

## Ecology Water Resources - Bills of Interest, 2024 Legislative Session - March 29, 2024

Final Version after Sine Die

*HB 1752 and ESSB 5828 passed*

Water Resource Provisos		
Proviso	Location	Description
IT Geospatial Resources	Operating budget <a href="#">ESSB 5950</a> Section 302(57) Page 591	This proviso provides \$206,000 to initiate the development of a statewide web map tool that will integrate Ecology's existing water resource databases into a comprehensive data portal. Data elements identified for inclusion in this application include water right records, mitigation and water banking records, and metering data. A status update to the Legislature and the Office of Financial Management by June 30, 2025, to report on progress to date, recommendations for additional future improvements to the application, and future budget needs to complete the project.
Groundwater Modeling Guidance	Operating budget <a href="#">ESSB 5950</a> Section 302(64) Page 593	This proviso provides \$400,000 for Ecology to develop a groundwater modeling guidance publication. In this document, Ecology will define criteria for evaluating groundwater model suitability for proposed projects, specify guidelines for evaluating groundwater model error and uncertainty, identify circumstances when a groundwater model may be insufficient to support water right permit decision-making, and address the use of regional groundwater models in water right permit decision-making. An update to the Legislature is required by June 30, 2025, to report on the anticipated timeline for completion of the guidance document, recommended further research, and key implementation steps.
Water Use Efficiency	Operating budget <a href="#">ESSB 5950</a> Section 603(47) Page 803	This proviso provides \$298,000 2025 for the William D. Ruckelshaus Center to evaluate and recommend improvements to water conservation regulation under RCW 70A.125.170 and chapter 246-290 WAC. This study will consider potential statutory or regulatory changes that are needed to improve the program, identify effective funding sources (such as a new grant or loan program) for effective implementation, and evaluate appropriate regulatory oversight for the program and consider shifting regulation from the Department of Health to Ecology. A final report to the Legislature and the Governor is due by June 30, 2025.

Active House Bills					
Bill No.	Bill Title	Prime Sponsor	Bill Description	Committee Action	Progress
<a href="#">HB 1752</a> <i>Reintroduced from 2023</i>	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.	Dye	Authorizes Ecology to approve changes to Bureau of Reclamation water rights held within the Columbia Basin Project that would change the number of acres irrigated by those water rights provided that there is no increase in the instantaneous or annual quantities of those rights. Exempts these water right changes from the requirement under RCW 90.03.380 that changes in irrigated acreage must not result in any increase in annual consumptive quantity.	<b>HOUSE</b> <b>Agriculture &amp; Natural Resources:</b> 1/24: Public hearing 1/30: Executive session  <b>SENATE</b> <b>Agriculture, Water, Natural Resources, &amp; Parks:</b> 2/15: Public hearing 2/19: Executive session	<b>HOUSE</b> 1/8: Reintroduced and retained in present status <b>1/30: Do Pass</b> 1/31: Referred to Rules 2/2: Placed on second reading <b>2/8: Third reading, passed 97-0</b> 2/29: Speaker signed  <b>SENATE</b> 2/12: First reading, referred to Agriculture, Water, Natural Resources, & Parks <b>2/19: Do Pass</b> 2/20: Referred to Rules 2/23: Placed on second reading <b>2/28: Third reading, passed 49-0</b> 3/1: President signed  <b>GOVERNOR</b> 3/4: Delivered to Governor <b>3/15: Governor signed</b>

Active Senate Bills					
Bill No.	Bill Title	Prime Sponsor	Bill Description	Committee Action	Progress

