
**Agriculture & Natural
Resources Committee**

HB 1337

Brief Description: Concerning the construction of an additional or replacement well.

Sponsors: Representatives Rockefeller, Schoesler, Lantz, Linville, Shabro, Jarrett, Kirby, Grant, Quall, Hunt, Delvin, Woods, Chandler, Morris, Conway, Bush, Anderson and Pflug; by request of Governor Locke.

Brief Summary of Bill

- Authorizes changes of existing ground water rights to new locations within a water resource inventory area WRIA or in an adjacent WRIA instead of new locations tapping the same water body.
- Expands the area in which new or replacement wells may be constructed under an existing right without a requirement that departmental approval be obtained; and identifies a new area in which the wells may be authorized through a notification and publication process.

Hearing Date: 1/29/03

Staff: Kenneth Hirst (786-7105).

Background:

Various aspects of a ground water right may be modified with the approval of the Department of Ecology (DOE) if the modifications to the right will not impair other existing water rights, the wells under the modified right tap the same ground water body as wells under the original right, and the water right is not enlarged. If a well is replaced in the process, it must be properly decommissioned. The modified right has the same date of priority as the original right. For ground water rights, these modifications are "amendments" of the rights.

Under certain circumstances, new or replacement wells may be constructed to withdraw water under the right without the holder of the right seeking the approval of the DOE. Such new or replacement wells must be constructed within an area known as the "location of the

original well or wells." This is the area that was described as the point of withdrawal in the original public notice published when the original water right was applied for. (RCW 90.44.100.)

Summary of Bill:

The nature of the modifications to an existing ground water right that may be authorized under the formal procedure for amending existing ground water rights is expanded. The amended right need no longer tap the same ground water body; however, the replacement or new wells must be within the same water resource inventory area (WRIA) as the original right or within an adjoining WRIA. (Section 1(2).) A formal amendment of the right, or a change that can be made under current law without applying to the DOE, is prohibited from increasing the annual or instantaneous quantity of the water withdrawn, rather being prohibited from "enlarging" the water right. (Section 1(2)&(3).) The "location of the original well or wells" within which such a change can currently be made without applying to the DOE is expanded. It is now either the location identified in the notice published for the original well or wells or within 1/4 mile of them, whichever area is larger. (Section 1(4).)

A new procedure is set out for authorizing the constructing replacement or new wells under an existing right in the area outside of the "location of the original well or wells" but within two miles of those wells. Under this procedure, notice must be provided to the DOE and must be published regarding the replacement or new well. Certain aspects of the changes in the right that must be contained in the notice are identified and others are to be determine by the DOE. If a claim of impairment is filed with the DOE within 30 days of the notice, this procedure may be used only if the final resolution (administrative or judicial) of the claim results in a finding of no impairment. (Section 1(5).)

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.