
ENGROSSED SUBSTITUTE HOUSE BILL 2013

State of Washington

55th Legislature

1997 Regular Session

By 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)

Read first time 03/05/97.

1 AN ACT Relating to the full and complete development of existing
2 permits or certificates of ground water right; amending RCW 90.44.100;
3 and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The purpose of this act is to ensure
6 that public water systems within urban growth areas are permitted by
7 the department of ecology to fully develop existing valid permits or
8 certificates of ground water right to provide potable water service
9 within the urban growth boundaries as defined in the various county
10 growth management plans.

11 (2) The legislature intends that the holder of a valid permit or
12 certificate of ground water right be permitted by the department of
13 ecology to amend a valid permit or certificate to allow full and
14 complete development of the valid right by the construction of
15 replacement or additional wells at the original location or new
16 locations.

17 **Sec. 2.** RCW 90.44.100 and 1987 c 109 s 113 are each amended to
18 read as follows:

1 (1) After an application to, and upon the issuance by the
2 department of an amendment to the appropriate permit or certificate of
3 ground water right, the holder of a valid right to withdraw public
4 ground waters may, without losing ~~((his))~~ the holder's priority of
5 right, construct wells or other means of withdrawal at a new location
6 in substitution for or in addition to those at the original location,
7 or ~~((he))~~ the holder may change the manner or the place of use of the
8 water(~~((: PROVIDED, HOWEVER, That such amendment))~~).

9 (2) An amendment to construct replacement or a new additional well
10 or wells at a location outside of the location of the original well or
11 wells or to change the manner or place of use of the water shall be
12 issued only after publication of notice of the application and findings
13 as prescribed in the case of an original application. Such amendment
14 shall be issued by the department only on the conditions that: ~~((1))~~
15 (a) The additional or ~~((substitute))~~ replacement well or wells shall
16 tap the same body of public ground water as the original well or wells;
17 ~~((2) use of the original well or wells shall be discontinued upon~~
18 construction of the substitute well or wells; ~~(3) the construction of~~
19 an additional well or wells shall not enlarge the right conveyed by the
20 original permit or certificate; and ~~(4))~~ (b) where a replacement well
21 or wells is approved, the use of the original well or wells shall be
22 discontinued and the original well or wells shall be properly
23 decommissioned as required under chapter 18.104 RCW; (c) where an
24 additional well or wells is constructed, the original well or wells may
25 continue to be used, but the combined total withdrawal from the
26 original and additional well or wells shall not enlarge the right
27 conveyed by the original permit or certificate; and (d) other existing
28 rights shall not be impaired. The department may specify an approved
29 manner of construction and shall require a showing of compliance with
30 the terms of the amendment, as provided in RCW 90.44.080 in the case of
31 an original permit.

32 (3) The construction of a replacement or new additional well or
33 wells at the location of the original well or wells shall be allowed
34 without application to the department for an amendment. However, the
35 following apply to such a replacement or new additional well: (a) The
36 well shall tap the same body of public ground water as the original
37 well or wells; (b) if a replacement well is constructed, the use of the
38 original well or wells shall be discontinued and the original well or
39 wells shall be properly decommissioned as required under chapter 18.104

1 RCW; (c) if a new additional well is constructed, the original well or
2 wells may continue to be used, but the combined total withdrawal from
3 the original and additional well or wells shall not enlarge the right
4 conveyed by the original water use permit or certificate; (d) the
5 construction and use of the well shall not interfere with or impair
6 water rights with an earlier date of priority than the water right or
7 rights for the original well or wells; (e) the replacement or
8 additional well shall be located no closer than the original well to a
9 well it might interfere with; (f) the department may specify an
10 approved manner of construction of the well; and (g) the department
11 shall require a showing of compliance with the conditions of this
12 subsection (3).

13 (4) As used in this section, the "location of the original well or
14 wells" is the area described as the point of withdrawal in the original
15 public notice published for the application for the water right for the
16 well.

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