<a href="#">ESSB 5828</a> HB 1993 companion	Concerning water rights adjudication commissioners and referees.	Shewmake	<p><b>Requested by the Administrative Office of the Courts.</b> Authorizes a superior court engaged in a water rights adjudication to appoint water commissioners to conduct adjudication business on its behalf.</p> <p><i>Substitute bill:</i> Removes consent of parties exemption under RCW 4.48.020 for referral of parties to a water rights adjudication referee.</p> <p><i>Engrossed Substitute bill:</i> Clarifies procedure for appointment and challenge of water rights adjudication referees.</p>	<p><b>SENATE</b> <b>Law &amp; Justice:</b> 1/16: Public hearing 1/18: Executive session</p> <p><b>Ways &amp; Means:</b> 2/1: Executive session</p> <p><b>HOUSE</b> <b>Civil Rights and Judiciary:</b> 2/20: Public hearing 2/21: Executive session</p>	<p><b>SENATE</b> 1/8: First reading, referred to Law &amp; Justice <b>1/18: Do Pass Substitute</b> 1/19: Referred to Ways &amp; Means <b>2/1: Referred without recommendation (no fiscal impact)</b> 2/9: Placed on second reading <b>2/13: Third reading, passed 49-0</b> 3/4: Senate concurred in House amendments <b>Final passage, 49-0</b> 3/6: President signed</p> <p><b>HOUSE</b> 2/15: First reading, referred to Civil Rights &amp; Judiciary <b>2/21: Do Pass</b> 2/21: Referred to Rules 2/24: Placed on second reading <b>2/27: Third reading, passed 95-0</b> 3/7: Speaker signed</p>
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Active FYI Bills					
Bill No.	Bill Title	Prime Sponsor	Bill Description	Committee Action	Progress
<a href="#">HB 1992</a> SB 5827 companion	Adding an additional superior court judge in Whatcom county.	Timmons	<b>Requested by the Administrative Office of the Courts.</b> Adds an additional superior court judge in Whatcom County.	<p><b>HOUSE</b> <b>Civil Rights &amp; Judiciary:</b> 1/26: Public hearing 1/30: Executive session</p> <p>Appropriations: 2/2: Public hearing 2/5 Executive session</p> <p><b>SENATE</b> <b>Law &amp; Justice:</b> 2/15: Executive session</p>	<p><b>HOUSE</b> 1/8: First reading, referred to Civil Rights &amp; Judiciary <b>1/30: Do Pass</b> 1/31: Referred to Appropriations 2/8: Placed on second reading <b>2/9: Third reading, passed 96-1</b> 3/1: Speaker signed</p> <p><b>SENATE</b> 2/13: First reading, referred to Law &amp; Justice <b>2/15: Do Pass</b> 2/16: Referred to Rules 2/27: Placed on second reading <b>2/29: Third reading, passed 49-0</b> 3/4: President signed</p> <p><b>GOVERNOR</b> 3/5: Delivered to Governor <b>3/15: Governor signed</b></p>

Inactive Bills					
Bill No.	Bill Title	Prime Sponsor	Bill Description	Committee Action	Progress
<a href="#">HB 1993</a> SSB 5828 companion	Concerning water rights adjudication commissioners and referees.	Timmons	<b>Requested by the Administrative Office of the Courts.</b> Authorizes a superior court engaged in a water rights adjudication to appoint water commissioners to conduct adjudication business on its behalf.	<p><b>HOUSE</b> <b>Civil Rights &amp; Judiciary:</b></p>	<p><b>HOUSE</b> 1/8: First reading, referred to Civil Rights &amp; Judiciary</p>

<a href="#">HB 2074</a>	Limiting the application of certain civil penalties to protect landowners from incurring penalties based on the actions of the landowner's lessee.	Dye	Prohibits Ecology from issuing a civil penalty for violation of chapters 43.83B, 90.03, 90.22, or 90.44 RCW against a landowner if violation is due to the actions of the landowner's lessee. In this case, Ecology may issue the penalty to the landowner's lessee.	<b>HOUSE Agriculture &amp; Natural Resources:</b> 1/16: Public hearing 1/30: Executive session  <b>SENATE Agriculture, Water, Natural Resources, &amp; Parks:</b> 2/15: Public hearing 2/19: Executive session	<b>HOUSE</b> 1/8: First reading, referred to Agriculture & Natural Resources <b>1/30: Do Pass</b> 1/31: Referred to Rules 2/2: Placed on second reading <b>2/7: Third reading, passed 96-0</b>  <b>SENATE</b> 2/9: First reading, referred to Agriculture, Water, Natural Resources, & Parks <b>2/19: No action</b>
<a href="#">HB 2105</a>	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.	Fitzgibbon	Authorizes Ecology to issue new surface or groundwater permits in basins with existing instream flow rules or surface water closures on the basis of water-for-water mitigation measures that may not coincide with impacts exactly within time or place. Removes authorization for Ecology to approve withdrawals of water on the basis of overriding consideration of the public interest.	<b>HOUSE Agriculture &amp; Natural Resources:</b> 1/16: Public hearing	<b>HOUSE</b> 1/8: First reading, referred to Agriculture & Natural Resources
<a href="#">HB 2187</a>	Promoting access to water for family farms.	Dent	Authorizes Ecology to approve permanent withdrawals of water that would impact adopted instream flow rules on the basis of overriding consideration of the public interest. Amends RCW 90.54.020 to state that a family farm located within 20 miles of a city of 150,000 or more residents that has been in continuous operation for more than a hundred years and produces fruit and vegetables for urban residents	<b>HOUSE Agriculture &amp; Natural Resources:</b> 1/16: Public hearing	<b>HOUSE</b> 1/8: First reading, referred to Agriculture & Natural Resources
<a href="#">SSB 5517</a> <i>Reintroduced from 2023</i>	Enacting recommendations from the joint legislative task force on water resource mitigation.	Warnick	Establishes a mitigation sequencing standard for new groundwater right applications in basins with regulated surface flows wherein applicants must avoid, minimize, and then compensate for impacts to through in-kind or out-of-kind mitigation. Directs Ecology to establish standards for groundwater modeling through rulemaking. Defines overriding consideration of the public interest to apply to authorizations for both temporary and permanent withdrawals.  <i>Substitute bill:</i> Defines conditions under which out-of-kind mitigation must be considered. Creates a fee-in-lieu mitigation alternative.	<b>SENATE Agriculture, Water, Natural Resources, &amp; Parks:</b> 1/11: Executive session  <b>Ways &amp; Means:</b> 1/22: Public hearing	<b>SENATE</b> 1/8: Reintroduced and retained in present status <b>1/11: Do Pass Substitute</b> 1/12: Referred to Ways & Means

