
**Agriculture & Natural Resources
Committee**

ESSB 5200

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

Sponsors: Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Hatfield and Shin).

Brief Summary of Engrossed Substitute 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 the water system's existing withdrawals with the necessary allowed permit exempt well withdrawals.

Hearing Date: 3/21/13

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 in size.

Single or group domestic uses or industrial purposes in an amount not exceeding 5,000 gallons a day are also exempt. 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.

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.

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 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 The water right holder may only consolidate the greater of the average amount withdrawn over the previous five years or 800 gallons per day for each residential connection.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 15 or more service connections, a system serving an average of 25 or more people per day for 60 or more days within a calendar year, or a system serving 1,000 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:

Express authority is provided for a public water system to service a new development with up to 5,000 gallons of water a day that would otherwise, but for the service of the water system, be provided through the use of a private exempt well. The public water system providing the water could expand the amount of water allowed to be withdrawn under its existing water right by the amount used to service the new development if certain conditions are met.

In order to consolidate the water used to service a new development with an existing water right, the public water system would have to show that it is in compliance with all applicable water resource, water use efficiency, and drinking water requirements. It would also have to show that any withdraws would be from the same body of ground water as would wells that would otherwise service the development, and that the water system would not be able to service the development but for the increase to the water system's authorized withdraws.

Any consolidation of water rights with exempt well withdraws would have to occur within the first five years of providing water. At that time, the water system must comply with any applicable provisions relating to notice and impairment and provide information to the Department related to water use for the new development. Information regarding water use must be gleaned from water meter data.

Appropriation: None.

Fiscal Note: Available.

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