
SENATE BILL 5230

State of Washington

67th Legislature

2021 Regular Session

By Senators Dozier, Honeyford, King, Schoesler, and Warnick

1 AN ACT Relating to agreements for allocation of groundwater
2 resulting from bureau of reclamation project operations; and amending
3 RCW 89.12.170.

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

5 **Sec. 1.** RCW 89.12.170 and 2002 c 330 s 3 are each amended to
6 read as follows:

7 The department of ecology is authorized to enter into agreements
8 with the United States for the allocation of groundwaters that exist
9 as a result of the Columbia Basin project. Such agreements do not
10 require compliance with the procedures set forth in RCW 90.44.130 for
11 the establishment of groundwater areas or subareas, and for
12 declarations of claims of ownership of artificially stored
13 groundwater within such areas or subareas, except that the department
14 of ecology is authorized to first establish a groundwater area or
15 subarea under the procedure provided in RCW 90.44.130 before an
16 agreement is entered into with the United States for the allocation
17 of groundwater in such groundwater area or subarea. The agreements
18 and any allocation of water pursuant to the agreements must be
19 consistent with authorized project purposes, federal and state
20 reclamation laws, including federal rate requirements, and provisions
21 of United States' repayment contracts pertaining to the project. The

1 agreements must provide that the department grant an application to
2 beneficially use such water only if the department determines that
3 the application will not impair existing water rights or project
4 operations or harm the public interest. Use of water allocated
5 pursuant to the terms of the agreements must be contingent upon
6 issuance of licenses by the United States to approved applicants.
7 This section is not intended to alter or affect any ownership
8 interest or rights in groundwaters that are not allocated pursuant to
9 the agreements. Before implementing any such agreements, the
10 department, with the concurrence of the United States, shall adopt a
11 rule setting forth the procedures for implementing the agreements and
12 the priorities for processing of applications. The department is
13 authorized to accept funds for administrative and staff expenses that
14 it incurs in connection with entering into or implementing the
15 agreements.

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