

# SENATE BILL REPORT

## ESSB 6215

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As Passed Senate, February 17, 2016

**Title:** An act relating to identifying certain irrigation or dairy use water rights as water rights being used for municipal water supply purposes.

**Brief Description:** Identifying certain irrigation or dairy use water rights as water rights being used for municipal water supply purposes.

**Sponsors:** Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Padden, Warnick, Pearson and Becker).

**Brief History:**

**Committee Activity:** Agriculture, Water & Rural Economic Development: 1/21/16, 1/28/16 [DPS].

Passed Senate: 2/17/16, 27-21.

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### SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

**Majority Report:** That Substitute Senate Bill No. 6215 be substituted therefor, and the substitute bill do pass.

Signed by Senators Warnick, Chair; Dansel, Vice Chair; Takko, Ranking Member; Honeyford.

**Staff:** Diane Smith (786-7410)

**Background:** Municipal water suppliers provide water for municipal purposes. This water must be derived from a water right perfected under the Water Code. These water rights are called "municipal water supply purposes water rights." A process exists for a municipal water supplier to request that the Department of Ecology (Ecology) amend the water right documents and related records to ensure that water rights for municipal water supply purposes are correctly identified as being for those purposes. Ecology must make these amendments. However, any other water right held or acquired by a municipal water supplier may not be identified using this authority without the approval of a change or transfer of the water right for that purpose.

When a water right is for municipal water supply purposes it is, in most cases, not subject to relinquishment.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Engrossed Substitute Bill:** Irrigation or agricultural irrigation purpose of use water rights, and dairy purpose of use water rights, that are held or acquired by a municipal water supplier in four Spokane County watersheds are included in the definition of municipal water supply purposes. This causes these water rights to fall under the requirement that Ecology amend the water right documents and related records to correctly identify these rights as being for municipal water supply purposes. The legislature intends these municipal water rights to be retained as such.

These circumstances occur when the water rights are not currently being used for commercial agricultural or dairy purposes and when they are held or acquired by the municipal water supplier before July 1, 2016.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on Original Bill:** PRO: Spokane Valley has one of the best water supplies in the world. The Valley is seeing tremendous growth and needs water rights that recognize this. Ecology has closed this basin to the issuance of new water rights. Originally, water rights served orchards and farms, none of which are left anymore. These old rights should be combined for the uses now occurring. All the irrigations districts now serve urban and suburban growth. Due to a Departmental policy, irrigation rights will not be considered for domestic use. Even though this is Departmental policy, the Department and The Department of Health have acquiesced to or approved the 20-year growth planning, renewed on a 6-year cycle, that uses irrigation water rights to serve growth. In Parkland, a city in western Washington, it took 10 years for the City to complete a water transfer to municipal use. Plans for developing one decommissioned gold course and another one platted for 300 homes are being held in abeyance.

CON: Use of these water rights to support growth will harm existing water rights and instream flows. You saw in the last drought a \$335 million negative impact to agriculture and many dead fish. There will be more droughts. Growth should only be allowed in basins with adequate water. The use of water banking, conservation and alternative supplies should be encouraged but there will still come a limit when existing users, including farmers, will be impacted. We want to preserve farmland from residential development. This is the first time this issue has come up since the enactment of the 2003 Municipal Water Act. At that time the Governor denied conversion of those water rights held by dairies to municipal use because that would be too broad. It would be better to narrow this bill only to apply to the Spokane valley. State-wide application is too broad.

**Persons Testifying on Original Bill:** PRO: Joseph Carroll; Steve Peterson, Mayor, City of Liberty Lake; Dale Budzinski, Parkland Light and Water Co; Steve Skipworth, Commissioner Liberty Lake Sewer & Water District.

CON: Bryce Yadon, Futurewise; Bruce Wishart, CELP / Sierra Club; Dawn Vyvyan, Yakama Nation and Puyallup Tribe.

**Persons Signed In To Testify But Not Testifying:** No one.