

A STRAW PROPOSAL relating to the management of the water resources of the Columbia River:

1. The Legislature finds that:

- A. The Columbia River is a vital economic, cultural and natural resource to the State and its residents. The water of the mainstem of the river supports critically important municipal, agricultural, scenic and recreational uses, fish and wildlife habitat, navigation, and power production.
- B. Conflict and competition among instream and out-of-stream water uses has prevailed along the Columbia mainstem in recent years; there is a need for state action and state investment to reduce these conflicts and reliably secure the economic and natural resource benefits associated with the water of the Columbia River for Washington residents.
- C. It is in the public interest to support implementation of voluntary regional agreements that will deliver reliable quantities of water to meet out-of-stream needs and, at the same time, improve stream flows for the benefit of fish and wildlife.
- D. The Columbia River is distinguished by many unique qualities. These include:
 1. The river is by far the state's largest river and the scale of the resource creates unique hydrological and biological conditions that are not duplicated in any other river basin.
 2. The river is controlled by the federal Columbia river power system to provide electric power to the pacific northwest.
 3. Federal control, and the facilities that make it possible, have created a situation in which the river has taken on the characteristics of a series of linked lakes.
 4. Flows on the river vary on a scale that is unique in North America, often ranging in a single day from 50,000 cubic feet per second to 150,000 cubic feet per at the McNary Dam as water is released through facilities to generate power.
 5. The Columbia River Treaty implemented between the United States and Canada establishes flood control and power generation as it principle purposes and influences the flows of the Columbia to a great extent.

6. When the river is released or spilled over hydroelectric facilities, water quality issues arise as gases are entrained in the water column requiring special precautions and management practices.
 7. The river's contribution to the state's economy is unequalled. The Columbia provides a combination of power generation, agricultural, industrial, navigational, and commercial and recreational fisheries assets which dwarf any other river in the state.
- E. In recognition of the extraordinary nature of this resource, it is in the public interest to develop a separate water resources management approach for the Columbia River. This act is crafted to the specific biological, political, and economic context of the Columbia River and therefore would not be appropriate for any other river in the state.
 - F. The regions of the Columbia Basin in Washington must be treated fairly and equitably.
 - G. A combination of state investment and investment by water users is needed to support implementation of voluntary regional agreements.
- 2. New water resources to improve river conditions and provide for economic and population growth.**
- A. The department of Ecology is directed to secure access to and manage water to support both instream and out-of-stream uses.
 - B. In the near term, Ecology must focus on the following methods to secure access to water for new out of stream uses and to augment in-stream flows:
 1. Conservation;
 2. Changes in management of existing infrastructure to save water available during periods of surplus for use during critical periods, to include aquifer storage and recovery projects. Agreements between state and federal agencies or other affected parties are an example of how these changes might be accomplished;
 3. Acquisition and transfer of water from willing buyers to willing sellers; and,
 4. Summer releases of water stored in Canada which is currently released during the winter. Such releases will likely require a partnership with the United States Entity under the Columbia River Treaty to reshape Canadian flows to provide access to additional water during summer months.

- C. Over the longer term, Ecology shall work with federal agencies, tribal governments, local governments, neighboring states and other partners to aggressively pursue completion of new, multi-purpose, off-channel storage.
- D. Water secured by the state to offset new out-of-stream water uses will be held in trust and managed and improve flows for the benefit of fish and wildlife and other in-stream values.
- E. To provide public accountability for these actions, Ecology shall:
 - 1. Report annually to the appropriate standing committees of the legislature and to the Governor regarding the quantities of water that have been acquired by the agency.
 - 2. Include in this report the quantities of water that have been allocated to instream and out-of-stream uses.
 - 3. Report on the quantities of water acquired that have not been placed in trust status and the reasons why this has not occurred.
- F. Water secured by the state for instream uses will be managed in consultation with fish and wildlife resource managers to maximize the benefits to the state. Special attention shall be paid to the needs of threatened or endangered species as determined under state or federal law. Ecology and the department of Fish and Wildlife will work cooperatively to ensure that sufficient water is developed or acquired by the state to more than offset new out-of-stream uses.
- G. Ecology is directed to focus its efforts to address the following out-of-stream water needs:
 - 1. An alternative to groundwater for farmers in the Odessa Subarea, sources of municipal water supply, new uninterruptible water rights for holders of interruptible water rights on the mainstem; and,
 - 2. New water rights.
- H. Water will be made available for out-of-stream uses in accordance with existing law and through voluntary regional agreements.

