

---

SENATE BILL 5023

---

State of Washington

58th Legislature

2003 Regular Session

By Senators Honeyford and Hale

Read first time 01/13/2003. Referred to Committee on Natural Resources, Energy & Water.

1 AN ACT Relating to public ground water; and amending RCW 90.44.100.

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

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

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

13 (2) Except as provided in subsections (3) and (4) of this section,  
14 an amendment to construct replacement or a new additional well or wells  
15 at a location outside of the location of the original well or wells  
16 ((or)), to change the ((manner)) purpose or place of use of the water,  
17 or to change the body of public ground water from which water is  
18 withdrawn shall be issued only after publication of notice of the  
19 application and findings as prescribed in the case of an original

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

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

1       (4) The construction of a replacement or a new additional well or  
2 wells, used for municipal or domestic supply, at a location within two  
3 miles of the location of the original well or wells must be allowed  
4 without application to the department for an amendment. However, the  
5 following apply to such a replacement or additional well or wells:

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

8       (b) The use of the replacement or redundancy well or wells will  
9 cause no greater effect on surface waters than full exercise of the  
10 water right at the location of the original well or wells;

11       (c) The use of the replacement or redundancy well or wells will  
12 cause no greater effect than the full exercise of the water right at  
13 the location of the original well or wells on another well within the  
14 same body of public ground water;

15       (d) If a replacement well or wells is constructed, the use of the  
16 original well or wells must be properly decommissioned as required  
17 under chapter 18.104 RCW;

18       (e) If a new additional well or wells is constructed, the original  
19 well or wells may continue to be used, but the combined withdrawal from  
20 the original and additional well or wells may not increase the annual  
21 quantity of the right conveyed by the original water use permit or  
22 certificate;

23       (f) The department may specify an approved manner of construction  
24 of the well or wells; and

25       (g) The department shall require a showing of compliance with the  
26 conditions of this subsection.

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

--- END ---