

SENATE BILL REPORT

SB 5785

As Reported By Senate Committee On:
Agriculture & Environment, March 4, 1997

Title: An act relating to consolidating ground water rights of exempt wells.

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

Sponsors: Senators Swecker, Newhouse, Morton, Haugen and Rasmussen.

Brief History:

Committee Activity: Agriculture & Environment: 2/26/97, 3/4/97 [DPS].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: That Substitute Senate Bill No. 5785 be substituted therefor, and the substitute bill do pass.

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

Staff: Richard Duggan (786-7414)

Background: The permit system established in the state's statutory system for the regulation of ground waters allows a 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 of Substitute Bill: Upon application to the Department of Ecology, the holder of a ground water permit may consolidate with a ground water right exempt from the need for a permit (stockwatering, half-acre lawn or garden watering, single and group domestic uses up to 5,000 gallons per day, industrial uses up to 5,000 gallons per day).

Notice of the consolidation must be published, and the department must determine that:

- (1) both wells tap the same body of public ground water;
- (2) when the consolidation is approved, use of the exempt well ends;
- (3) an agreement running with the land prevents replacement of the exempt well with another exempt well to serve the same area;
- (4) the exempt well to be abandoned will be properly decommissioned, and
- (5) other existing rights, such as ground and surface water rights and minimum stream flows, are not impaired.

The permit increase is an average over the five years preceding the application date but not less than 500 gallons per day for each residential connection nor more than 5,000 gallons per day. The department may establish an alternative minimum volume.

The department must develop a schedule of average household and small-area landscaping uses, in consultation with Department of Health, and give a presumption to the amount proposed by the applicant if it is consistent with the five-year average for similar uses in the general area. A presumption 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 must make its decision on an application within 60 days after either the comment period following publication of the notice 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.

Substitute Bill Compared to Original Bill: Provisions were incorporated into the bill to assure proper decommissioning of abandoned wells, authorize the department to set an alternative minimum certificate increase, and make allowance for Environmental Policy Act compliance.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Incentives to consolidate will provide opportunity to reduce exempt wells without coercing owners, helping to eliminate health risks, proliferating well locations, and potential source contamination.

Testimony Against: None.

Testified: Steve Lindstrom, Sno-King Water District Coalition (pro); Ken Slattery, Dept. Of Ecology (pro w/concerns); Duck Ducharme, BIAW (pro), David Monthie, Dept. of Health.