

# SENATE BILL REPORT

## ESHB 2013

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As Reported By Senate Committee On:  
Agriculture & Environment, March 26, 1997

**Title:** An act relating to the full and complete development of existing permits or certificates of ground water right.

**Brief Description:** Developing an existing ground water right.

**Sponsors:** House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Regala, Schoesler, Linville, Johnson, Bush, McDonald, Mastin, Talcott, Delvin, Carrell, Smith, Koster, Sullivan, Kastama, Fisher, Conway, Cooper and Honeyford).

**Brief History:**

**Committee Activity:** Agriculture & Environment: 3/25/97, 3/26/97 [DPA].

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### SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

**Majority Report:** Do pass as amended.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, McAuliffe, Oke and Rasmussen.

**Staff:** Bob Lee (786-7404)

**Background:** The holder on a water right for the withdrawal of ground water may apply to the Department of Ecology for an amendment to their permit or certificate to construct wells at a new location. These wells could be in substitution for, or in addition to, those wells at the original location. An amendment may be approved only after publication of a notice of the application and the department making findings as required for a new water right application.

The Department of Ecology may approve the proposed amendment for additional or substitute wells if:

- 1) The additional or substitute well taps the same ground water body as the original well;
- 2) The use of the original well is discontinued upon construction of a substitute well (statute does not require discontinued use of the original well before drilling of additional wells);
- 3) The construction of an additional well will not enlarge the right conveyed by the original permit or certificate; and
- 4) Other existing rights are not impaired.

**Summary of Amended Bill:** Increased specificity is provided in regard to construction of replacement or additional wells:

- 1) Additional or substitute wells must continue to tap the same ground water body as the original well;
- 2) It is clearly provided that when replacement wells are approved, the original well must be properly decommissioned. If, however, an additional well is constructed, the original well does not have to be decommissioned;
- 3) When wells in addition to the original well are constructed, the combined total withdrawal is not to enlarge the right conveyed in the original right;
- 4) If a replacement well or an additional well is constructed at the same location as described in the original public notice, and is no closer to another well than the original well, water may be used up to the maximum limit as conveyed in the original permit without submitting an application for change to the department. However, the department shall require a showing of compliance and may also specify an approved manner of construction;
- 5) To construct additional wells or replacement wells at locations other than the location as contained in the original public notice continues to require submission of an application to the department, and such relocation cannot impair other existing rights.

**Amended Bill Compared to Substitute Bill:** Language is deleted from the intent section that no longer is contained in the substantive sections of the bill.

**Appropriation:** None.

**Fiscal Note:** Requested on February 7, 1997.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The bill reflects the agreement reached by the cooperative public water systems and the Department of Ecology. The bill is needed so that water utilities know the conditions under which they may make use of their ground water rights, and when additional approval from Ecology is required.

**Testimony Against:** Concern was expressed that a replacement or an additional well at the location as published in the original notice may be moved closer to a stream and cause an impact on instream flows. Concern was expressed that Ecology may not have the ability to enforce the showing of compliance– provisions of the bill.

**Testified:** Jeff Johnson, Spanaway Water Company/Water Cooperative of Pierce County; Karla Kay Fullerton, Washington Cattlemen’s Association; Kristen Harte, Snohomish County PUD; Dawn P. Vyvyan, Yakama Nation; John Kounts, Washington PUD Association; Steve Lindstrom, Sno-King Water District Coalition; Linda Crerar, Department of Ecology; Judy Turpin, Washington Environmental Council; John Woodring, Washington Assn. of Realtors.