
SENATE BILL 5529

State of Washington

57th Legislature

2001 Regular Session

By Senators Horn, Morton, Hochstatter and Stevens

Read first time 01/25/2001. Referred to Committee on Environment,
Energy & Water.

1 AN ACT Relating to the appropriation of water from lakes and
2 reservoirs for single-family residential noncommercial garden and
3 landscape irrigation; adding a new section to chapter 90.03 RCW;
4 creating new sections; and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

18 (2) The legislature finds that while there may be numerous benefits
19 to using lake water in urban settings to water lawns and noncommercial

1 gardens, the legislature also finds that great caution must be
2 exercised when establishing a new exemption from the standard permit
3 processing system for appropriating increasingly scarce water
4 resources. The legislature therefore declares that any appropriations
5 made under this act shall be limited to lakes and reservoirs in
6 Washington that are equal to or greater than twenty thousand surface
7 acres.

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

10 (1) The department shall determine whether there is sufficient
11 water in a lake or reservoir with a surface area of twenty thousand
12 acres or more to allow owners of single-family residences that abut the
13 lake or reservoir to use water for noncommercial garden and landscape
14 irrigation.

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

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

19 (b) Whether allowing additional appropriation from the lake or
20 reservoir will have an adverse impact on existing water right holders;

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

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

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

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

37 (4) After reviewing comments received at the public hearing, the
38 department shall make a final determination whether there is sufficient

1 water available for single-family residential noncommercial garden and
2 landscape irrigation purposes. If the department determines there is
3 sufficient water it shall, by rule:

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

7 (b) Establish conditions and limitations on withdrawal by
8 individual property owners. The conditions and limitations may
9 include, but are not limited to: Time of day and year, maximum area
10 that may be watered, maximum flow and annual water usage allowed,
11 protection for existing water right holders who may be affected by the
12 withdrawal, and conservation and efficiency measures to be used. In
13 adopting the terms and conditions, the department shall encourage water
14 use efficiency and conservation; and

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

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

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

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

27 (b) By rule that continued withdrawal of water under this section
28 will have an adverse impact on flows or lake levels below essential
29 minimums necessary to assure the maintenance of existing water rights,
30 fisheries requirements, or to protect federal or state interests
31 including, but not limited to, power generation, navigation, and
32 shoreline facilities.

33 (7) The department may temporarily suspend or impose conditions on
34 the withdrawal of water authorized under this section if there is a
35 water shortage in the geographical area including the lake or reservoir
36 and a public water system with a water right affected by the withdrawal
37 authorized under this section has imposed use restrictions and has
38 requested similar restrictions for water withdrawn under this section.

1 (8) The department shall conduct the analysis required by
2 subsection (1) of this section and, if it determines water is
3 available, adopt the rule required by subsection (4) of this section
4 not later than June 1, 2002.

5 (9) If requested by a public water system that may be affected by
6 the withdrawal of water authorized under subsection (4) of this
7 section, the department shall notify the system of use restrictions
8 that the department has established and shall consult with the system
9 on methods to enforce the restrictions imposed under subsection (4) of
10 this section.

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

16 NEW SECTION. **Sec. 3.** (1) If water is appropriated as authorized
17 in this act, the department of ecology shall evaluate the advantages
18 and disadvantages of allowing similar appropriations in other urban
19 lakes and reservoirs and report its findings to the appropriate
20 standing committees of the legislature by June 1, 2004.

21 (2) This section expires June 30, 2004.

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