

Water & Land Use Planning in Washington State

Western States Water Council
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Brian Walsh



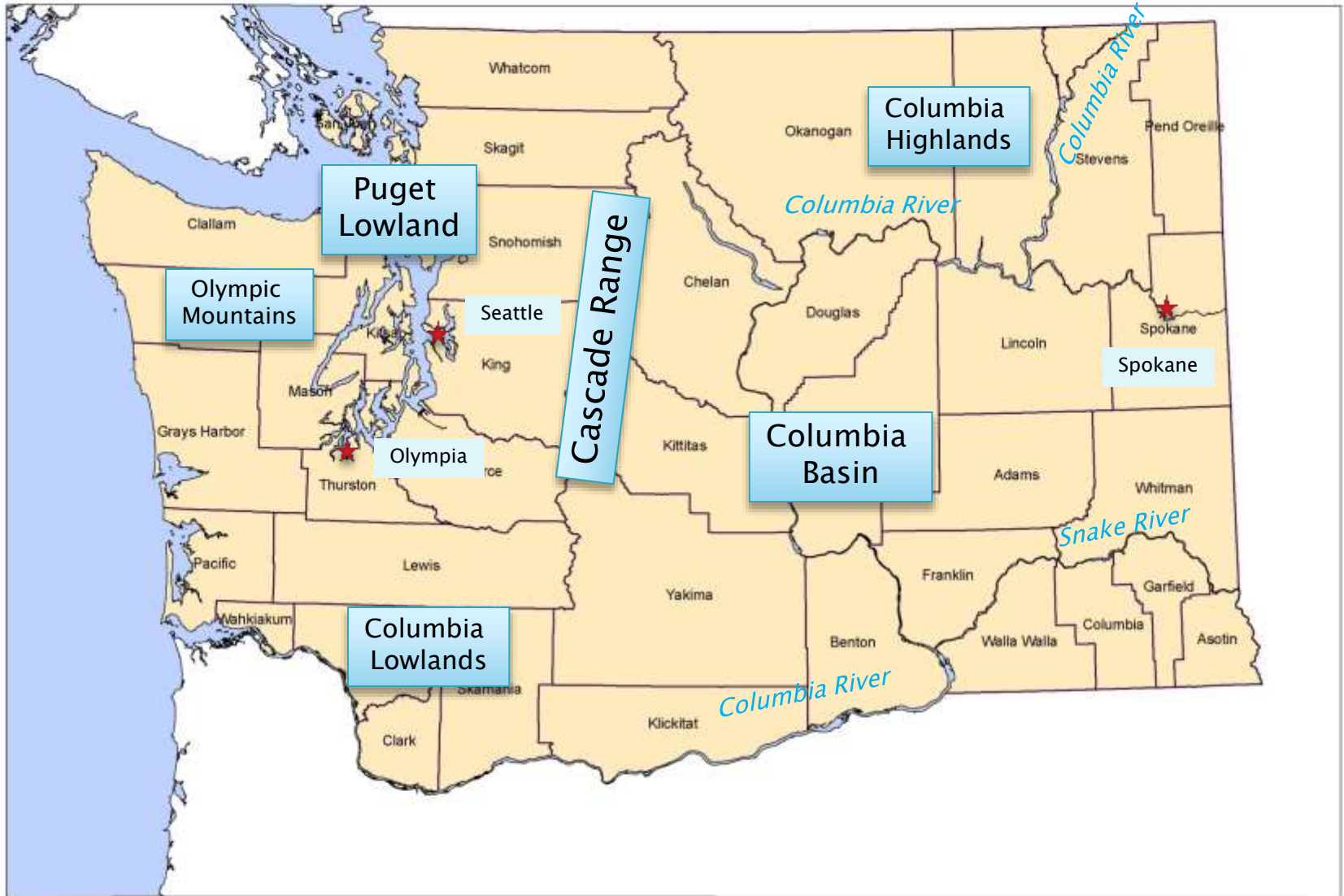
WA Legislative History

- ▶ Growth Management Act (1990)
- ▶ Watershed Planning Act (1998)
- ▶ Municipal Water Law (2003)
- ▶ Columbia River Bill (2006)
- ▶ Adjudications Reform (2009)
- ▶ Statewide Water Banking (2009)

- Water Code (1917)
- Ground Water Code (1945)
- Water Resources Act of 1971



Washington State Counties & Geographic Regions



Growth Management Act

- ▶ Legislature found that uncoordinated and unplanned growth posed a threat to the environment, sustainable economic development, and the quality of life in Washington



GMA Requirements

- ▶ The GMA requires state and local governments to manage Washington's growth by:
 - protecting critical areas and natural resource lands
 - designating urban growth areas
 - preparing comprehensive plans
 - implementing them through capital investments and development regulations.



