

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2013

55th Legislature
1997 Regular Session

Passed by the House April 21, 1997
Yeas 94 Nays 0

Speaker of the
House of Representatives

Passed by the Senate April 8, 1997
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2013** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 2013

AS AMENDED BY THE SENATE

Passed Legislature - 1997 Regular Session

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.** The legislature intends that the holder of
6 a valid permit or certificate of ground water right be permitted by the
7 department of ecology to amend a valid permit or certificate to allow
8 full and complete development of the valid right by the construction of
9 replacement or additional wells at the original location or new
10 locations.

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

13 (1) After an application to, and upon the issuance by the
14 department of an amendment to the appropriate permit or certificate of
15 ground water right, the holder of a valid right to withdraw public
16 ground waters may, without losing ((his)) the holder's priority of
17 right, construct wells or other means of withdrawal at a new location
18 in substitution for or in addition to those at the original location,

1 or ((he)) the holder may change the manner or the place of use of the
2 water(~~(: PROVIDED, HOWEVER, That such amendment)~~).

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

26 (3) The construction of a replacement or new additional well or
27 wells at the location of the original well or wells shall be allowed
28 without application to the department for an amendment. However, the
29 following apply to such a replacement or new additional well: (a) The
30 well shall tap the same body of public ground water as the original
31 well or wells; (b) if a replacement well is constructed, the use of the
32 original well or wells shall be discontinued and the original well or
33 wells shall be properly decommissioned as required under chapter 18.104
34 RCW; (c) if a new additional well is constructed, the original well or
35 wells may continue to be used, but the combined total withdrawal from
36 the original and additional well or wells shall not enlarge the right
37 conveyed by the original water use permit or certificate; (d) the
38 construction and use of the well shall not interfere with or impair
39 water rights with an earlier date of priority than the water right or

1 rights for the original well or wells; (e) the replacement or
2 additional well shall be located no closer than the original well to a
3 well it might interfere with; (f) the department may specify an
4 approved manner of construction of the well; and (g) the department
5 shall require a showing of compliance with the conditions of this
6 subsection (3).

7 (4) As used in this section, the "location of the original well or
8 wells" is the area described as the point of withdrawal in the original
9 public notice published for the application for the water right for the
10 well.

--- END ---