

HOUSE BILL REPORT

EHB 1729

As Passed House:

March 11, 1995

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, Chandler, Van Luven, Hargrove, Schoesler and Elliot.

Brief History:

Committee Activity:

Agriculture & Ecology: 2/15/95, 2/16/95, 2/22/95 [DP];

Appropriations: 3/3/95 [DP].

Floor Activity:

Passed House: 3/11/95, 63-31.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass. Signed by 15 members: Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Rust and Schoesler.

Minority Report: Without recommendation. Signed by 1 member: Representative Robertson.

Staff: Rick Anderson (786-7114).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 26 members: Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksmas; Brumsickle; Carlson; Cooke; Crouse; Foreman; Grant; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

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

Staff: Nancy Stevenson (786-7137).

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 withdrawal.

Summary of 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 must 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 effect on upstream resources of allowing or not allowing withdrawal from the lake or reservoir; and
- (5) 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. 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 must 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 1996.

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.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (Agriculture & Ecology) This bill is good for the environment, salmon, and people. It is better to water lawns with water from a lake rather than from an expensive system that takes water out of a river. This bill leaves more water in the river where it is needed by fish.

(Appropriations) Same.

Testimony Against: (Agriculture & Ecology) The bill will work against a number of cooperative fish enhancement programs in Lake Washington.

(Appropriations) None.

Testified: (Agriculture & Ecology) Representative Horn (prime sponsor); Mary Burke, Washington Cattlemen and Farm Bureau (pro); Carol Fleskes, Department of Ecology (pro); Phil Hamilton, Muckleshoot Indian Tribe (con); and Dawn Vyvyan, Yakima Indian Nation (con).

(Appropriations) Representative Horn, prime sponsor.