
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0862.1/16

ATTY/TYPIST: ML:amh

BRIEF DESCRIPTION: Regarding the Columbia river basin water supply.

1 AN ACT Relating to the Columbia river basin water supply; and
2 amending RCW 90.90.020.

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

4 **Sec. 1.** RCW 90.90.020 and 2011 c 83 s 4 are each amended to read
5 as follows:

6 (1)(a) Water supplies secured through the development of new
7 storage facilities made possible with funding from the Columbia river
8 basin water supply development account, the Columbia river basin
9 taxable bond water supply development account, and the Columbia river
10 basin water supply revenue recovery account shall be allocated as
11 follows:

12 (i) Two-thirds of active storage shall be available for
13 appropriation for out-of-stream uses; and

14 (ii) One-third of active storage shall be available to augment
15 instream flows and shall be managed by the department of ecology. The
16 timing of releases of this water shall be determined by the
17 department of ecology, in cooperation with the department of fish and
18 wildlife and fisheries comanagers, to maximize benefits to salmon and
19 steelhead populations.

20 (b) Water available for appropriation under (a)(i) of this
21 subsection but not yet appropriated shall be temporarily available to

1 augment instream flows to the extent that it does not impair existing
2 water rights.

3 (2) Water developed under the provisions of this section to
4 offset out-of-stream uses and for instream flows is deemed adequate
5 mitigation for the issuance of new water rights provided for in
6 subsection (1)(a) of this section and satisfies all consultation
7 requirements under state law related to the issuance of new water
8 rights.

9 (3) The department of ecology shall focus its efforts to develop
10 water supplies for the Columbia river basin on the following needs:

11 (a) Alternatives to groundwater for agricultural users in the
12 Odessa subarea aquifer;

13 (b) Sources of water supply for pending water right applications;

14 (c) A new uninterruptible supply of water for the holders of
15 interruptible water rights on the Columbia river mainstem that are
16 subject to instream flows or other mitigation conditions to protect
17 streamflows; and

18 (d) New municipal, domestic, industrial, and irrigation water
19 needs within the Columbia river basin.

20 (4) The one-third/two-thirds allocation of water resources
21 between instream and out-of-stream uses established in this section
22 does not apply to applications for changes or transfers of existing
23 water rights in the Columbia river basin.

24 (5) The department of ecology may act on water right applications
25 requesting permits for the use of water that is not associated with
26 water supplies secured through the development of new storage
27 facilities under subsections (1) through (4) of this section. The
28 legislature declares that the standards and procedure for the
29 processing of applications for Columbia river water right permits
30 established in WAC 173-563-020(4) and 173-531A-060, as those
31 provisions existed on the effective date of this section, are
32 consistent with legislative intent and are specifically authorized to
33 be maintained and implemented by the department of ecology. This
34 subsection does not affect the department of ecology's authority to
35 lawfully adopt, amend, or repeal any rule, including WAC
36 173-563-020(4) and 173-531A-060.

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