Inactive FYI Bills					
Bill No.	Bill Title	Prime Sponsor	Bill Description	Committee Action	Progress
<a href="#">HB 2042</a> <i>SB 5992 companion</i>	Requiring applicants seeking energy facility site certification for an energy facility that generates electricity using renewable resources to provide evidence of an adequate water supply for the project.	Corry	States that renewable energy facilities seeking a permit under chapter 80.50 RCW must provide evidence of adequate water supply for the project.	<b>HOUSE Environment &amp; Energy:</b>	<b>HOUSE</b> 1/8: First reading, referred to Environment & Energy
<a href="#">HB 2299</a> <i>SB 6062 companion</i>	Concerning the authority of the department of natural resources to lease trust assets for the benefit of trust beneficiaries and the state.	Street	Authorizes DNR to lease its trust assets.	<b>HOUSE Capital Budget:</b> 1/25: Public hearing	<b>HOUSE</b> 1/11: First reading, referred to Capital Budget
<a href="#">SB 5827</a> <i>HB 1992 companion</i>	Adding an additional superior court judge in Whatcom county.	Shewmake	<b>Requested by the Administrative Office of the Courts.</b> Adds an additional superior court judge in Whatcom County.	<b>SENATE Law &amp; Justice:</b> 1/9: Public hearing 1/11: Executive session  <b>Ways &amp; Means:</b> 1/22 Public hearing 2/1: Executive session	<b>SENATE</b> 1/8: First reading, referred to Law & Justice <b>1/11: Do Pass</b> 1/12: Referred to Ways & Means <b>2/1: Do Pass</b> 2/5: Referred to Rules
<a href="#">SB 5992</a> <i>HB 2042 companion</i>	Requiring applicants seeking energy facility site certification for an energy facility that generates electricity using renewable resources to provide evidence of an adequate water supply for the project.	Warnick	States that renewable energy facilities seeking a permit under chapter 80.50 RCW must provide evidence of adequate water supply for the project.	<b>SENATE Environment, Energy, &amp; Technology:</b> 1/24: Public hearing	<b>SENATE</b> 1/8: First reading, referred to Environment, Energy, & Technology

<a href="#">SB 6062</a> HB 2299 <i>companion</i>	Concerning the authority of the department of natural resources to lease trust assets for the benefit of trust beneficiaries and the state.	Torres	Authorizes DNR to lease its trust assets.  <i>Substitute bill</i> : Clarifies that bill provisions apply to DNR water rights. Requires DNR to provide notice and opportunity for consultation to any federally recognized tribe that may be impacted by leasing of DNR water rights.	<b>SENATE</b> <b>Agriculture, Water, Natural Resources, &amp; Parks:</b> 1/18: Public hearing 1/29: Executive session	<b>SENATE</b> 1/9: First reading, referred to Agriculture, Water, Natural Resources, & Parks <b>1/29: Do Pass Substitute</b> 1/30: Referred to Rules 2/2: Placed on second reading
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