
**Agriculture & Natural Resources
Committee**

HB 1375

Brief Description: Concerning consolidating a new exempt withdrawal of groundwater into an existing public water system.

Sponsors: Representatives Blake and Chandler.

Brief Summary of Bill

- Allows a Group A or Group B water system that could provide adequate potable water for new development if not for the water system's lack of sufficient water rights to consolidate water system's existing withdrawals with the necessary allowed permit exempt well withdrawals.

Hearing Date: 2/7/13

Staff: Jason Callahan (786-7117).

Background:

Groundwater Exempt Wells.

All groundwater withdrawals require an application and permit from the Department of Ecology (Department). Exemptions from this permit include any withdrawal of public groundwater for stock-watering purposes, or for watering a lawn or a noncommercial garden less than 0.5 acre.

Single or group domestic uses or industrial purposes in an amount not exceeding five thousand gallons a day are also exempt [RCW 90.44.050]. Court rulings have held that group uses are only eligible to withdraw a total of 5,000 gallons per day for the entire group under the applicable exemption.

If a water user has a valid water right that allows for the permitted withdraw of groundwater, that water right holder may consolidate that allowed withdraw amount with any withdraws allowed

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under the permit exemption for groundwater withdraws. This consolidation does not affect the water right's priority. However, the consolidated amount of exempt well withdrawals is not necessarily 5,000 gallons per day. The water right holder may only consolidate the greater of the average amount withdrawn over the previous five years or 800 gallons per day for each residential connection. The 800 gallons per day minimum may be adjusted in rule by the Department.

Local Building Approvals.

The approval or denial of building permits and subdivision formalization is generally a local government decision. In making these decisions, a local government must consider if the public interest is served by the proposed subdivision and whether or not appropriate provisions will be made for public health, safety, the general welfare, and other considerations. One of these considerations is whether the proposed subdivision will have access to sufficient potable water.

Water Systems.

Group A public water systems are water systems with fifteen or more service connections, a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, or a system serving one thousand or more people for two or more consecutive days. Group B public water systems are any public water system that does not meet the definition of a Group A public water system.

Summary of Bill:

If a local government determines that sufficient potable water is available for a building permit or a subdivision application for single or group domestic uses under the exempt well statute, and that a Group A or Group B water system could provide adequate potable water if not for the water system's lack of sufficient water rights, then a consolidation of the water system's existing withdrawals with the necessary allowed permit exempt well withdrawals is allowed. This consolidation is allowed up to the 5,000 gallons per day exempt well level and the water system must show that the water is used beneficially.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.