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HOUSE BILL 2304

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Chandler, Huff, Kastama, Bush, McDonald and Sullivan

Prefiled 12/24/97. Read first time 01/12/98. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to water rights; and amending RCW 90.14.140 and  
2 90.44.080.

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

4 **Sec. 1.** RCW 90.14.140 and 1987 c 125 s 1 are each amended to read  
5 as follows:

6 (1) For the purposes of RCW 90.14.130 through 90.14.180,  
7 "sufficient cause" shall be defined as the nonuse of all or a portion  
8 of the water by the owner of a water right for a period of five or more  
9 consecutive years where such nonuse occurs as a result of:

10 (a) Drought, or other unavailability of water;

11 (b) Active service in the armed forces of the United States during  
12 military crisis;

13 (c) Nonvoluntary service in the armed forces of the United States;

14 (d) The operation of legal proceedings;

15 (e) Federal laws imposing land or water use restrictions either  
16 directly or through the voluntary enrollment of a landowner in a  
17 federal program implementing those laws, or acreage limitations, or  
18 production quotas.

1 (2) Notwithstanding any other provisions of RCW 90.14.130 through  
2 90.14.180, there shall be no relinquishment of any water right:

3 (a) If such right is claimed for power development purposes under  
4 chapter 90.16 RCW and annual license fees are paid in accordance with  
5 chapter 90.16 RCW((~~7~~))i or

6 (b) If such right is used for a standby or reserve water supply to  
7 be used in time of drought or other low flow period so long as  
8 withdrawal or diversion facilities are maintained in good operating  
9 condition for the use of such reserve or standby water supply((~~7~~))i or

10 (c) If such right is claimed for a determined future development to  
11 take place either within fifteen years of July 1, 1967, or the most  
12 recent beneficial use of the water right, whichever date is later((~~7~~))i  
13 or

14 (d) If such right is claimed for municipal water supply purposes  
15 under chapter 90.03 RCW((~~7~~)). For purposes of this subsection (2)(d),  
16 "municipal water supply purposes" means those public water system  
17 rights certificated, permitted, or authorized by the department to  
18 public water systems that are both (i) granted an operating permit  
19 under RCW 70.119A.100 by the department of health or approved by a  
20 local county health agency, and (ii) expanding public water systems  
21 with approved water system comprehensive plans under RCW 43.20.050 and  
22 rules adopted under RCW 43.20.050; or

23 (e) If such waters are not subject to appropriation under the  
24 applicable provisions of RCW 90.40.030 as now or hereafter amended.

25 **Sec. 2.** RCW 90.44.080 and 1987 c 109 s 111 are each amended to  
26 read as follows:

27 (1) Upon a showing to the department that construction has been  
28 completed in compliance with the terms of any permit issued under the  
29 provisions of this chapter, it shall be the duty of the department to  
30 issue to the permittee a certificate of ground water right stating that  
31 the appropriation has been perfected under such permit: PROVIDED,  
32 HOWEVER, That such showing shall include the following information:  
33 ((~~+1~~)) (a) The location of each well or other means of withdrawal  
34 constructed under the permit, both with respect to official land  
35 surveys and in terms of distance and direction to any preexisting well  
36 or wells or works constructed under an earlier permit or approved  
37 declaration of a vested right, provided the distance to such pre-  
38 existing well or works is not more than a quarter of a mile; ((~~+2~~))

1 (b) the depth and diameter of each well or the depth and general  
2 specifications of any other works constructed under the terms of the  
3 permit; ~~((+3))~~ (c) the thickness in feet and the physical character of  
4 each bed, stratum, or formation penetrated by each well; ~~((+4))~~ (d)  
5 the length and position, in feet below the land surface, and the  
6 commercial specifications of all casing, also of each screen or  
7 perforated zone in the casing of each well constructed; ~~((+5))~~ (e) the  
8 tested capacity of each well in gallons a minute, as determined by  
9 measuring the discharge of the pump or pumps after continuous operation  
10 for at least four hours or, in the case of a flowing well, by measuring  
11 the natural flow at the land surface; ~~((+6))~~ (f) for each nonflowing  
12 well, the depth to the static ground water level as measured in feet  
13 below the land surface immediately before the well-capacity test herein  
14 provided, also the draw-down of the water level, in feet, at the end of  
15 said well-capacity test; ~~((+7))~~ (g) for each flowing well, the shut-in  
16 pressure measured in feet above the land surface or in pounds per  
17 square inch at the land surface; and ~~((+8))~~ (h) such additional  
18 factual information as reasonably may be required by the department to  
19 establish compliance with the terms of the permit and with the  
20 provisions of this chapter.

21 (2) The well driller or other constructor of works for the  
22 withdrawal of public ground waters shall be obligated to furnish the  
23 permittee a certified record of the factual information necessary to  
24 show compliance with the provisions of this section.

25 (3) Certificated or permitted appropriations for municipal water  
26 supply purposes as defined in RCW 90.14.140(2)(d) are perfected to the  
27 full certificated or permitted withdrawal rates.

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