
SENATE BILL 6668

State of Washington 57th Legislature

2002 Regular Session

By Senators Keiser, Johnson, Hale, Regala, McDonald, Fraser and Rasmussen

Read first time 01/25/2002. Referred to Committee on Environment, Energy & Water.

1 AN ACT Relating to location of replacement or redundancy wells of
2 public water systems; 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 or the place of use of the water.

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

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

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

33 (4) The construction of a replacement or new redundancy well or
34 wells by a public water system at a location outside of the location of
35 the original well or wells shall be allowed without application to the
36 department for an amendment. However, the following apply to such a
37 replacement or new redundancy well:

38 (a) The well shall tap the same body of public ground water as the
39 original well or wells;

1 (b) If a replacement well is constructed, the use of the original
2 well or wells shall be discontinued and the original well or wells
3 shall be properly decommissioned as required under chapter 18.104 RCW;

4 (c) If a new redundancy well is constructed, the original well or
5 wells may continue to be used, but the combined total withdrawal from
6 the original and redundancy well or wells shall not enlarge the right
7 conveyed by the original water use permit or certificate;

8 (d) The construction and use of the well shall not interfere with
9 or impair water rights with an earlier date of priority than the water
10 right or rights for the original well or wells;

11 (e) The replacement or redundancy well shall be located no closer
12 than the original well to a well it might interfere with;

13 (f) The department may specify an approved manner of construction
14 of the well;

15 (g) Opportunities at the location of the original well or wells
16 are not available or suitable due to land use, sanitary zone
17 interference, or water quality problems, or poor geologic or aquifer
18 conditions cause inadequate or unreliable supply;

19 (h) The construction and use of the well will cause no greater
20 effect on surface waters than full exercise of the water right at the
21 location of the original well or wells; and

22 (i) The department shall require a showing of compliance with the
23 conditions of this subsection (4).

24 (5) As used in this section, the "location of the original well or
25 wells" is the area described as the point of withdrawal in the original
26 public notice published for the application for the water right for the
27 well.

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