

SENATE BILL REPORT

SB 6861

As Passed Senate, February 14, 2006

Title: An act relating to studying the competing interests of domestic water users and other water users in regards to limited water supplies where a curtailment of domestic water right use has been enacted.

Brief Description: Requiring a study of competing interests of domestic water users.

Sponsors: Senators Delvin, Poulsen, Mulliken, Morton and Honeyford.

Brief History:

Committee Activity: Water, Energy & Environment: 2/01/06, 2/02/06 [DP]
Passed Senate: 2/14/06, 47-0.

SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

Majority Report: Do pass.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Morton, Ranking Minority Member; Delvin, Fraser, Honeyford, Mulliken, Pridemore and Regala.

Staff: Margaret King (786-7416)

Background: A general water adjudication proceeding for surface water rights has been underway in the Yakima River watershed since the late 1970s. In this adjudication, the Superior Court for Yakima County entered an order on June 10, 2004, limiting the exercise of water rights in the Yakima River and its tributaries by those with a priority date after May 10, 1905 (post-1905). The restrictions imposed by the court suspends the use of post-1905 rights when the U.S. Bureau of Reclamation imposes rationing for the Yakima irrigation project. The restriction imposed by the court continue until the end of the irrigation season on October 31.

On March 10, 2005, the Governor declared a statewide drought emergency that authorized the Department of Ecology to access emergency drought resources. As part of the drought response, Ecology filed a motion with the Superior Court to place 60 acre-feet of water into the State's Trust Water Program to offset post-1905 limited domestic water use. The Court approved the transfer for the 2005 season.

Future curtailment of post-1905 water rights in the Yakima River watershed is likely to occur again.

Summary of Bill: The Department of Ecology is to provide a report to the Legislature on the issues surrounding competing users of surface water in areas where domestic water use has been curtailed by a court order and to suggest legislation or other solutions for resolving conflicts over limited water resources.

The study is to include information regarding residential water uses and the circumstances surrounding the competition between domestic uses and all other uses. The study is limited to basins currently involved in a water rights adjudication and is to focus on collection of information for seasonal residential uses.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: While the bill is not a solution; hopefully, the directed study will lead to a permanent solution. Some 500 cabins and private residences were given notices that they can't use water because senior water rights were short of water. The study will help determine amount of water being used by cabins which we believe that even with conservative numbers is very small.

Testimony Against: None.

Who Testified: PRO: Jack Selby, President of American Forks Summer Home and Water Association; VP for Communications for the Chinook Pass Cabin Owners Association.