

2 **SSB 5276** - H COMM AMD

3 By Committee on Agriculture & Ecology

4 ADOPTED AS AMENDED 4/16/97

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that in many basins  
8 in the state there is water available on a seasonal basis that is in  
9 excess of the needs of either existing water right holders or instream  
10 resources. The legislature finds that excess waters often result in  
11 significant flooding and damage to public and private resources.  
12 Further, it is in the public interest to encourage the impoundment of  
13 excess water and other measures that can be used to offset the impact  
14 of withdrawals and diversions on existing rights and instream  
15 resources. Further, in some areas of the state additional supplies of  
16 water are needed to meet the needs of a growing economy and population.  
17 The legislature finds there is a range of alternatives that offset the  
18 impacts that should be encouraged including the creation, restoration,  
19 enhancement, or enlargement of ponds, wetlands, and reservoirs and the  
20 artificial recharge of aquifers.

21 The purpose of this act is to foster the improvement in the water  
22 supplies available to meet the needs of the state. It is the goal of  
23 this act to strengthen the state's economy while maintaining and  
24 improving the overall quality of the state's environment.

25 **Sec. 2.** RCW 90.03.255 and 1996 c 306 s 1 are each amended to read  
26 as follows:

27 The department shall, when evaluating an application for a water  
28 right, transfer, or change filed pursuant to RCW 90.03.250 or 90.03.380  
29 that includes provision for any water impoundment or other resource  
30 management technique, take into consideration the benefits and costs,  
31 including environmental effects, of ((the)) any water impoundment or  
32 other resource management technique that is included as a component of  
33 the application. The department's consideration shall extend to any  
34 increased water supply that results from the impoundment or other  
35 resource management technique, including(()) but not limited to(())

1 any recharge of ground water that may occur, as a means of making water  
2 available or otherwise offsetting the impact of the diversion of  
3 surface water proposed in the application for the water right,  
4 transfer, or change. Provision for an impoundment or other resource  
5 management technique in an application shall be made solely at the  
6 discretion of the applicant and shall not otherwise be made by the  
7 department as a condition for approving an application that does not  
8 include such provision (~~(for impoundment)~~).

9 This section does not lessen, enlarge, or modify the rights of any  
10 riparian owner, or any existing water right acquired by appropriation  
11 or otherwise.

12 **Sec. 3.** RCW 90.44.055 and 1996 c 306 s 2 are each amended to read  
13 as follows:

14 The department shall, when evaluating an application for a water  
15 right or an amendment filed pursuant to RCW 90.44.050 or 90.44.100 that  
16 includes provision for any water impoundment or other resource  
17 management technique, take into consideration the benefits and costs,  
18 including environmental effects, of (~~the~~) any water impoundment or  
19 other resource management technique that is included as a component of  
20 the application. The department's consideration shall extend to any  
21 increased water supply that results from the impoundment or other  
22 resource management technique, including(~~(-)~~) but not limited to(~~(-)~~)  
23 any recharge of ground water that may occur, as a means of making water  
24 available or otherwise offsetting the impact of the withdrawal of  
25 ground water proposed in the application for the water right or  
26 amendment in the same water resource inventory area. Provision for an  
27 impoundment or other resource management technique in an application  
28 shall be made solely at the discretion of the applicant and shall not  
29 be made by the department as a condition for approving an application  
30 that does not include such provision (~~(for impoundment)~~).

31 This section does not lessen, enlarge, or modify the rights of any  
32 riparian owner, or any existing water right acquired by appropriation  
33 or otherwise.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.03 RCW  
35 to read as follows:

36 Upon the request of the applicant, the department shall, when  
37 evaluating an application for a water right, transfer, or change filed

1 pursuant to RCW 90.03.250 or 90.03.380, take into account the recharge  
2 of ground water from septic tanks or other on-site wastewater treatment  
3 facilities in an amount not to exceed the proposed use of water for  
4 indoor purposes. The department shall, based upon hydrogeologic data  
5 for the area in which the application is located, determine the amount  
6 of recharge to the aquifer that is likely to occur and factor that  
7 amount into the decision it makes on the application. Any water right  
8 permit, transfer, or change that is authorized under this section shall  
9 be conditioned to state that the water right permit, transfer, or  
10 change shall remain in effect only so long as the water use, including  
11 the discharge of water used for indoor purposes through a septic tank  
12 or other wastewater treatment facility, remains unchanged from that  
13 proposed in the original application.

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.44 RCW  
15 to read as follows:

16 Upon the request of the applicant, the department shall, when  
17 evaluating an application for a water right or an amendment to a water  
18 right or permit filed pursuant to RCW 90.44.050 or 90.44.100, take into  
19 account the recharge of ground water from septic tanks or other on-site  
20 wastewater treatment facilities in an amount not to exceed the proposed  
21 use of water for indoor purposes. The department shall, based upon  
22 hydrogeologic data for the area in which the application is located,  
23 determine the amount of recharge to the aquifer that is likely to occur  
24 and factor that amount into the decision it makes on the application.  
25 Any water right permit or amendment that is authorized under this  
26 section shall be conditioned to state that the water right permit or  
27 amendment shall remain in effect only so long as the water use,  
28 including the discharge of water used for indoor purposes through a  
29 septic tank or other wastewater treatment facility, remains unchanged  
30 from that proposed in the original application."

31 Correct the title.

32 EFFECT: The amendment: (1) limits the applicability of the  
33 consideration the DOE is to give to impoundment or any other resource  
34 management technique to those applications that include such provision  
35 of impoundment or such techniques and rewords the kind of consideration  
36 to be given; (2) removes the sections of the bill granting priority  
37 processing to certain applications and provide for revisions of

1 applications after permits are conditioned or denied; and (3) gives  
2 recharge of ground water from other on-site wastewater treatment  
3 facilities the same consideration granted by the substitute senate bill  
4 for such recharge from septic tanks.

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