

# Washington groups work to reduce rural well restrictions

By DON JENKINS  
Capital Press

OLYMPIA — More than two dozen organizations, including the Washington Farm Bureau, have joined a “fix Hirst” campaign, urging legislators to pass a bill to restart rural homebuilding halted by a state Supreme Court ruling.

The push to void the court’s 6-3 decision in Whatcom County vs. Hirst, which placed new restrictions on the drilling of domestic wells, comes midway through the legislative session.

The Republican-led Senate has passed legislation supported by the Farm Bureau and others in the “fix Hirst” camp, including builders, real estate agents and lenders. Meanwhile, two bills in the Democratic-controlled House have bogged down and may fail this week to meet a deadline to be passed over to the Senate.

One House bill is similar to the Senate bill, while the other measure — favored by tribes and environmental groups — seeks to carry out the court’s decision. Elements of either bill could be worked into the Senate proposal.

Evan Sheffels, the Farm Bureau’s associate director of govern-



Courtesy of Building Industry Association of Washington  
Members of organizations affected by a Washington Supreme Court decision that halted the drilling of wells for homes hold bottles of water during a demonstration Feb. 28 in front of the Temple of Justice in Olympia.

mental relations, said Tuesday that he’s hopeful the Legislature will pass a “fix Hirst” bill.

Lawmakers have heard unusual-

ly emotional testimony from people blocked from building homes. “The politics will get hotter and harder for legislators if they don’t

solve this problem,” Sheffels said.

The Hirst decision stemmed from a lawsuit by environmentalists against Whatcom County’s planning under the Growth Management Act.

The court ruled in October that the county and individual landowners had to prove each new domestic well would not harm existing water uses, including minimum flows for fish.

The decision upset the longstanding practice of allowing new domestic wells, which consume about 1 percent of the water in Washington, according to the Department of Ecology.

Tribes and environmentalists defend the ruling as sound environmental policy and protective of senior water rights.

The Farm Bureau and others say the ruling robbed landowners of their dream of building rural homes.

Ecology, the agency that manages water resources, has yet to announce support for any bill.

Ecology water resources manager Dave Christensen said Tuesday the department will not offer its own proposal.

“We’re attempting to find common ground among the various proposals,” he said. “We believe building homes can be balanced

with protection of in-stream resources.”

Senate Bill 5239 passed by a 28-21 vote and has been sent to the House Agriculture and Natural Resources Committee.

The bill would restore the state’s pre-Hirst policy of allowing new domestic wells. In areas with water shortages, Ecology could mitigate potential harm for fish with projects such as restoring wetlands. The provision would void another Supreme Court decision that ruled such mitigation projects couldn’t substitute for taking water from streams.

“We believe the Warnick bill would solve the problem for most of the people who could have built before Hirst and who can’t now,” Sheffels said.

The bill’s prime sponsor, Moses Lake Republican Judy Warnick, noted that dissenting justices said the Hirst decision placed a “massive” and “insurmountable” burden on rural landowners who want to build homes.

Sen. John McCoy, D-Tulalip, called the bill “eminent domain on water.”

“It undercuts current water law,” he said. “It will allow someone (by) just buying a piece of property to take water away from someone else,” he said.

## OSU small farms survey asks producers what they want to learn

By ERIC MORTENSON  
Capital Press

Oregon State University’s novel small farms program is asking producers to help guide where it goes next.

The program is part of OSU Extension and offers classes, workshops and training in the Willamette Valley, Southern Oregon and the Columbia River Gorge. Associate Professor Melissa Fery and Assistant Professor Amy Garrett are asking small farmers to take an online survey that will gauge interest in various topics.

The survey asks farmers which production topics interest them, ranging from pasture and grazing management to organic certification, and from fruit, nuts and berries to small grains and diversified vegetables.

Another survey question asks farmers if they are interested in selling directly

to schools, hospitals and retirement communities. Food system activists believe institutional buying is an untapped market for many small and mid-size producers, hampered in part by consolidation, storage, processing and distribution problems.

Other survey questions cover business development and agritourism. Another asks respondents if they want to

learn more about growing fruit and vegetables without supplemental irrigation; Garrett conducted a “dry farming” trial at OSU.

The survey also asks farmers to rate their interest in learning about livestock and forage topics and woodland management topics. The latter include tree planting, riparian management and timber harvesting.

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