

# SENATE BILL REPORT

## SB 5757

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As Reported by Senate Committee On:  
Environment, Water & Energy, February 21, 2011

**Title:** An act relating to protecting groundwater.

**Brief Description:** Protecting groundwater.

**Sponsors:** Senators Nelson and Kline.

**Brief History:**

**Committee Activity:** Environment, Water & Energy: 2/15/11, 2/21/11 [DP-WM, DNP].

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### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Rockefeller, Chair; Nelson, Vice Chair; Chase, Fraser and Ranker.

**Minority Report:** Do not pass.

Signed by Senators Honeyford, Ranking Minority Member; Delvin, Holmquist Newbry and Morton.

**Staff:** Karen Epps (786-7424)

**Background:** The Department of Ecology (Ecology) is directed to ensure that the waters of the state are utilized for the best interests of the people, to develop and implement a comprehensive state water resources program that will provide a process for making decisions on future water resource allocation and use. Subject to existing rights, all natural groundwaters of the state are public ground waters, belong to the public, and are subject to appropriation for beneficial use.

Additionally, Ecology must make complete inventories of the state's water resources, including both surface and groundwater. Ecology may enter into agreements with the Director of the U.S. Geological Survey to ensure that investigations and surveys are carried on in an economical manner.

The Water Well Construction Act governs the design, construction, alteration, and decommissioning of water wells and resource protection wells in this state. Ecology regulates well design, construction, and maintenance. Fees are established in statute for

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wells constructed and decommissioned in this state. The fee for one new water well is either \$200 or \$300, depending on the diameter of the well's top casing. The fee for a new resource protection well is \$40. Fees also are specified for environmental investigation wells and for construction and decommissioning of a dewatering well system.

**Summary of Bill:** A surcharge of \$200 is added to the fee on each water well other than a dewatering well. The surcharge must be deposited into the Groundwater Management Account, that is created. Expenditures from the account may be used by Ecology for programs relating to the management of groundwater resources, including groundwater mapping and resource assessment.

**Appropriation:** None.

**Fiscal Note:** Available.

[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill came out of a discussion about how important our water is and how important it is to know where our water is. This bill would require a \$200 fee when someone is drilling a well that could go to mapping and groundwater management for Ecology. In order to properly manage water, it is essential that there be information about how much is committed, where it is located, and how much is available. This bill would fund Ecology's data mapping and assessment program. It can cost \$10,000 to \$100,000 or more to construct a well, so this is a modest increase. This bill will move Washington forward in water management. It is important that Ecology make science-based decisions when addressing water management. There is concern about permit exempt well use. Having more information will reduce the likelihood of conflicts in the future.

CON: This bill could badly impact local communities, especially economically depressed communities. This bill represents a targeted fee assault on the most commonly constructed water well, the small, family owned, domestic well. Domestic well construction division is 100 percent supported by well drilling and licensing fees. Rural property owners would be expected to pay an additional \$400 on top of their current \$300 fee for constructing a small exempt well. The fee in this bill would represent a 125 percent increase over a domestic property owner's current state well fee cost. This bill needs more clarity on exactly where the fee monies are directed. The fees in this bill are far too excessive for Washington's rural property owner.

**Persons Testifying:** PRO: Senator Nelson, prime sponsor; John Konovsky, Squaxin Island Tribe; Patricia Sumpton, Sierra Club; Ken Slattery, Department of Ecology; Darcy Nonemacher, American Rivers; Steve Robinson, Center for Environmental Law and Policy.

CON: James Fritz, citizen; Glen Smith, Washington State Groundwater Association; Steve Lindstrom, Sno-King Water District Coalition.