

VETO MESSAGE ON HB 2026-S.E

May 20, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 25, Engrossed Substitute House Bill No. 2026 entitled:

"AN ACT Relating to water resource management."

Engrossed Substitute House Bill No. 2026 is the product of more than a year of work by many groups and individuals. First, as part of the Environment 2010 project, and secondly, as part of the Chelan Agreement. The bill is heading the state in the right direction regarding water use and conservation. This bill is good public policy because, among other things, it addresses inevitable water problems in advance of a crisis. Without some creative tools, such as the trust provisions contained in this bill, reallocation of waters may occur in the courts or by federal actions. Hopefully, the tools contained in this bill will help resolve critical water situations by allowing those within the state to direct the future use and management of our precious water resource.

Numerous groups and individuals have invested a great deal of time and energy in developing, drafting, and supporting this legislation. During the legislative process, however, a provision was added which unnecessarily creates new legal issues and institutional barriers to water conservation. The provision I am vetoing needs more public dialogue and debate by the Joint Select Committee on Water Resource Policy.

Section 25 is troubling in that it exempts irrigation districts from one of the basic tenets of water law -- "use it or lose it." Although this amendment would have placed irrigation districts in the same category as municipal water supply purveyors, it does so without sufficient discussion as to its impact on water conservation. Additional concern has been raised that adding irrigation districts to the exemption list will only compound the problem of speculation in water rights.

Irrigation districts have a vast potential for water use efficiency improvements. As technological improvements become available, irrigation will require less water to meet the increased levels of production. By codifying outdated water requirements as a measure of a water right, this section would frustrate our efforts to encourage water conservation and to locate water for presently unmet and future needs. As such, this section deserves a more comprehensive review by the Joint Select Committee on Water Resources Policy.

For the reasons stated above, I have vetoed section 25 of Engrossed Substitute House Bill No. 2026.

With the exception of section 25, Engrossed Substitute House

Bill No. 2026 is approved.

Respectfully submitted,
Booth Gardner
Governor