

HOUSE BILL REPORT

HB 1844

As Reported By House Committee On:
Natural Resources & Parks

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: Representatives Horn, Rust, Van Luven, Appelwick, Wineberry, Edmondson, Forner, Brumsickle, Long, Foreman, Chandler, Dyer, Ballard, Cooke, Miller, Vance, Finkbeiner, Reams and Silver.

Brief History:

Reported by House Committee on:
Natural Resources & Parks, March 3, 1993, DPS.

HOUSE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Pruitt, Chair; R. Johnson, Vice Chair; Morton, Ranking Minority Member; Stevens, Assistant Ranking Minority Member; Schoesler; Sheldon; Thomas; Valle; and Wolfe.

Minority Report: Do not pass. Signed by 1 member: Representative Dunshee.

Staff: Linda Byers (786-7129).

Background: 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, these exemptions only apply in the case of groundwater withdrawals; a person must apply to the Department of Ecology for a water right for any surface water withdrawals.

Summary of Substitute Bill: On its own initiative or in response to a petition submitted by at least 10 percent of the owners of single-family residences abutting a lake or reservoir, the Department of Ecology shall determine if there is sufficient water in the lake or reservoir to allow

these owners to use water for noncommercial garden and landscape irrigation. This determination may only be made for lakes or reservoirs with 4,000 acres or more of surface area. In making its determination, the department 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 adverse impact on upstream instream resources of not allowing withdrawal from the lake or reservoir;
- (5) Climatic conditions; and
- (6) The physical characteristics of the lake or reservoir.

If the department determines that there is sufficient water in the lake or reservoir to allow for this use of water for single-family residences, the department is to hold one or more public hearings in the area affected by the proposal. After the public hearing or hearings, the department is to make a final determination on whether there is sufficient water available for this use. If there is sufficient water available, the department will establish by rule the details regarding permissible water withdrawals. No person may use the water for this purpose until a \$100 fee has been paid to the department. The department is to issue a report within two years on whether the \$100 fee is adequate to pay for implementing this program.

A person withdrawing water under such a rule adopted by the department may, but is not required to, apply for a water right permit.

The Department of Ecology is directed to conduct a review of the availability of water in Lake Washington and Lake Sammamish for use by owners of single-family residences as a means for garden and landscape irrigation. The department is directed to complete its review and, if water is available, adopt its rules regarding lake water withdrawals by June 1994.

Substitute Bill Compared to Original Bill: The substitute bill adds the \$100 fee for the Department of Ecology's authorization to use the water and requires the department to issue a report within two years on whether this fee is

adequate to cover the department's costs in implementing this program.

Fiscal Note: Available. New fiscal note requested on March 3, 1993.

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

Testimony For: This bill is good for the environment, salmon, and people. It is better to water lawns with water from the lake than to use water from an expensive system delivering water to the house. This leaves more water in the rivers to flush out salmon. The expense of finding new water supplies is increasing. This bill keeps use of water for lawn watering off of the water system. The bill gives the Department of Ecology the power to protect the lake in extreme situations. The bill offers the department an opportunity to conduct more of a regional or water source analysis, rather than having to assess each parcel on a case-by-case basis. This will be more efficient.

Testimony Against: None.

Witnesses: Representative Jim Horn, prime sponsor; Robert Orr; and Hedia Adelsman, Department of Ecology (all in favor).