

SENATE BILL REPORT

SHB 1844

AS REPORTED BY COMMITTEE ON ENERGY & UTILITIES, APRIL 1, 1993

**Brief Description:** Establishing procedures by which owners of single-family residences may use lake water for noncommercial landscape irrigation.

**SPONSORS:** House Committee on Natural Resources & Parks (originally sponsored by Representatives Horn, Rust, Van Luven, Appelwick, Wineberry, Edmondson, Forner, Brumsickle, Long, Foreman, Chandler, Dyer, Ballard, Cooke, Miller, Vance, Finkbeiner, Reams and Silver)

HOUSE COMMITTEE ON NATURAL RESOURCES & PARKS

SENATE COMMITTEE ON ENERGY & UTILITIES

**Majority Report:** Do pass as amended.

Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Vognild, and West.

**Minority Report:** Do not pass as amended.

Signed by Senators Roach, A. Smith, and Williams.

**Staff:** Ben Barnes (786-7198)

**Hearing Dates:** March 23, 1993; March 25, 1993; April 1, 1993

**BACKGROUND:**

Current law allows a person to use up to 5,000 gallons of water per day for noncommercial garden or landscape irrigation without obtaining a water right permit. This exemption only applies, however, to groundwater withdrawals. A person must obtain a water right permit in order to use any water appearing upon the surface of the ground, such as water from a river, stream, spring or lake.

It is recommended that the Department of Ecology establish a procedure by which owners of single-family residences may use lake water for noncommercial garden and landscape irrigation.

**SUMMARY:**

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.

#### **SUMMARY OF PROPOSED SENATE AMENDMENT:**

The list of conditions and limitations that the Department of Ecology may place on water withdrawal is amended to provide protection for senior water right permit holders. The department may also temporarily suspend withdrawals if there is a water shortage in the geographical area affected by the withdrawal. Upon request by a local water utility affected by a withdrawal, the department must notify the utility of applicable use restrictions and consult with the utility on methods of enforcing those restrictions.

A person withdrawing water who uses an irrigation system which is also connected to a potable water supply system must comply with all applicable health, safety, and building code requirements.

The provision requiring a person to pay a \$100 fee in order to use water withdrawn for residential lawn and garden irrigation is deleted.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**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:**

There is no water available for further appropriation. The bill would validate existing illegal appropriations and undermine senior water rights claims.

**TESTIFIED:** PRO: Representative Jim Horn, prime sponsor; Robert Orr; Ken Slattery, Dept. of Ecology; CON: Jay Regenstreif, Sammamish Plateau Water & Sewer District; Holly Coccoli, Muckleshoot Indian Tribe; Steve Robinson, NW Indian Fisheries Commission; Nancy Davidson, Seattle Water Dept. (concerns)