

Ecology Water Resources -- Bills of Interest, 2021 Legislative Session

Final version after Sine Die

HB 1143, ESHB 1184, and SSB 5230 passed

Water Resources budget provisos

Budget	Section	Agency	Description	Appropriation
Budget Provisos				
Operating	302(31) Page 316	Ecology	Directs Ecology to develop policy to amend requirements for water bank applications, and to refine recommendations on a statewide framework for water banking, trust water, and water transfers. Further directs Ecology to provide committee updates by December 31, 2021, and a committee report by December 1, 2022.	\$40,000
Operating	302(32) Page 317	Ecology	Directs Ecology to create a water banking pilot program. Funds may be used to provide grant awards to public/non-profit water banks in rural, headwater counties, capped at \$2,000,000 per recipient.	\$9,000,000
Operating	302(33) Page 318	Ecology	Directs Ecology to create a water banking pilot program. Funds may be used to administer the pilot program and to develop and review proposed water banks.	\$1,000,000
Operating	307(3) Page 325	Washington Conservation Commission	Directs WCC to enter into an agreement with Ecology to establish a water bank in Okanogan County for the purpose of retaining agricultural water rights within the basin. Further directs WCC to provide a committee report by December 31, 2022.	\$125,000
Capital	3112 Page 175	Ecology	Directs Ecology to create a water banking pilot program. Funds may be used development of water banks in rural, headwater counties and the acquisition of water rights appropriate for water bank use. \$2,000,000 of this appropriation is restricted to use within the Methow River basin.	\$5,000,000

Bill No.	Bill Title	Prime Sponsor	Bill Description	Hearings	Progress / Notes
House Bills					
1143	Trust water rights program	Rude	Amends Chapter 90.42 RCW to allow water right holders who have currently banked water rights as part of the Walla Walla watershed pilot water bank (RCW 90.92.070) to directly place their water rights into the temporary trust water right donations program. Rights that are donated to trust under this provision will retain their same quantity that they were while banked under the pilot project, and the limit of term for these donations will be two years.	HOUSE Rural Development, Agriculture, & Natural Resources: 1/19: Public hearing 2/3: Executive session SENATE Agriculture, Water, Natural Resources, & Parks: 3/18: Public hearing 3/25: Executive Session	HOUSE: 1/12: 1st reading, referred to RDAN 2/3: Do pass 2/4: Referred to Rules 2/17: Placed on 2nd reading 2/24: Placed on 3rd reading 3rd reading, passed 98-0 4/12: Speaker signed SENATE: 2/26: 1st reading, referred to AgWNRP 3/25: Do pass 3/26: Referred to Rules 3/31: Placed on 2nd reading 4/10: Placed on 3rd reading 3rd reading, passed 48-0 4/15: President signed GOVERNOR: 4/16: Deliver to Governor 4/21: Governor signed
Senate Bills					
5230	Groundwater agreements	Dozier	Allows Ecology and US Bureau of Reclamation to enter into a co-management agreement of co-mingled groundwater sources in order to develop new supply availability consistent with RCW 89.12.170. Exempts this agreement from certain USBR ownership provision of artificially stored groundwater required under RCW 90.44.130. <i>SSB: Clarifies that before entering into an agreement, Ecology should first establish a groundwater area or subarea per the process under RCW 90.44.140. Further clarifies that such agreements fulfill requirements for RCW 90.33.140 for determinations of groundwater availability.</i>	SENATE Agriculture, Water, and Natural Resources: 2/2: Public Hearing 2/11: Executive session HOUSE Rural Development, Agriculture, and Natural Resources: 3/16: Public Hearing 3/23: Executive Session	SENATE: 1/15: 1st reading, referred to AgWNRP 2/11: Do pass 1st substitute 2/12: Referred to Rules 2/17: Placed on 2nd reading 3/9: Placed on 3rd reading Third Reading, passed 39-10 4/20: Speaker signed HOUSE: 3/11: 1st reading, referred to RDAN 3/23: Do pass 3/24: Referred to Rules 4/2: Placed on 2nd reading 4/11: Placed on 3rd reading 3rd reading, passed 97-1 4/15: President signed GOVERNOR: 4/23 Delivered to Governor

