

SENATE BILL REPORT

EHB 1729

As of March 27, 1995

Title: An act relating to the appropriation of water from lakes and reservoirs for single-family residential noncommercial garden and landscape irrigation.

Brief Description: Establishing procedures by which owners of single-family residences may use lake water for noncommercial landscape irrigation.

Sponsors: Representatives Horn, Chandler, Van Luven, Hargrove, Schoesler and Elliot.

Brief History:

Committee Activity: Ecology & Parks: 3/29/95.

SENATE COMMITTEE ON ECOLOGY & PARKS

Staff: Gary Wilburn (786-7453)

Background: Current law allows a person to use less than 5,000 gallons of water per day for certain purposes without first obtaining a water permit from the state. However, these exemptions only apply in the case of groundwater withdrawals. A person must apply to the Department of Ecology for a water right for any surface water withdrawal.

Summary of Bill: Legislative findings are made. On its own initiative or in response to a petition submitted by at least 10 percent of the owners of single-family residences abutting a lake or reservoir, the Department of Ecology must determine if there is sufficient water in the lake or reservoir to allow these owners to use water for noncommercial garden and landscape irrigation. This determination may only be made for lakes or reservoirs with 4,000 acres or more of surface area. In making its determination, the department is to consider at least the following factors:

- (1) Whether there is water available for appropriation;
- (2) Whether allowing additional appropriation will have a significant adverse impact on existing water right holders and instream resources;
- (3) The existing and future potential uses of water from the lake or reservoir;
- (4) The effect on upstream resources of allowing or not allowing withdrawal from the lake or reservoir; and
- (5) The physical characteristics of the lake or reservoir.

If the department determines that there is sufficient water in the lake or reservoir to allow for this use of water for single-family residences, the department is to hold one or more public hearings in the area affected by the proposal. After the public hearing or hearings,

the department is to make a final determination on whether there is sufficient water available for this use. If there is sufficient water available, the department establishes by rule the details regarding permissible water withdrawals. A person withdrawing water under such a rule adopted by the department may, but is not required to, apply for a water right permit.

The Department of Ecology must conduct this review for Lake Washington and Lake Sammamish. The department is directed to complete its review and, if water is available, adopt its rules regarding lake water withdrawals by June 1996.

The department may also temporarily suspend withdrawals if there is a water shortage in the geographical area affected by the withdrawal. Upon request by a local water utility affected by a withdrawal, the department must notify the utility of applicable use restrictions and consult with the utility on methods of enforcing those restrictions.

A person withdrawing water who uses an irrigation system which is also connected to a potable water supply system must comply with all applicable health, safety, and building code requirements.

The bill contains a severability clause.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.