

SENATE BILL REPORT

SSB 5575

As Passed Senate, February 26, 2003

Title: An act relating to small irrigation impoundments.

Brief Description: Concerning small irrigation impoundments.

Sponsors: Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Parlette, Morton, Doumit, Honeyford and Hale).

Brief History:

Committee Activity: Natural Resources, Energy & Water: 2/7/03, 2/12/03 [DPS, DNP].
Passed Senate: 2/26/03, 49-0.

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: That Substitute Senate Bill No. 5575 be substituted therefor, and the substitute bill do pass.

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

Minority Report: Do not pass.

Signed by Senator Regala.

Staff: Sam Thompson (786-7413)

Background: Irrigation management in arid regions may depend upon capture and storage of water early in a growing season for delivery during later drought periods when water may not otherwise be available.

Currently, persons proposing to store water in a reservoir must get a reservoir permit from the state Department of Ecology, and, if they propose to beneficially use the stored water, a "secondary permit" authorizing the beneficial use. It has been suggested that relatively small irrigation storage ponds should be exempt from these requirements.

Summary of Bill: "Small irrigation impoundments," lined storage ponds less than ten acre feet in volume, holding irrigation water impounded to facilitate efficient water use or to promote endangered or threatened species recovery, and not expanding acres irrigated or annual quantity used, are exempt from reservoir and secondary permitting requirements. Water remaining in a small irrigation impoundment at the end of an irrigation season may be carried over for use in the next season, subject to the foregoing limitations. Development and use of a small irrigation impoundment does not constitute a water right change or amendment.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill facilitates creation of small water storage reservoirs by irrigators to meet late season irrigation needs when diversions from other sources, such as a river, may not be available; in drought years, an irrigator's ability to construct and use small on-farm irrigation impoundments permitted by this bill could make the difference between a viable crop and no crop.

Testimony Against: None.

Testified: Senator Parlette (pro); Jim Halstrom, Washington State Horticultural Association (pro).

House Amendment(s): The amendment: (1) adds an additional exemption from reservoir and secondary permitting requirements for facilities to recapture and reuse return flow from irrigation operations serving a single farm under an existing water right as long as acreage irrigated is not increased beyond the acreage allowed to be irrigated under the right; (2) specifies that small irrigation impoundments need not be lined if a licensed engineer determines that a liner is not needed to retain water and to prevent ground water contamination; (3) provides that a liner for a small irrigation impoundment may be made of bentonite; and (4) clarifies that exemptions from water right change, transfer, and amendment requirements for small irrigation impoundments do not require water right holders to change, transfer, or amend any existing water right to enable them to store water governed by the right.