



DEPARTMENT OF
ECOLOGY
State of Washington

CRPAG Legislative Update

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April 4, 2024

2023 Session Calendar

CUTOFF	DATE
First day of session	January 8th
Policy cutoff, house of origin	January 31 st
Fiscal cutoff, house of origin	February 5 th
<i>House of origin cutoff</i>	<i>February 13th</i>
Policy cutoff, opposite house	February 21 st
Fiscal cutoff, opposite house	February 26 th
Opposite house cutoff	March 1 st
Last day of session	March 7th

January 8 – March 7

1,835 bills introduced

- 3,556 bills overall in the biennium

407 bills tracked by Ecology

15 bills traced by WR/OCR

Session Overview

Passed Bills

HB 1752

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

SSB 5828

Concerning water rights adjudication commissioners and referees

HB 1752

Bureau of Reclamation ACQ Exemption

Prime sponsor: Dye (reintroduced from 2023)

- Provides a narrow ACQ exemption for changes Bureau of Reclamation water rights within the Columbia Basin Project

Votes:

- House 97-0
- Senate 49-0

ESSB 5828

Water Rights Adjudication Commissioners

Prime sponsor: Sen. Shewmake

- Authorizes a superior court engaged in a water rights adjudication to appoint commissioners to conduct adjudication business.

Amendments:

- Clarification of referral appeals and challenge
- Addition of education requirements for commissioners

Votes:

- Senate 49-0
- House 95-0



Inactive Bills

HB 2074

Limiting the application of certain civil penalties to protect landowners from incurring penalties based on the actions of the landowner's lessee

HB 2105

Ensuring the protection of instream resources in connection with the issuance of water right permits in water resource inventory areas in which minimum instream flows are not being met

HB 2187

Promoting access to water for family farms

SSB 5517

Enacting recommendations from the joint legislative task force on water resource mitigation

SSB 6062

Concerning the authority of the department of natural resources to lease trust assets for the benefit of trust beneficiaries and the state

HB 2074

Landowner/Lessee Penalties

Prime Sponsor: Dye

- Prohibits Ecology from issuing a penalty for illegal water use to a landowner if the landowner's lessee is at fault

Progress:

- Voted 96-0 out of the House, no action taken in Senate policy committee

HB 2105

Water Resource Mitigation

Prime Sponsor: Rep. Fitzgibbon

- Establishes a new mitigation standard that would allow for out-of-time or out-of-place mitigation measures
- Does not authorize out-of-kind mitigation
- Eliminates authorization for Ecology to approve withdrawals of water based on overriding consideration of the public interest (OCPI)

Progress:

- Public hearing in House, no action taken in policy committee

HB 2187

Water for Family Farms

Prime Sponsor: Rep. Dent

- Specifies that a family farm is in the public interest that is:
 - Located within 20 miles of a city with a population >150,000,
 - Has been in continuous operation for >100 years, and
 - Produces fruits and vegetables for urban residents
- Authorizes Ecology to approve permanent withdrawals of water under OCPI authority

Progress:

- Public hearing in House, no action taken in policy committee

SSB 5517

Water Resource Mitigation

Prime Sponsor: Sen. Warnick (reintroduced from 2023)

- Establishes a mitigation sequencing standard for new groundwater right applications in basins with regulated surface flows.
- Authorizes out-of-kind mitigation
- Directs Ecology to establish standards for groundwater modeling through rulemaking.
- *Substitute bill* adds fee-in-lieu mitigation alternative

Progress:

- Substitute bill voted out of Senate policy committee, no action taken in fiscal committee

SSB 6062

DNR Trust Asset Leasing

Prime Sponsor: Sen. Van de Wege (DNR request)

- Authorizes the Department of Natural Resources to lease trust assets (including water rights)
- *Substitute bill requires* Tribal notification and consultation opportunity for water right leases

Progress:

- Voted out of Senate policy committee, no action taken in Senate rules committee

IT Geospatial Resources

Groundwater Modeling

Water Use Efficiency Program Evaluation

Notable Provisos

Operating Budget – ESSB 5950

IT Geospatial Resources

Section 302(57)

Funding: \$206,000 for fiscal year 2025

Purpose: Initiate development of a public integrated statewide GIS application to include:

- Water right records
- Water banks and mitigation
- Metering data

Operating Budget – ESSB 5950

Groundwater Modeling Guidance

Section 302(64)

Funding: \$400,000 for fiscal year 2025

Purpose: Develop a groundwater modeling guidance document, to include:

- Criteria for evaluating model suitability
- Guidelines for evaluating model error and uncertainty
- Guidelines for use of regional models

Operating Budget – ESSB 5950

Water Use Efficiency Program Evaluation

Section 603(47)

Funding: \$298,000 for fiscal year 2025 (Ruckelshaus Center)

Purpose: Evaluate and recommend improvements to existing DOH water use efficiency program

→ *Will consider if program should be shifted to Ecology*



Thank you

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