

SENATE BILL REPORT

SB 5851

As Reported By Senate Committee On:
Agriculture & Environment, March 5, 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: Senators Morton, Rasmussen, Oke and Winsley.

Brief History:

Committee Activity: Agriculture & Environment: 2/26/97, 3/5/97 [DPS].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: That Substitute Senate Bill No. 5851 be substituted therefor, and the substitute bill do pass.

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 the permit or certificate to construct wells at a new location in substitution for, or in addition to, those wells at the original location. An amendment may be approved only after publication of 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 Substitute 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 but if 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) Clarified is that 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 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.

Substitute Bill Compared to Original Bill: The application of the changes only to class A water systems in urban growth areas are deleted. Clarifications were made that more clearly specify when an additional well or a replacement well can be drilled and when such change requires approval of the Department of Ecology.

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 Department of Ecology is interpreting the statutes incorrectly and thus denying public water systems to meet the needs to supply a growing population as mandated by the Growth Management Act.

Testimony Against: The bill goes further than the authors intend. Concern exists regarding not adequately protecting existing water rights.

Testified: Jeffrey Johnson, Spanaway Water Co. (pro); Mark Hullinger, Lakewood Municipal Water District (pro); Mike Matson, Water Cooperative of Pierce County (pro); Kaila Kay Fullerton, Washington Cattlemen's Assn. (con).