

FINAL BILL REPORT

SSB 5785

C 446 L 97

Synopsis as Enacted

Brief Description: Providing for consolidation of ground water rights of exempt wells.

Sponsors: Senate Committee on Agriculture & Environment (originally sponsored by Senators Swecker, Newhouse, Morton, Haugen and Rasmussen).

Senate Committee on Agriculture & Environment

House Committee on Agriculture & Ecology

Background: The permit system established in the state's statutory system for the regulation of ground waters allows withdrawal of small quantities of water without first obtaining a permit or certificate. These exemptions include stock watering, watering of lawns and gardens of less than half an acre, single and group domestic uses up to 5,000 gallons per day, and industrial uses up to 5,000 gallons per day.

No provision is made for consolidating an exempt ground water right with another right.

Summary: A procedure is provided for consolidating exempt ground water rights with ground water rights for which a permit or certificate have been issued. When that procedure is followed and the Department of Ecology has issued a consolidation amendment, the consolidation may be accomplished with no effect on the priority of the rights involved.

The procedure is similar to that required for permit applications, requiring application to the department, publication of notice, and a comment period. Prior to issuing a consolidation amendment, the department must determine that: (1) both wells tap the same body of public ground water; (2) use of the exempt well will be discontinued when the consolidation is approved; (3) agreements running with the land will prevent replacement of the discontinued well with another exempt well serving the same area; (4) all discontinued wells will be properly decommissioned; and (5) other existing rights, such as ground and surface water rights and minimum stream flows, will not be impaired.

When the consolidation takes effect, the amount of water to which the permit or certificate holder has a right is increased. The increase is the average volume withdrawn from the discontinued wells over the five years preceding the application date, to a maximum of 5,000 gallons per day. A minimum increase of 800 gallons per day is prescribed, but an alternative minimum volume may be set by the department, in consultation with the Department of Health.

The Department of Ecology is required to presume that an increase proposed in an application is an accurate statement of the five-year average if it is consistent with the average of similar uses in the general area. The department, also in consultation with the Department of Health, is directed to develop a schedule of average household and small-area landscaping uses. A presumption in favor of the consolidation must also be given if the

discontinuance of the exempt well is consistent with an adopted plan for a coordinated water system, a comprehensive land use plan, or other comprehensive watershed management plan designed to decrease the number of small ground water wells.

The department is required to give priority to its consideration of an application. A decision must be reached within 60 days after the end of the comment period or the completion of compliance with the State Environmental Policy Act, whichever is later. This deadline may be extended by agreement between the applicant and the department.

Votes on Final Passage:

Senate	48	0	
House	98	0	(House amended)
Senate	45	0	(Senate concurred)

Effective: July 27, 1997