

# ANALYSIS OF HB 2013

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House Agriculture & Ecology Committee

March 5, 1997

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## **BACKGROUND:**

*Permits and Certificates. With the adoption of the surface water code in 1917 and the groundwater code in 1945, new rights to the use of water are established under a permit system. (RCW 90.03.250 and 90.44.050.) However, certain uses of groundwater not exceeding 5,000 gallons per day have been exempted from this permit requirement. (RCW 90.44.050.) The permit system is based on the prior appropriation doctrine that "first in time is first in right." (RCW 90.03.010.) Once water is put to beneficial use in accordance with the conditions of such a permit, the permit holder is issued a water right certificate. (RCW 90.03.330 and 90.44.080.)*

*Transfers and Changes. The water right may be transferred to other uses or places of use through a transfer or change of a surface water right or an amendment to a groundwater right. (RCW 90.03.380.) A substitute or supplementary well may also be provided at a new location under such an amendment for a groundwater right. (RCW 90.44.100.) These transfers, changes, amendments, and substitute wells do not change the priority date of the original water right. However, they cannot be approved if they would interfere with existing rights, including junior rights. (RCW 90.03.380 and 90.44.100.)*

## **SUMMARY:**

*The provisions of the Groundwater Code that permit amendments in the form of transfers or changes in water rights or the construction of replacement or supplementary wells for a groundwater right now apply only to the water rights of a Group A public water system and only if the point of use designated for the right is within an urban growth area as defined in a county growth management plan. (Section 2(1)(a).) Such an amendment may not be granted if it impairs senior water rights. (Section 2(2)(d).)*

*It is clarified that the amendment may be granted for supplementary as well as substitute wells. However, the combined withdrawal from the original and any new wells cannot exceed the right represented by the original water right or certificate. (Section 2.)*

***Proposed Substitute HB 2013 (H-2098.1/97):** The substitute bill no longer confines the groundwater right amendment provisions of law to amendments for rights for Group A public water systems. However, a substitute well or supplementary well at the same location as the original well may be authorized only for a right for such a system and only if the point of use*

*designated for the right is within an urban growth area as defined in a county growth management plan. (Section 2(1)(b).)*

*An amendment to any type of groundwater right may not be granted if it impairs senior water rights. (Section 2(2).)*