

HOUSE BILL REPORT

SSB 5030

As Reported By House Committee On:

Agriculture & Ecology

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

Brief History:

Committee Activity:

Agriculture & Ecology: 3/24/97, 3/27/97 [DPA].

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass as amended. Signed by 9 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Schoesler, Vice Chairman; Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Koster; Regala and Sump.

Minority Report: Without recommendation. Signed by 2 members: Representatives Delvin and Mastin.

Staff: Rick Anderson (786-7114).

Background: A person must apply to the Department of Ecology for a water right for any surface water withdrawal. This process may be lengthy. Current law allows a person to use less than 5,000 gallons of water per day for certain purposes without first obtaining a water right. However, this exemption from obtaining a water right applies only in the case of groundwater withdrawals.

Summary of Amended Bill: A specific process is created by which the Department of Ecology (DOE) must determine if there is enough water in lakes and reservoirs over 20,000 surface acres in western 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 DOE determines there is enough water for such use, the DOE must allow the use of lake water, by rule, subject to certain conditions.

Ecology's Process. In making its determination, the DOE 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 DOE does determine that there is sufficient water, the DOE must hold one or more public hearings. After the public hearing or hearings, the DOE 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 DOE makes a final determination that there is sufficient water, the agency must adopt rules allowing persons, living in single-family residences along lakes and reservoirs over 20,000 surface acres in size, 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 DOE is also authorized to temporarily suspend 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 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 DOE 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 DOE decides there is enough water to allow lawn and garden watering.

If water is appropriated subject to the provisions of this legislation, the DOE 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 DOE 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.

Amended Bill Compared to Substitute Bill: The striking amendment limits the applicability of the bill to western Washington.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: If lakefront homeowners could withdraw water directly from Lake Washington, less water would be withdrawn from rivers at the diversion point higher in the watershed, allowing for greater instream flows in the rivers. Fish will be benefitted by increasing instream flows. It does not make sense to use expensive and valuable water that has been piped and processed by the utility just for watering lawns and gardens. Lake residents will not use more water on their lawns if they are allowed to use lake water.

Testimony Against: The bill may cause increased lawn watering and run-off of fertilizer and pesticides into the lake. Further appropriations from Lake Washington will negatively affect fish. There is potential for lake residents to cause a health threat by connecting the (lake) irrigation system to the municipal water supply.

Testified: Senator Jim Horn, sponsor (in favor). Steve Wehrly, Muckleshoot Indian Tribe (con). Bill Alues, Seattle Public Utilities District; Mike Grady, Department of Community, Trade and Economic Development; and David Monthie, Department of Health (concerns).