
SUBSTITUTE SENATE BILL 5851

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Agriculture & Environment (originally sponsored by Senators Morton, Rasmussen, Oke and Winsley)

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 new additional wells
10 at a new location or to change the manner or place of use of the water
11 shall be issued only after publication of notice of the application and
12 findings as prescribed in the case of an original application. Such
13 amendment shall be issued by the department only on the conditions
14 that: ~~((1))~~ (a) The additional or ~~((substitute))~~ replacement well or
15 wells shall tap the same body of public ground water as the original
16 well or wells; ~~((2) use of the original well or wells shall be~~
17 discontinued upon construction of the substitute well or wells; (3) the
18 construction of an additional well or wells shall not enlarge the right
19 conveyed by the original permit or certificate; and ~~(4))~~ (b) where a
20 replacement well or wells is approved, the use of the original well or
21 wells shall be discontinued and the original well or wells shall be
22 properly decommissioned; (c) where an additional well or wells is
23 constructed, the original well or wells may continue to be used, but
24 the combined total withdrawal from the original and additional well or
25 wells shall not enlarge the right conveyed by the original permit or
26 certificate; (d) in the case of replacement or additional well or wells
27 at the location of the original well or wells other earlier priority
28 existing rights shall not be impaired. The "location of the original
29 well or wells" is defined as being within an area described as the
30 point of withdrawal in the original public notice, as long as the
31 replacement or additional well or wells will be no closer to another
32 well with which the replacement or additional well or wells might
33 interfere; or (e) in the case of replacement or additional well or
34 wells outside the original well or wells location as defined in (d) of
35 this subsection other existing rights shall not be impaired. The
36 department may specify an approved manner of construction and shall
37 require a showing of compliance with the terms of the amendment, as
38 provided in RCW 90.44.080 in the case of an original permit.

1 (3) The construction of replacement or new additional well or wells
2 at the original location as defined in subsection (2)(d) of this
3 section shall be permitted without application to the department for an
4 amendment. However, the department shall require a showing of
5 compliance with the conditions under subsection (2)(a) through (d) of
6 this section. The department may specify an approved manner of
7 construction.

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