

SENATE BILL REPORT

EHB 2067

As Reported By Senate Committee On:
Natural Resources, Energy & Water, April 4, 2003

Title: An act relating to withdrawals of public ground waters for domestic use of clustered residential developments.

Brief Description: Permitting withdrawals of public ground waters.

Sponsors: Representatives Schoesler and Cox.

Brief History:

Committee Activity: Natural Resources, Energy & Water: 4/3/03, 4/4/03 [DPA].

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: Do pass as amended.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Oke and Regala.

Staff: Evan Sheffels (786-7486)

Background: The Ground Water Code prohibits a person from withdrawing ground water or constructing wells or other works for such a withdrawal without a water right permit from the Department of Ecology. However, the code exempts a number of withdrawals from this requirement. One exemption is for single or group domestic uses in an amount not exceeding 5,000 gallons per day.

Summary of Amended Bill: The following is exempt, on a pilot project basis, from the water right permit requirements of the Ground Water Code: the domestic use of water for clustered residential developments not exceeding 1,200 gallons a day per residence for residential developments that have an overall density equal to or less than one residence per ten acres and a minimum of six homes. The pilot project applies only in Whitman County. No new right to use water for a clustered development under the pilot project may be established where the first residential use of water for the development begins after December 31, 2015.

The Department of Ecology must report to the Legislature biennially through 2016 regarding the use of water under the pilot project and its impact on water resources in the county.

Amended Bill Compared to Original Bill: Language setting a six-home minimum per residential development was added.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill represents a way of thinking outside of the box. The Department of Ecology has not issued a water permit in Whitman County for a decade. Whitman County has one of the strongest agricultural land protection ordinances, so it needs a way to locate housing in way that is compatible with surrounding farm activities and in areas with no source of municipal water; farmland must lie idle for three years before it may be developed. This proposal for clustered housing would not allow water mining and would actually encourage true clustering, with open space (perhaps in a cover crop) separating it from farmland. The type of clustered housing allowed in the bill reduces the cost of providing other public services, such as fire protection, over scattered housing.

Testimony Against: None.

Testified: Representative Schoesler, prime sponsor (pro); Keith Phillips, Governor's Water Team (pro); Jim Potts, Rural Counties (pro); Mike Moran, Samish Tribe, CELP (pro).