

SENATE BILL REPORT

HB 1752

As of February 12, 2024

Title: An act relating to modifying the application of the annual consumptive quantity calculation to change applications related to certain water rights held by the United States bureau of reclamation.

Brief Description: Modifying the application of the annual consumptive quantity calculation to change applications related to certain water rights held by the United States bureau of reclamation.

Sponsors: Representatives Dye, Dent, Graham and Eslick.

Brief History: Passed House: 2/8/24, 97-0.

Committee Activity: Agriculture, Water, Natural Resources & Parks: 2/15/24.

Brief Summary of Bill

- Authorizes the United States Bureau of Reclamation (Bureau) to apply for and obtain approval for a change in the number of acres that may be irrigated with water rights held by the Bureau for water use within the boundaries of the Columbia Basin Project if certain criteria are met.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Karen Epps (786-7424)

Background: Water Rights. Washington operates under a water right permit system. With certain exceptions, new rights to use surface or ground water, or to establish reservoir and storage projects, must be established according to the permit system. A person seeking a new water right files an application with the Department of Ecology (Ecology), which must consider a four-part test when deciding whether to issue the requested right, specifically whether:

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- water is available;
- a beneficial use of water would be made;
- granting the right would impair existing rights; and
- the proposed use would detrimentally affect the public interest.

If an application passes this test, Ecology issues a permit establishing a timetable for constructing the infrastructure to access the water and for putting water to beneficial use. When the conditions of the permit are satisfied, Ecology issues a water right certificate.

Water Rights—Transfers. Ecology may permit certain changes to a water right. Ecology may also permit a transfer of a water right from one holder to another. In processing change or transfer applications, Ecology analyzes the validity, limits, and quantity of the right. Changes or transfers cannot impair existing rights of other water right holders. Ecology must, when evaluating an application for a water use permit or for a transfer, change, or amendment of a water right, take into consideration the benefits of any water impoundment that is included as a component of the application. A change in the place of use, point of diversion, or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if such change results in no increase in the annual consumptive quantity of water used under the water right.

Columbia Basin Project. The Columbia Basin Project began in 1933 with the allocation of funds for Grand Coulee Dam and was authorized by the United States Congress in 1943. The Columbia Basin Project currently serves about 671,000 acres, or approximately 65 percent of the 1.029 million acres originally authorized by Congress, in portions of Grant, Lincoln, Adams, and Franklin counties, with some northern facilities located in Douglas County. Primary irrigation facilities are the Feeder Canal; Banks Lake; the Main, West, East High, and East Low canals; O`Sullivan Dam; Potholes Reservoir; and Potholes Canal. The Columbia Basin Project is operated by the United States Bureau of Reclamation (Bureau).

Summary of Bill: For water rights held by the Bureau for water use within the boundaries of the Columbia Basin Project, the Bureau may apply for and obtain approval for a change in the number of acres that may be irrigated with such water rights, so long as such a change does not result in any increase in the instantaneous or annual out-of-stream authorized quantity of such rights and so long as Ecology determines that such a change would not result in an impairment of any other water rights. The requirement that a change in a water right to irrigate additional acreage may be permitted if such change does not result in an increase in the annual consumptive quantity of water used under the water right does not apply to such a change.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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