

2 **SHB 2013 - H AMD 213 ADOPTED 3-15-97**

3 By Representative Chandler

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5 Beginning on page 2, after line 8, strike all material through  
6 "construction." on page 3, line 7, and insert the following:

7 "(2) An amendment to construct replacement or a new additional well  
8 or wells at a location outside of the location of the original well or  
9 wells or to change the manner or place of use of the water shall be  
10 issued only after publication of notice of the application and findings  
11 as prescribed in the case of an original application. Such amendment  
12 shall be issued by the department only on the conditions that: ((+1))  
13 (a) The additional or ((substitute)) replacement well or wells shall  
14 tap the same body of public ground water as the original well or wells;  
15 ((+2) use of the original well or wells shall be discontinued upon  
16 construction of the substitute well or wells; (3) the construction of  
17 an additional well or wells shall not enlarge the right conveyed by the  
18 original permit or certificate; and (4)) (b) where a replacement well  
19 or wells is approved, the use of the original well or wells shall be  
20 discontinued and the original well or wells shall be properly  
21 decommissioned as required under chapter 18.104 RCW; (c) where an  
22 additional well or wells is constructed, the original well or wells may  
23 continue to be used, but the combined total withdrawal from the  
24 original and additional well or wells shall not enlarge the right  
25 conveyed by the original permit or certificate; and (d) other existing  
26 rights shall not be impaired. The department may specify an approved  
27 manner of construction and shall require a showing of compliance with  
28 the terms of the amendment, as provided in RCW 90.44.080 in the case of  
29 an original permit.

30 (3) The construction of a replacement or new additional well or  
31 wells at the location of the original well or wells shall be allowed  
32 without application to the department for an amendment. However, the  
33 following apply to such a replacement or new additional well: (a) The  
34 well shall tap the same body of public ground water as the original  
35 well or wells; (b) if a replacement well is constructed, the use of the  
36 original well or wells shall be discontinued and the original well or  
37 wells shall be properly decommissioned as required under chapter 18.104

1 RCW; (c) if a new additional well is constructed, the original well or  
2 wells may continue to be used, but the combined total withdrawal from  
3 the original and additional well or wells shall not enlarge the right  
4 conveyed by the original water use permit or certificate; (d) the  
5 construction and use of the well shall not interfere with or impair  
6 water rights with an earlier date of priority than the water right or  
7 rights for the original well or wells; (e) the replacement or  
8 additional well shall be located no closer than the original well to a  
9 well it might interfere with; (f) the department may specify an  
10 approved manner of construction of the well; and (g) the department  
11 shall require a showing of compliance with the conditions of this  
12 subsection (3).

13 (4) As used in this section, the "location of the original well or  
14 wells" is the area described as the point of withdrawal in the original  
15 public notice published for the application for the water right for the  
16 well."

17 EFFECT: The amendment reorganizes the provisions of the substitute  
18 bill to more clearly segregate requirements for wells constructed at  
19 the location of the original well or wells and the requirements for  
20 those constructed elsewhere. The amendment also clarifies that the  
21 "decommissioning" required under the bill is the decommissioning  
22 required under the well construction statutes, chapter 18.104 RCW.

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