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HOUSE BILL 2135

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State of Washington

57th Legislature

2001 Regular Session

By Representatives G. Chandler, Clements, Delvin and Woods

Read first time 02/16/2001. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to clarifying the ability to change the purpose of  
2 ground water withdrawals; and amending RCW 90.44.100.

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

4 **Sec. 1.** RCW 90.44.100 and 1997 c 316 s 2 are each amended to read  
5 as follows:

6 (1) After an application to, and upon the issuance by the  
7 department of an amendment to the appropriate permit or certificate of  
8 ground water right, the holder of a valid right to withdraw public  
9 ground waters may, without losing the holder's priority of right,  
10 construct wells or other means of withdrawal at a new location in  
11 substitution for or in addition to those at the original location, or  
12 the holder may change the ((manner)) purpose or the place of use of the  
13 water.

14 (2) An amendment to construct replacement or a new additional well  
15 or wells at a location outside of the location of the original well or  
16 wells or to change the ((manner)) purpose or place of use of the water  
17 shall be issued only after publication of notice of the application and  
18 findings as prescribed in the case of an original application. Such  
19 amendment shall be issued by the department only on the conditions

1 that: (a) The additional or replacement well or wells shall tap the  
2 same body of public ground water as the original well or wells; (b)  
3 where a replacement well or wells is approved, the use of the original  
4 well or wells shall be discontinued and the original well or wells  
5 shall be properly decommissioned as required under chapter 18.104 RCW;  
6 (c) where an additional well or wells is constructed, the original well  
7 or wells may continue to be used, but the combined total withdrawal  
8 from the original and additional well or wells shall not enlarge the  
9 right conveyed by the original permit or certificate; and (d) other  
10 existing rights shall not be impaired. The department may specify an  
11 approved ((~~manner~~)) purpose of construction and shall require a showing  
12 of compliance with the terms of the amendment, as provided in RCW  
13 90.44.080 in the case of an original permit.

14 (3) The construction of a replacement or new additional well or  
15 wells at the location of the original well or wells shall be allowed  
16 without application to the department for an amendment. However, the  
17 following apply to such a replacement or new additional well: (a) The  
18 well shall tap the same body of public ground water as the original  
19 well or wells; (b) if a replacement well is constructed, the use of the  
20 original well or wells shall be discontinued and the original well or  
21 wells shall be properly decommissioned as required under chapter 18.104  
22 RCW; (c) if a new additional well is constructed, the original well or  
23 wells may continue to be used, but the combined total withdrawal from  
24 the original and additional well or wells shall not enlarge the right  
25 conveyed by the original water use permit or certificate; (d) the  
26 construction and use of the well shall not interfere with or impair  
27 water rights with an earlier date of priority than the water right or  
28 rights for the original well or wells; (e) the replacement or  
29 additional well shall be located no closer than the original well to a  
30 well it might interfere with; (f) the department may specify an  
31 approved ((~~manner~~)) purpose of construction of the well; and (g) the  
32 department shall require a showing of compliance with the conditions of  
33 this subsection (3).

34 (4) As used in this section, the "location of the original well or  
35 wells" is the area described as the point of withdrawal in the original  
36 public notice published for the application for the water right for the  
37 well.

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