
SENATE BILL 5578

State of Washington

54th Legislature

1995 Regular Session

By Senators Swecker, Rasmussen, Fraser, Morton, Wood, Roach, Palmer and Haugen

Read first time 01/27/95. Referred to Committee on Senate Select Committee on Water Policy.

1 AN ACT Relating to certification of small water supply wells;
2 adding a new section to chapter 90.44 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that there are a
5 number of small water supply wells that currently exist in the state
6 for which water rights have been established pursuant to statute but
7 that have not been recorded with the state, nor has the holder of the
8 water right been issued a water right certificate.

9 The purpose of this act is to establish a mechanism whereby a
10 person who has established a water right for a small well that is
11 exempt from the ground water permit process may obtain a certificate of
12 water right and that the state may obtain data and register the
13 location of small water wells.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.44 RCW
15 to read as follows:

16 (1) A person or agency making a small withdrawal exempt under RCW
17 90.44.050 shall be entitled to a right equal to that established under
18 chapter 90.44 RCW and may submit an application for a certificate of

1 water right to the department of ecology. The applicant shall pay a
2 fee of one hundred dollars at the time the application is submitted.
3 The application must include the location of the well and information
4 sufficient to establish that the person or agency has a valid claim to
5 the water. The department of ecology shall develop a simple
6 application form to be used by the applicant in meeting the
7 requirements of this section. Information that may be provided by the
8 applicant includes: The date that the water was first put to use; a
9 well log, if one exists, prepared in accordance with chapter 18.104
10 RCW; the date the dwelling was constructed or first occupied and the
11 date water from the well was supplied to the dwelling; records of power
12 usage; invoices of well construction or of pump installation; or a
13 sworn affidavit attesting to the pertinent facts concerning the well.

14 (2) The department shall issue a certificate of water right and a
15 well identification tag to a person or agency who has provided
16 sufficient information to establish a use under this section. The
17 person or agency must affix the well identification tag to the well.
18 The department shall file a copy of the certificate of water right with
19 the department's data system.

20 (3) False representations under this section are subject to chapter
21 9A.72 RCW.

22 (4) A certificate under this section that is obtained through false
23 representations is void.

24 (5) Fees collected under this section shall be deposited into the
25 department's basic data fund, to be used specifically for data
26 processing and watershed planning.

27 (6) The department shall provide public notice of the application
28 process in this section through press releases, publicity campaigns,
29 public education, and other media actions.

30 (7) Nothing in this section shall authorize the impairment or
31 operate to impair any existing water rights.

32 (8) The department shall not accept applications under this section
33 after December 31, 2001.

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