
SUBSTITUTE SENATE BILL 6190

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Mulliken, Honeyford, Sheahan, Hewitt, Morton and Hale)

READ FIRST TIME 02/10/04.

1 AN ACT Relating to water policy in regions with regulated
2 reductions in aquifer levels; adding new sections to chapter 89.12 RCW;
3 and adding a new section to chapter 90.44 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 89.12 RCW
6 to read as follows:

7 (1) The legislature finds that conserved water from the developed
8 portions of the federal Columbia basin project can provide an immediate
9 source of surface water to offset a limited portion of ground water
10 depletions within the undeveloped portions of the federal project
11 extending the availability of ground water for domestic, municipal,
12 industrial, and agricultural uses. The department of ecology has
13 adopted rules establishing ground water management subareas within the
14 federal Columbia basin project. A primary purpose of some of the rules
15 was to manage ground water depletions that are occurring as a result of
16 the department's decision to allow continued deep well agricultural
17 irrigation in anticipation that development of the federal Columbia
18 basin project would continue at its historic pace and that project
19 water would replace ground water and recharge the depleted aquifer.

1 (2) The legislature also finds that recent studies have documented
2 water conservation in areas served by project irrigation districts as
3 a result of distribution system lining and piping and use of more
4 efficient conveyance system technology.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 89.12 RCW
6 to read as follows:

7 It is the intent of the legislature that the department of ecology
8 enter into agreements with the United States and Columbia basin project
9 irrigation districts regarding the allocation of water conserved from
10 within areas currently served by project waters to deep well irrigated
11 lands within the federal Columbia basin project and for other
12 authorized project beneficial uses. The department may provide the
13 irrigation districts data identifying areas with the most serious
14 ground water depletions. The irrigation districts shall consider and
15 may rely on the department's data and recommendations in making
16 allocation decisions to offset ground water withdrawals consistent with
17 the operational constraints of the distribution system.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.44 RCW
19 to read as follows:

20 The department shall issue a superseding water right permit or
21 certificate for a ground water right where the source of water is an
22 aquifer for which the department adopts rules establishing a ground
23 water management subarea and water from the federal Columbia basin
24 project is delivered for use by a person who holds such a ground water
25 right. The superseding water right permit or certificate shall
26 designate that portion of the ground water right that is replaced by
27 water from the federal Columbia basin project as a standby or reserve
28 right that may be used when water delivered by the federal project is
29 curtailed or otherwise not available. The period of curtailment or
30 unavailability shall be deemed a low flow period under RCW
31 90.14.140(2)(b). The total number of acres irrigated by the person
32 under the ground water right and through the use of water delivered
33 from the federal project must not exceed the quantity of water used and
34 number of acres irrigated under the person's water right permit or

1 certificate for the use of water from the aquifer.

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