

2 **SHB 1844** - S COMM AMD
3 By Committee on Energy & Utilities

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that as demands on
8 water resources increase, water must be used in a manner that is most
9 beneficial to the natural resources of the state, while avoiding
10 unnecessary capital costs and public infrastructure expenditures. The
11 legislature also finds that in appropriate circumstances, use of water
12 from lakes and reservoirs by shoreland owners will allow more water to
13 remain in rivers and streams for fish, wildlife, municipal drinking
14 water, and recreation. The legislature also finds that use of
15 municipally treated drinking water for garden and landscape irrigation
16 may in some cases be an unnecessary use of the public infrastructure,
17 creating the need for additional public facilities to meet the demands
18 of growing populations in the greater Puget Sound and other regions.
19 The legislature also finds that by simplifying the process for
20 appropriating water for some small volume uses, water users are more
21 likely to comply with requirements to use the water in appropriate
22 circumstances and do so efficiently. The legislature also finds that
23 establishing an overall quantity of water that may be appropriated for
24 single-family residential noncommercial garden and landscape irrigation
25 will assure protection of the state's water resources and not burden
26 the department of ecology with a large number of water right
27 applications.

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

30 (1) On its own initiative or on petition of at least ten percent of
31 the owners of single-family residences abutting a lake or reservoir of
32 four thousand acres or larger surface area, the department shall
33 determine whether there is sufficient water in the lake or reservoir of
34 four thousand acres or larger surface area to allow owners of single-

1 family residences that abut the lake or reservoir to use water for
2 noncommercial garden and landscape irrigation.

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

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

7 (b) Whether allowing additional appropriation from the lake or
8 reservoir will have a significant adverse impact on existing water
9 right holders and instream resources;

10 (c) The existing and future potential uses of water from the lake
11 or reservoir;

12 (d) The adverse impact on upstream instream resources of not
13 allowing withdrawal from the lake or reservoir;

14 (e) Climatic conditions affecting the lake or reservoir; and

15 (f) The lake's or reservoir's physical characteristics, including
16 depth, volume, surface area, and surface level control features.

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

25 (4) After reviewing comments received at the public hearing, the
26 department shall make a final determination whether there is sufficient
27 water available for single-family residential noncommercial garden and
28 landscape irrigation purposes. If the department determines there is
29 sufficient water it shall, by rule:

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

33 (b) Establish conditions and limitations on withdrawal by
34 individual property owners. The conditions and limitations may
35 include, but are not limited to: Time of day and year, maximum area
36 that may irrigated, maximum flow and annual water usage allowed,
37 protection for senior water right permit holders who may be affected by
38 the withdrawal, and conservation and efficiency measures to be used.

1 In adopting the terms and conditions, the department shall encourage
2 water use efficiency and conservation.

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

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

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

14 (b) By rule that continued withdrawal of water under this section
15 will have a significant adverse impact on flows or levels below
16 essential minimums necessary to assure the maintenance of fisheries
17 requirements, or to protect federal or state interests including, but
18 not limited to, power generation, navigation, and existing water
19 rights.

20 (7) The department may temporarily suspend or impose conditions on
21 the withdrawal of water authorized under this section if there is a
22 water shortage in the geographical area including the lake or reservoir
23 and a public water system with a water right affected by the withdrawal
24 authorized under this section has imposed use restrictions and has
25 requested similar restrictions for water withdrawn under this section.

26 (8) Before considering any other lake or reservoir under this
27 section, the department shall conduct the analysis required by this
28 section for Lake Washington and Lake Sammamish. The department shall
29 complete its review and, if it determines water is available, adopt the
30 rule required by subsection (4) of this section not later than June 1,
31 1994.

32 (9) If requested by a public water system that may be affected by
33 the withdrawal of water authorized under subsection (4) of this
34 section, the department shall notify the system of use restrictions
35 that the department has established and shall consult with the system
36 on methods to enforce the restrictions imposed under subsection (4) of
37 this section.

38 (10) Any person withdrawing water under the provisions of this
39 section who uses an irrigation system that has connections to both the

1 supply from the lake or reservoir and a potable drinking water supply
2 system shall assure that the irrigation system complies with all
3 health, safety, and building code requirements.

4 NEW SECTION. **Sec. 3.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

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11 On page 1, line 3 of the title, after "irrigation;" strike the
12 remainder of the title and insert "adding a new section to chapter
13 90.03 RCW; and creating a new section."

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