

# HOUSE BILL REPORT

## SSB 5575

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**As Reported by House Committee On:**  
Agriculture & Natural Resources

**Title:** An act relating to small irrigation impoundments.

**Brief Description:** Concerning small irrigation impoundments.

**Sponsors:** Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Parlette, Morton, Doumit, Honeyford and Hale).

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 3/14/03, 4/4/03 [DPA].

**Brief Summary of Substitute Bill**  
**(As Amended by House Committee)**

- Exempts facilities that recapture and reuse return flow from irrigation operations serving a single farm and certain other small irrigation impoundments from the reservoir and secondary use permit requirements of the water code.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass as amended. Signed by 13 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler, Eickmeyer, Grant, Hunt, McDermott, Orcutt, Quall and Sump.

**Staff:** Kenneth Hirst (786-7105).

**Background:**

The water code requires reservoir permits for both surface reservoirs for water and for the storage of water in an underground formation for subsequent use as part of an underground artificial storage and recovery project. A water right permit, called a "secondary" permit, is also required for the use of the water stored in a surface reservoir.

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**Summary of Amended Bill:**

The following are exempted from the reservoir and secondary use permit requirements of the water code: facilities to recapture and reuse return flow from irrigation operations serving a single farm under an existing water right; and certain other "small irrigation impoundments" for using water under an existing water right. Neither may be used to expand the number of acres irrigated under the right beyond the acreage allowed to be irrigated under the water right.

The additionally exempted "small irrigation impoundments" are surface storage ponds less than 10 acre feet in volume. They must be lined unless a licensed engineer determines that a liner is not needed to retain water in the pond and to prevent ground water contamination. A properly maintained liner may be made of bentonite (clay). Such an impoundment must be used to facilitate the efficient use of water or to promote compliance with an approved recovery plan for endangered or threatened species. Its use must not expand the annual consumptive quantity of water used. Within these limitations, water remaining in such an impoundment at the end of an irrigation season may be carried over for use in the next season.

The development and use of a small irrigation impoundment does not constitute a change or amendment of the water right involved, and its express exemption from change and amendment requirements is not to be construed as requiring a transfer, change, or amendment to allow the storage of water under any existing water right.

**Amended Bill Compared to Substitute Bill:**

Added by the amendment is an additional exemption from reservoir and secondary permit requirements for facilities that recapture and reuse return flow from irrigation operations serving a single farm under an existing water right, if the acreage irrigated is not increased beyond the acreage allowed to be irrigated under the right. The amendment: does not require the small irrigation impoundments to be lined if a licensed engineer determines that a liner is not needed; clarifies that a properly maintained liner may be made of bentonite; and states that the exemption from water right transfers, changes, and amendments provided by the bill for storing water in such small irrigation impoundments is not to be construed as requiring a transfer, change, or amendment to allow storage of water under any existing water right.

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**Appropriation:** None.**Fiscal Note:** Not Requested.**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of

session in which bill is passed.

**Testimony For:** (Original bill) For years farmers have been able to recapture their return flows to re-use the water. This bill allows them to place their water directly in a pond before using it, under certain circumstances.

**Testimony Against:** None.

**Testified:** Keith Phillips, Department of Ecology.