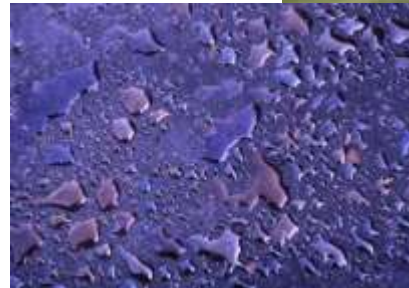
GMA Goals

- ▶ The GMA goal of providing necessary "public facilities and services" is the basis for developing a plan that will not only provide for adequate water facilities, but should also provide for an actual potable water supply that is physically and legally available to serve the future growth.



Watershed Planning Act

- ▶ In 1998 the Washington Legislature enacted the Watershed Planning Act
- ▶ The purpose of the act was to integrate water supply, water quality and habitat planning, including developing options for meeting current and future supply needs



Watershed Planning Status

- ▶ Local watershed planning groups were formed consisting of representatives from county, city, tribal and state governments, as well as local stakeholders
- ▶ Since the legislation was enacted, plans have been written and approved for 36 watersheds throughout the state



Municipal Water Law

- ▶ *Growing Communities Doctrine* – Provides more certainty and flexibility for water rights held by water systems.
- ▶ More closely ties water system planning and engineering approvals by the Department of Health to water rights administered by the state Department of Ecology.
- ▶ Improves the ability to plan for future growth.



Municipal Water Law – 2

- ▶ Offers greater flexibility to solve public health problems with water right changes and transfers.
- ▶ Advances water use efficiency.
- ▶ Assure greater reliability of safe drinking water for communities.



Columbia River Basin Water Management Program

- ▶ Legislation directs the WA Department of Ecology to aggressively pursue development of water supplies to benefit both instream and out-of-stream uses through storage, conservation and voluntary regional water management agreements.



Lake Roosevelt Storage Releases

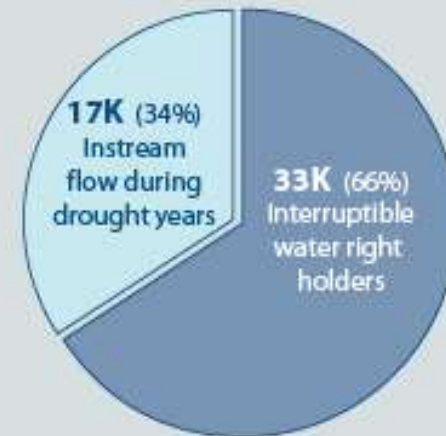
Lake Roosevelt Incremental Storage Releases

Operational change of 1 foot annually and 1.8 feet during drought

The Lake Roosevelt storage release would divert up to 82.5K ac-ft of water for:



In a drought year an additional 50K ac-ft of water for:



Adjudications Reform

- ▶ Legislature enacted Ecology proposed adjudication modernization legislation
- ▶ Legislation drew from *Water Disputes Task Force Report of 2003*
- ▶ Updates adjudication process to make it faster and less complicated
- ▶ Addresses both judicial & non-judicial aspects of law



Adjudications Reform – 2

- ▶ Encourages courts to direct parties toward alternative dispute resolution, mediation and settlement
- ▶ Encourages innovative practices and technologies (electronic filing, teleconferencing, allowing pre-filing of testimony, etc.)
- ▶ Allows service of summons by certified mail vs. personal service
- ▶ Water users served by irrigation districts or public utility districts would not parties to case



Water Banking

- Uses state Trust Water Program for banking
- Clarifies Ecology authority to do water banking statewide
- Expanded to include groundwater
- Consumptive quantity of a water right removed from trust is equal to the consumptive quantity prior to going into trust
- Ecology may recover costs for water service contracts with federal agencies from individuals receiving water



Water & Land Use Planning Challenges

- ▶ No statewide water plan
- ▶ Uncertainty about water rights
- ▶ Watershed planning patchwork
- ▶ Municipal water law conflict
- ▶ Relinquishment – “Use it or lose it”
- ▶ Permit exempt wells
- ▶ Need to integrate planning
- ▶ Relationship of statutes
- ▶ Climate change



Water & Land Use Planning Opportunities

- ▶ Water conservation
- ▶ Water banking / Water acquisition
- ▶ Reclaimed water
- ▶ Columbia River Program
- ▶ Puget Sound Partnership
- ▶ Stormwater management
- ▶ Rainwater harvest
- ▶ Aquifer storage recovery
- ▶ Low impact development
- ▶ Climate change



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WASHINGTON STATE

Department of Ecology

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Solduc Falls