3. Developing Water Conservation and Acquiring Water Rights on the Columbia River

- A. To support securing water through conservation, Ecology and the Conservation Commission shall work with local conservation districts, irrigation districts, and

the United States bureau of reclamation, other water users and other parties to develop a Columbia Water Conservation Inventory for the river. The inventory shall include:

1. A list of conservation projects in the Columbia River Basin, including feasible projects in adjoining tributaries.
 2. Cost estimates and project benefits.
 3. A ranking of projects from the least expensive per acre-foot of water saved to the most expensive.
- B. Ecology and the Conservation Commission shall complete the Columbia Water Conservation Inventory no later than November 15, 2006. The agencies shall update the inventory annually thereafter.
- C. Subject to the availability of legislative appropriations, Ecology, and any other participating agency of the state, should attempt to move forward with Columbia water conservation projects in a manner that ensures the most cost effective conservation resources are acquired before more expensive alternatives.
- D. Water conserved as a result of state investment in conservation projects will be placed in trust by the state in proportion to the share of funding provided by the state to complete the project. If other public monies are invested in the conservation project, the source of those funds may require the placement of additional volumes of saved water into trust.
- E. In obtaining access to water through acquisition, Ecology will consider, in addition to permanent acquisitions, flexible, seasonal or other temporary leases of water rights. Lease agreements provide a temporary mechanism of water acquisition which may be useful to bolster both instream and out-of-stream supplies during periods of shortage.
- F. When the state permanently acquires a water right to benefit water resource management in the mainstem of the Columbia river, and the property tax base is impaired as a result of the acquisition, the state will provide in-lieu tax payments to local governments equal to the impairment caused by the acquisition. .

4. Ecology charged with data collection and publication

- A. To establish a more complete understanding of current surface water uses, and ground water uses within a mile of the river, affecting the Columbia mainstem, Ecology must collect and publish data on an annual basis via the agency's web site regarding:

1. The aggregate total quantity of water issued under state permits and certificates, and filed under state claims;
 2. The aggregate total of current water use under these rights as metered and reported by water users;
 3. Water conservation projects that have been implemented and the water savings they have achieved;
 4. The department shall include information for ground water uses within a mile of the river; and,
 5. Other relevant water use data.
- B. Ecology also is directed to collect and publish information regarding the quantity of water that is currently inchoate or under development for all existing permits and certificates.

5. Authorizing Voluntary Regional Agreements

- A. To the extent that water users voluntarily organize themselves to adopt similar water use and management strategies, Ecology may enter into regional agreements to establish the circumstances under which new out-of-stream water uses will be approved.
- B. The legislature authorizes the department to implement agreements between the State of Washington, the United States Bureau of Reclamation, and the Columbia Basin Project irrigation districts, and the corresponding Agreement in Principle between the State of Washington and the Colville Confederated Tribes within appropriations provided for these purposes. The department will evaluate the need for additional agreements with other affected parties adjacent to Franklin D. Roosevelt Lake and implement them as appropriate within funds provided by the legislature.
- C. At a minimum, Ecology shall ensure that voluntary regional agreements:
1. Provide water to out-of-stream users, with a quantity of water retained instream to more than offset new out-of-stream water uses. New out-of-stream uses shall not be authorized until offset water is available instream. The water retained in-stream shall be managed in a manner that results in benefits to fish and wildlife in the mainstem of the Columbia river;
 2. Measure and report on the quantity diverted or withdrawn for out-of-stream water uses in accordance with current law, and track and account the quantity of water provided for instream purposes;

3. Promote the highest levels of conservation and efficiency appropriate to the type of proposed water use and the land upon which the water use would occur, and;
 4. In order to implement voluntary regional agreements on the mainstem of the Columbia River, the department of Ecology is authorized, when necessary, to process applications for water rights out of priority order.
- D. By their nature, voluntary and regional agreements are developed to meet specific, locally derived situations. Ecology shall not use any agreement to establish precedential requirements or standards for other agreements which may be proposed, beyond those required by existing law and this chapter.
- E. Prior to entering into a voluntary regional agreement, Ecology shall consult with, and carefully consider the recommendations of, the department of fish and wildlife regarding the benefits that will result for fish and wildlife species in the mainstem of the Columbia river.
- F. Ecology is authorized to collect payments made by individuals to comply with the terms and conditions of a voluntary regional agreement. Such payments shall be deposited into the Columbia river infrastructure account established in this act.
- G. Ecology is directed to take appropriate action to require any individual water user or groups of water users who have received a permit(s) under the conditions in a voluntary regional agreement to comply with the terms of the voluntary regional agreement or with the permit(s) issued thereunder.

6. Columbia River Infrastructure Account established.

- A. The Columbia River Infrastructure Account is hereby created in the state treasury.
- B. Appropriations from the account shall be used by Ecology to secure access to water supplies benefiting the mainstem of the Columbia River including, but not limited to: water acquisitions; storage projects; conservation projects; or other agreements which result in the availability of additional water supplies in the summer months of the year.
- C. The account may receive payments made to the Department of Ecology under voluntary regional agreements affecting the mainstem of the Columbia River. The legislature may deposit operating or capital resources into the account as necessary.
- D. The account is subject to legislative appropriation.

E. Interest earned by deposits to the account shall be retained in the account.

Corresponding budget needs:

- Funding to obtain access to water
- Funding for the conservation study
- Funding for data collection, metering and reporting