FYI Bills					
1184	Risk-based water standards (companion bill SB 5087)	Duerr	<p>Directs Department of Health to undertake rulemaking for risk-based water quality standards for treatment and reuse of nonpotable alternative water sources. DOH may consult with Ecology on technical matters related to these water quality standards.</p> <p><i>SHB: Requires DOH rulemaking to reduce stormwater runoff mitigation requirement for property owners based on the amount of nonpotable water that is treated and reused onsite.</i></p> <p><i>ESHB: Wording revisions for clarification for rulemaking requirement.</i></p> <p><i>Senate Amendment: Adds requirement for rule adoption to include water right impairment review by Ecology.</i></p>	<p>HOUSE Local Government: 1/26: Public hearing 1/29: Executive session</p> <p>SENATE Housing and Local Government: 3/10: Public hearing 3/18: Executive session</p>	<p>HOUSE: 1/13: 1st reading, referred to LG 1/29: Do pass with amendment 2/2: Referred to Rules 2/23: Placed on 2nd reading 2/24: Floor amendment adopted 3rd reading, passed 90-6 4/12: House concurred in Senate amendments Final Passage, 94-4 4/14: Speaker signed</p> <p>SENATE 3/2: 1st reading, referred to HLG 3/19: Referred to Rules 3/31: Placed on 2nd reading 4/3: Floor amendment adopted Placed on 3rd reading Third reading, passed 46-1 4/19: President signed</p> <p>GOVERNOR: 4/20: Delivered to Governor</p>

Inactive Bills					
1132	Water supply/farming & rural	Kretz	Amends several sections of Chapter 90.14 RCW that govern the relinquishment of water rights. Establishes that a water right is subject to relinquishment only within the 15 years prior to the time of evaluation. Adds an exception to relinquishment to provide protection to "good faith purchasers" of water rights (the exception only applies in selected counties).	HOUSE Rural Development, Agriculture, & Natural Resources: 1/20: Public hearing	HOUSE: 1/8: Prefiled for introduction 1/11: 1st reading, referred to RDevAgNR
1298	Concerning regulation of accessory dwelling units located outside of urban growth areas.	Pollet	Excludes accessory dwelling units located outside urban growth areas from the calculation of housing density in that area if certain local development regulations regarding accessory dwelling units are imposed. <i>SHB: Requires metering of water supplied to accessory dwelling units if water is not supplied from a public water system. Requires reporting of metering data and utilization of data in future planning.</i>	HOUSE Local Government: 2/3: Public hearing 2/9: Public hearing 2/12: Executive session 2/15: Executive session	HOUSE: 1/19: 1st reading, referred to LG 2/15: Do pass 1st substitute, referred to Rules 3/2: Placed on 2nd reading 3/10: Returned to Rules for 2nd reading
1385	Limiting transfers of water rights out of their original water resource inventory area	Goehner	Amends Chapters 90.03, 90.44, 90.42 RCW to limit future out-of-basin transfer of water rights from specified water resource inventory areas (WRIAs) and establish local water banks. Bans out-of-basin transfers from specified WRIAs for two years and provides local water banks right of first refusal on all such transfers afterward.	HOUSE Rural Development, Agriculture, & Natural Resources: 3/10: Public Hearing	HOUSE: 1/26: 1st reading, referred to RDevAgNR
5060	Preservation of water rights	Short	Amends several sections of Chapter 90.14 RCW that govern the relinquishment of water rights. Establishes that a water right is subject to relinquishment only within the 15 years prior to the time of evaluation. Adds an exception to relinquishment to provide protection to "good faith purchasers" of water rights (the exception only applies in selected counties). Expands and clarifies other exemptions from relinquishment under RCW 90.14.140.	SENATE Agriculture, Water, and Natural Resources:	SENATE: 1/5: Prefiled for introduction 1/11: 1st reading, referred to AgWNRP
5087	Risk-based water standards (companion bill HB 1184)	Hasegawa	Directs Department of Health to undertake rulemaking for risk-based water quality standards for treatment and reuse of nonpotable alternative water sources. DOH may consult with Ecology on technical matters related to these water quality standards.	SENATE Environment, Energy, and Technology:	SENATE: 1/6: Prefiled for introduction 1/11: 1st reading, referred to EnvEnT