

FINAL BILL REPORT

SSB 5030

FULL VETO

As Passed Legislature

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

Sponsors: Senate Committee on Agriculture & Environment (originally sponsored by Senator Horn).

Senate Committee on Agriculture & Environment
House Committee on Agriculture & Ecology

Background: The 1971 Water Resources Act established a process whereby water may be reserved and set aside for future beneficial use. Under this act, reservations of water are required to be adopted by rule by the Department of Ecology. Prior to adoption of the rule, the department is required to provide notice and hold a public hearing within each county that the reservation is made. The priority date of the reservation is the effective date of the adopted rule.

In 1976, the Department of Ecology adopted procedural rules for the initiation and establishment of reservations for future public water supplies.

There have been reservations of water established by rule of surface and ground water supplies for municipal water supply and for irrigation.

Summary: A specific process is created by which the Department of Ecology must determine if there is enough water in lakes and reservoirs over 20,000 surface acres located west of the crest of the Cascades (Lake Washington) to allow single-family residents that live along the lakes and reservoirs to use lake water to irrigate their lawns and noncommercial gardens. If the department determines there is enough water for such use, the department must allow the use of lake water, by rule, subject to certain conditions.

Ecology's Process. 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 does determine that there is sufficient water, the department must hold one or more public hearings. After the public hearing or hearings, the department must make

a final decision on whether or not there is sufficient water available for lawn and garden watering by single-family residences living along the lakes.

Use Restrictions. If the department makes a final determination that there is sufficient water, the agency must adopt rules allowing persons living in single-family residences along Lake Washington to use lake water for lawn and noncommercial garden watering. These rules must also include conservation requirements and provisions to protect existing uses of the water.

The department is also authorized to suspend temporarily the right to use water for lawns and gardens if there is a drought, or if the lawn and garden watering is causing adverse impacts to fish, existing water rights, navigation, power generation, or to shoreline facilities.

Persons withdrawing water under a rule adopted under this act may, but are not required to, apply for a water right permit. The right to withdraw water under this section has a priority date of the effective date of the rule.

Timing. The department is to conduct the determination required by this legislation in a manner that allows it to adopt rules by June 1, 1998. Rules are necessary only if the department decides there is enough water to allow lawn and garden watering.

If water is appropriated subject to the provisions of this legislation, the department is required to evaluate the advantages and disadvantages of using this process to appropriate water from other urban lakes and reservoirs and report its findings to the Legislature by June 30, 2000.

Other Provisions. A person withdrawing water under such a rule adopted by the department may, but is not required to, apply for a water right permit.

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

Votes on Final Passage:

Senate	26	23
House	64	32 (House amended)
Senate	26	23 (Senate concurred)