual's groundwater right. The district then contracts with the Bureau in order for the district to fulfill its obligations to provide water to its subscribers, thereby effectively changing the source of the water the individual uses from a groundwater right to water from the federal Project.

Summary of Bill: In issuing a superseding water right or certificate, Ecology may allow the applicant to exceed the number of acres irrigated if making this allowance is consistent with federal law.

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.

Staff Summary of Public Testimony: CON: There are two processes. The bill would allow contractual approval to replace DOE's impairment review of state water rights. It is preferable to preserve the state law process to allow spreading.

OTHER: One concern is that the bill could create false expectations that spreading would be allowed and that actually will not happen. All studies and reviews to date have been based on one-acre-for-one-acre as the measure for the transition to surface water. Each irrigation district has not yet reviewed the bill. The purpose of the program is to remove as many wells as possible for those who cannot get water from the irrigation canal. 2000 acres did convert to the canal last summer. The Bureau's water rights were issued by Washington state for Columbia River storage behind Grand Coulee dam. The three irrigation districts make contracts with irrigators, effectively acting as the Bureau's contract agent. Then DOE determines the number of acres eligible for irrigation. The Bureau determines the water duty at the flat rate of three acre-feet.

Persons Testifying: CON: Bruce Wishart, Sierra Club / CELP.

OTHER: Denise Clifford, WA State Dept of Ecology / Governmental Relations Director; Mike Schwisow, East Columbia Basin Irrigation District.

Persons Signed In To Testify But Not Testifying: No one.