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**Rural Development, Agriculture, &  
Natural Resources Committee**

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**HB 1013**

**Brief Description:** Concerning the Walla Walla watershed management pilot program.

**Sponsors:** Representatives Jenkin, Blake, Dent, Fitzgibbon, Mosbrucker, Doglio and Rude.

**Brief Summary of Bill**

- Extends the expiration date for the Walla Walla pilot local water management program from 2019 to 2021.
- Directs the Walla Walla Water Management Board to collaborate with the Department of Ecology to develop a thirty-year integrated water resource management strategic plan.
- Directs the Walla Walla Water Management Board to submit a report to the Legislature by November 1, 2020.

**Hearing Date:** 1/16/19

**Staff:** Robert Hatfield (786-7117).

**Background:**

State Water Law.

Washington water law is based on the prior appropriation doctrine. The doctrine – often known as "first in time, first in right" – creates a priority system based on the date of use or intent to use water. In times of water shortage, more senior water rights may be exercised to the fullest extent while use of water under more junior rights may be reduced or prohibited.

A water right has several elements that define the right or place limits on water use under the right. These elements include the water right's priority, quantity, time of the year water may be withdrawn, point of diversion, purpose of use, and place of use. State statutes include requirements for specifying each of these elements in a water right permit or certificate and

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provide a process for changing certain elements of the water right, such as the place or purpose of use.

#### Instream Flow Rules.

The Department of Ecology (Ecology) has the authority to adopt rules establishing a minimum water flow for streams, lakes, or other public water bodies for the purposes of protecting fish, game, birds, and the recreational and aesthetic values of the waterways. Ecology must set minimum water flows to protect fish, game, or wildlife resources, when requested by the Department of Fish and Wildlife or if Ecology finds it necessary to protect water quality.

These minimum water flow levels, commonly called instream flows, function as water rights with a priority date set at the adoption date of the corresponding rule. Instream flows have been set in 29 watersheds plus the mainstem of the Columbia River. The instream flow cannot affect an existing water right with a senior priority date, and a junior water right may not affect a senior instream flow.

#### Watershed Planning.

The Watershed Planning Act establishes a process through which local groups can develop and implement plans for managing and protecting local water resources and rights. The local groups authorized to develop watershed plans are organized by Water Resource Inventory Areas (WRIAs). A WRIA is, generally speaking, an area determined to be a distinct watershed. There are 64 WRIAs identified by Ecology. Each WRIA is identified by a number and may contain a local watershed planning group with an identified lead entity.

#### Walla Walla Pilot Program - Creation.

The Walla Walla pilot local water management program was created through legislation passed in 2009. As part of the legislation, a local water management board was created, with representatives drawn from city and county government, federally recognized Indian tribes, conservation districts, and water rights holders. The Walla Walla Water Management Board (Board) is authorized, among other duties, to assume the role of the local watershed planning unit, to administer the local water plan process, to manage banked water, to acquire water rights, and to enter into agreements with water rights holders to not divert water that becomes available as a result of local water plans and water banking activities. The Board is required to submit reports to the Legislature in 2012, 2015, and 2018. The 2018 report must also contain recommendations on the future of the Board.

#### Walla Walla Pilot Program - Water Banking.

The pilot program legislation authorized the Board to establish a water bank in which surface water and groundwater right holders may deposit their water rights on a permanent or temporary basis. The Board may manage those water rights in order to mitigate for impairment to instream flows and other existing water rights.

#### Walla Walla Pilot Program - Water Plan.

The Board is required to produce a water plan for the Walla Walla watershed. The water plan may be effective for a term of one to 10 years. The plan must address, among other things, a determination of the baseline water use for all water rights in the basin, options for reducing total water use from the baseline, a set of practices that provide for flexibility in water use, and an estimate of the amount of water that would remain instream for fish.

Walla Walla Pilot Program - Expiration.

By the terms of the 2009 legislation, the Walla Walla pilot local water management program expires on June 30, 2019.

**Summary of Bill:**

The expiration date for the Walla Walla pilot local water management program is extended from June 30, 2019 to June 30, 2021.

During the transition period between July 1, 2019 and June 30, 2021, the Walla Walla Water Management Board (Board) must accomplish the following tasks:

- Participate with the Department of Ecology (Ecology) to complete performance and financial audits of the Walla Walla pilot local water management program's performance over the course of its existence. The deadline for the completion of the audits is December 31, 2019.
- Continue to work with Ecology, with the Confederated Tribes of the Umatilla Indian Reservation, and with other participants to advance the Walla Walla basin flow-enhancement study.
- Collaborate with Ecology to prepare a thirty-year integrated water resource management strategic plan. The plan must incorporate the findings and recommendations from the financial and performance audits.
- Develop with Ecology a report to the Legislature recommending the scope and scale of an integrated water resource management strategic plan to achieve the outcomes of improved and sustainable flows for fish, adequate water supplies for agricultural, municipal, and domestic water users, and improved habitat and floodplain functionality in the Walla Walla watershed.
- Coordinate with the Office of the Columbia River to request funding to complete tasks required during the transition period.

The Board, in collaboration with Ecology, must provide its report on the above tasks to the Legislature by November 1, 2020.

**Appropriation:** None.

**Fiscal Note:** Requested on January 14, 2019.

**Effective Date:** The bill contains an emergency clause and takes effect on June 30, 2019.