
**Agriculture & Natural Resources
Committee**

HB 1548

Brief Description: Concerning efficiencies in the department of ecology processing of water right change applications that move the point of withdrawal reducing the potential for surface water body impacts.

Sponsors: Representatives Blake, Chandler, Morrell and Green.

Brief Summary of Bill

- Provides the Department of Ecology specific direction in how to consider certain applications to amend existing groundwater rights to allow for the construction of new wells to serve as an addition or substitution to existing wells.

Hearing Date: 2/7/13

Staff: Jason Callahan (786-7117).

Background:

A change in the place of use, point of diversion, or purpose of use of a water right to allow the irrigation of additional acreage or the addition of new uses may be permitted if the change results in no increase in the annual consumptive quantity of water used under the water right. The "annual consumptive quantity" is the estimated or actual annual amount of water diverted under the water right as that amount is reduced by the estimated annual amount of return flows, averaged over the most recent five year period of continuous beneficial use of the water right.

All change applications must be filed with, and approved, by the Department of Ecology (Department). The Department may approve the application, after providing public notice, if the change appears to not injure or serve as a detriment to any other water rights.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The right to withdraw groundwater may be changed without losing any of water right's priority status. The groundwater rights holder may construct wells at a new location as a substitute or addition to the original wells. The rights holder may also change the place of water use.

In order to utilize this option, the groundwater rights holder must submit an application to the Department. Information from the application must be published and notice must be provided along the same terms as the application for the original water right. The Department may only approve the change application if the new wells will tap the same body of public groundwater as the original wells, the original wells will be decommissioned or reduced in use so as to not enlarge the total withdraws, and no other existing rights are impaired.

Summary of Bill:

The Department is given specific direction in how to consider certain applications to amend existing groundwater rights to allow for the construction of new wells to serve as an addition or substitution to existing wells. In these cases, the Department's consideration must be limited to determining the scope and availability of existing rights and whether the hydrological analysis provided by the application sufficiently demonstrates that existing water rights will not be impaired.

The limited review is only required by the Department in certain situations. These situations include:

- when the change in location is further from a hydraulically-connected surface water body but within the same body of groundwater;
- when the move it to a lower aquifer depth; and
- when the affected groundwater discharges into salt water.

In addition to satisfying one of the above conditions, the application must also satisfy criteria such as involving a withdraw that does not increase the permittee's instantaneous withdraw quantity and providing the Department with a hydrological analysis shows that there is no impairment to existing rights.

The Department must make a decision on the application with 120 days of posting notice of the application on the Department's website. If there has been no approval after 120 days, the Department can extend the review period or take no action. The application is deemed approved if the Department takes no action. Any person who alleges that the change in the well location will impair his or her water right may file a letter of concern with the Department within 30 days of notice of the application.

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.