

SENATE BILL REPORT

SB 5462

As of February 19, 2013

Title: An act relating to efficiencies in the department of ecology processing of water right change applications to permit the consolidation of the annual quantities of those water rights held by the applicant.

Brief Description: Concerning efficiencies in the department of ecology processing of water right change applications to permit the consolidation of the annual quantities of those water rights held by the applicant.

Sponsors: Senators Honeyford, Carrell and McAuliffe.

Brief History:

Committee Activity: Agriculture, Water & Rural Economic Development: 2/11/13.

SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

Staff: Bob Lee (786-7404)

Background: Current law allows persons to apply for amendments to ground water for their withdrawal at a new location in substitution for, or in addition to, the original location. An amendment may be issued after publication of notice and findings as prescribed for an original application. The amendment may only be issued by the Department of Ecology (DOE) if:

- the additional or replacement well taps the same body of ground water as the original well;
- that use of the original well is discontinued and properly decommissioned;
- that the combined total withdrawal is not enlarged; and
- other existing rights will not be impaired.

A replacement well or new additional well may be constructed at the same location without applying to DOE for a permit. A similar list of requirements apply. The location of the original well is the area described as the point of withdrawal in the public notice published for the application for the water right. Thus, the replacement well needs to be constructed near the original well.

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.

Summary of Bill: A process is established to provide a limited review by DOE that applies to the consolidation of the annual quantities of multiple water rights from the same body of public groundwater if certain conditions are met. These conditions include the following:

- the annual quantity of the consolidated water rights does not exceed the combined total of the individual water rights;
- the instantaneous quantity of any water right is not increased;
- a hydrological analysis presented by the applicant shows that there will be no impairment or reduced potential impairment of existing water rights;
- that the applicant complies with notice requirements; and
- the applicant provides DOE with a draft report of examination that satisfies the criteria of this subsection.

If all conditions are met, DOE's scope of consideration for the application must be limited to:

- the validity of the affected water rights; and
- whether the hydrological analysis presented by the applicant shows that there will be no impairment of an existing water right.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: None.

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

Staff Summary of Public Testimony: PRO: This bill does not enlarge the annual quantity that may be withdrawn. An example would allow the consolidation of 11 rights' annual quantities. Water system infrastructure and wells are aging prevalently, and this bill would allow for replacing those old facilities with new ones that will save electricity and water. The goal is to simplify the process so that small water utilities can update their aging systems.

CON: The bill will reduce the oversight by DOE. The criteria in the bill is too limited.

OTHER: The review of impacts to other water rights is limited to only senior water rights, and not to all water rights. There is a need to look at what options are currently available under existing laws including the cost reimbursement process.

Persons Testifying: PRO: Marc Marcantonio, Water Co-op of Pierce County, Mt. View-Edgewood Water Company; Jeff Johnson, Spanaway Water Company; Michael Ireland, WA Water Service; Kathleen Collins, WA Water Policy Alliance.

CON: Bruce Wishart, Center for Environmental Policy, Sierra Club; Miquel Perez-Gibson, Colville Tribes.

OTHER: Evan Sheffels, DOE.