
HOUSE BILL 1844

State of Washington

53rd Legislature

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

Read first time 02/12/93. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to the appropriation of water from lakes and
2 reservoirs for single-family residential noncommercial garden and
3 landscape irrigation; adding a new section to chapter 90.03 RCW; and
4 creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that as demands on
7 water resources increase, water must be used in a manner that is most
8 beneficial to the natural resources of the state, while avoiding
9 unnecessary capital costs and public infrastructure expenditures. The
10 legislature also finds that in appropriate circumstances, use of water
11 from lakes and reservoirs by shoreland owners will allow more water to
12 remain in rivers and streams for fish, wildlife, municipal drinking
13 water, and recreation. The legislature also finds that use of
14 municipally treated drinking water for garden and landscape irrigation
15 may in some cases be an unnecessary use of the public infrastructure,
16 creating the need for additional public facilities to meet the demands
17 of growing populations in the greater Puget Sound and other regions.
18 The legislature also finds that by simplifying the process for
19 appropriating water for some small volume uses, water users are more

1 likely to comply with requirements to use the water in appropriate
2 circumstances and do so efficiently. The legislature also finds that
3 establishing an overall quantity of water that may be appropriated for
4 single-family residential noncommercial garden and landscape irrigation
5 will assure protection of the state's water resources and not burden
6 the department of ecology with a large number of water right
7 applications.

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

10 (1) On its own initiative or on petition of at least ten percent of
11 the owners of single-family residences abutting a lake or reservoir of
12 four thousand acres or larger surface area, the department shall
13 determine whether there is sufficient water in the lake or reservoir of
14 four thousand acres or larger surface area to allow owners of single-
15 family residences that abut the lake or reservoir to use water for
16 noncommercial garden and landscape irrigation.

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

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

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

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

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

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

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

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

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

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

9 (b) Establish conditions and limitations on withdrawal by
10 individual property owners. The conditions and limitations may
11 include, but are not limited to: Time of day and year, maximum area
12 that may irrigated, maximum flow and annual allowed, and conservation
13 and efficiency measures to be used.

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

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

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

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

31 (7) Before considering any other lake or reservoir under this
32 section, the department shall conduct the analysis required by this
33 section for Lake Washington and Lake Sammamish. The department shall
34 complete its review and, if it determines water is available, adopt the
35 rule required by subsection (4) of this section not later than June 1,
36 1994.

37 NEW SECTION. **Sec. 3.** If any provision of this act or its
38 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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