

HOUSE BILL REPORT

EHB 2202

As Passed House:

January 22, 1996

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 Chandler, Mastin, Honeyford, Koster, Carrell, Horn, Elliot, Van Luven, Boldt, Goldsmith, Hargrove and McMahan.

Brief History:

Committee Activity:

Agriculture & Ecology: 1/9/96, 1/10/96, 1/11/96, 1/15/96 [DPA].

Floor Activity:

Passed House: 1/22/96, 73-20.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass as amended. Signed by 14 members: Representatives Chandler, Chairman; Koster, Vice Chairman; Chappell, Ranking Minority Member; Linville, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Mastin; Ogden; Rust and Schoesler.

Minority Report: Without recommendation. Signed by 3 members: Representatives Murray; Regala and Robertson.

Staff: Rick Anderson (786-7114).

Background: A person must apply to the Department of Ecology for a water right for any surface water withdrawal. This process may be lengthy. 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, this exemption from obtaining a water right applies only in the case of groundwater withdrawals.

Summary of Bill: This bill creates a specific process by which the Department of Ecology must determine if there is enough water in Lake Washington to allow single-family residents that live along the lake to use lake water to irrigate their lawns and

non-commercial gardens. If the department determines there is enough water for such use, the department must allow the use of Lake Washington water, by rule, subject to certain conditions.

Ecology's Process

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 does determine that there is sufficient water in Lake Washington, the department must hold one or more public hearings. After the public hearing or hearings, the department must make a final decision on whether or not there is sufficient water available for lawn and garden watering by single-family residences living along Lake Washington.

Use Restrictions

If the department makes a final determination that there is sufficient water, the agency must adopt rules allowing persons living in single-family residences along Lake Washington to use lake water for lawn and non-commercial garden watering. These rules must also include conservation requirements and provisions to protect existing uses of the water.

The department is also authorized to suspend temporarily the right to use water for lawns and gardens if there is a drought, or if the lawn and garden watering is causing adverse impacts to fish, existing water rights, navigation, power generation, or to shoreline facilities.

Timing

The department is to conduct the determination required by this legislation in a manner that will allow it to adopt rules by June 1, 1997. Rules are necessary only if the department decides there is enough water in Lake Washington to allow lawn and garden watering.

If water is appropriated subject to the provisions of this legislation, the department is required to evaluate the advantages and disadvantages of using this process to appropriate water from other urban lakes and reservoirs and report its findings to the Legislature by June 1, 1999.

Other Provisions

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

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

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill has been carefully worked to address the department's concerns and the Department of Ecology supports it. The bill has been changed to address concerns about stockwater.

Testimony Against: This bill could adversely affect salmon and steelhead by reducing summertime flows out of the lake. People living along Lake Washington should apply for water rights if they want to use the water for their lawns and gardens.

Testified: Bruce Cameron, Washington Cattlemen's Association; Mary Burke; Linda Crerar, Department of Ecology; and Holly Coccoli, Muckleshoot Indian Tribe Fisheries Department (opposed).