

2 **SSB 5030** - H COMM AMD **ADOPTED 4-11-97**
3 By Committee on Agriculture & Ecology

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5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that as demands
8 on water resources increase, water must be used in a manner that is
9 most beneficial to the natural resources of the state, while avoiding
10 unnecessary capital costs and public infrastructure expenditures. The
11 legislature also finds that in appropriate circumstances, use of water
12 from lakes and reservoirs by shoreland owners will allow more water to
13 remain in rivers and streams for stockwater, fish, wildlife, municipal
14 drinking water, and recreation. The legislature also finds that use of
15 municipally treated drinking water for garden and landscape irrigation
16 may in some cases be an unnecessary use of the public infrastructure,
17 creating the need for additional public facilities to meet the demands
18 of growing populations.

19 (2) The legislature finds that while there may be numerous benefits
20 to using lake water in urban settings to water lawns and noncommercial
21 gardens, the legislature also finds that great caution must be
22 exercised when establishing a new exemption from the standard permit
23 processing system for appropriating increasingly scarce water
24 resources. The legislature therefore declares that any appropriations
25 made under chapter . . ., Laws of 1997 (this act) shall be limited to
26 lakes and reservoirs in western Washington that are equal to or greater
27 than twenty thousand surface acres.

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.03 RCW
29 to read as follows:

30 (1) The department shall determine whether there is sufficient
31 water in a lake or reservoir with a surface area of twenty thousand
32 acres or more to allow owners of single-family residences that abut the
33 lake or reservoir of twenty thousand acres or more located west of the
34 crest of the Cascade mountains to use water for noncommercial garden
35 and landscape irrigation.

1 (2) In making the determination provided for in subsection (1) of
2 this section, the department shall consider at least the following
3 factors:

4 (a) Whether there is water available to be appropriated;

5 (b) Whether allowing additional appropriation from the lake or
6 reservoir may have an adverse impact on existing water right holders;

7 (c) The existing uses and applications for uses of water from the
8 lake or reservoir;

9 (d) The effect on stockwater, fish, wildlife, and other instream
10 resources of allowing or not allowing withdrawal from the lake or
11 reservoir; and

12 (e) The lake's or reservoir's physical characteristics, including
13 depth, volume, surface area, inflows, outflows, and surface level
14 control features.

15 (3) If the department determines that there may be sufficient water
16 in the lake or reservoir to allow use of water for single-family
17 residential noncommercial garden and landscape irrigation, it shall
18 hold one or more public hearings in the area affected by the proposal.
19 At the public hearing, the department shall report on the factors
20 described in subsection (2) of this section, any additional factors it
21 has used to evaluate the proposal, and options for use of the available
22 water that will satisfy requirements for efficiency.

23 (4) After reviewing comments received at the public hearing, the
24 department shall make a final determination whether there is sufficient
25 water available for single-family residential noncommercial garden and
26 landscape irrigation purposes. If the department determines there is
27 sufficient water it shall, by rule:

28 (a) Establish the maximum quantity of water that may be withdrawn
29 from the lake or reservoir on a yearly basis for single-family
30 noncommercial garden and landscape irrigation under this section;

31 (b) Establish conditions and limitations on withdrawal by
32 individual property owners. The conditions and limitations may
33 include, but are not limited to: Time of day and year, maximum area
34 that may be watered, maximum flow and annual water usage allowed,
35 protection for existing water right holders who may be affected by the
36 withdrawal, and conservation and efficiency measures to be used. In
37 adopting the terms and conditions, the department shall encourage water
38 use efficiency and conservation; and

39 (c) Establish screening requirements to protect fish life.

1 (5) A person withdrawing water under a rule adopted under
2 subsection (4) of this section may, but shall not be required to, apply
3 for a water right permit as otherwise provided by this chapter. The
4 right to withdraw water under this section shall have a priority date
5 of the effective date of the rule adopted pursuant to this section.

6 (6) The department may suspend temporarily the authority to
7 withdraw water granted under this section if the department determines:

8 (a) Under chapter 43.83B RCW that drought conditions exist in the
9 geographical area including a lake or reservoir for which the
10 department has established water withdrawal standards under subsection
11 (4) of this section; or

12 (b) By rule that continued withdrawal of water under this section
13 will have an adverse impact on flows or lake levels below essential
14 minimums necessary to assure the maintenance of existing water rights
15 or claims, fisheries requirements, or to protect federal or state
16 interests including, but not limited to, power generation, navigation,
17 and shoreline facilities.

18 (7) The department may temporarily suspend or impose conditions on
19 the withdrawal of water authorized under this section if there is a
20 water shortage in the geographical area including the lake or reservoir
21 and a public water system with a water right affected by the withdrawal
22 authorized under this section has imposed use restrictions and has
23 requested similar restrictions for water withdrawn under this section.

24 (8) The department shall conduct the analysis required by
25 subsection (1) of this section for lakes and reservoirs of twenty
26 thousand acres or more located west of the crest of the Cascade
27 mountains and, if it determines water is available, adopt the rule
28 required by subsection (4) of this section not later than June 1, 1998.

29 (9) If requested by a public water system that may be affected by
30 the withdrawal of water authorized under subsection (4) of this
31 section, the department shall notify the system of use restrictions
32 that the department has established and shall consult with the system
33 on methods to enforce the restrictions imposed under subsection (4) of
34 this section.

35 (10) Any person withdrawing water under the provisions of this
36 section who uses an irrigation system that has connections to both the
37 supply from the lake or reservoir and a potable drinking water supply
38 system shall assure that the irrigation system complies with all
39 health, safety, and building code requirements.

1 NEW SECTION. **Sec. 3.** (1) If water is appropriated as authorized
2 in chapter . . . , Laws of 1997 (this act), the department of ecology
3 shall evaluate the advantages and disadvantages of allowing similar
4 appropriations in other urban lakes and reservoirs and report its
5 findings to the appropriate standing committees of the legislature by
6 June 1, 2000.

7 (2) This section expires June 30, 2000."

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