
SENATE BILL 5851

State of Washington

55th Legislature

1997 Regular Session

By Senators Morton, Rasmussen, Oke and Winsley

Read first time 02/17/97. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to the full and complete development of existing
2 permits or certificates of ground water right; amending RCW 90.44.100;
3 and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The purpose of this act is to ensure
6 that public water systems within urban growth areas are permitted by
7 the department of ecology to fully develop existing valid permits or
8 certificates of ground water right to provide potable water service
9 within the urban growth boundaries as defined in the various county
10 growth management plans.

11 (2) The legislature intends that the holder of a valid permit or
12 certificate of ground water right be permitted by the department of
13 ecology to amend a valid permit or certificate to allow full and
14 complete development of the valid right by the construction of
15 replacement or additional wells at the original location or new
16 locations.

17 **Sec. 2.** RCW 90.44.100 and 1987 c 109 s 113 are each amended to
18 read as follows:

1 (1) After an application to, and upon the issuance by the
2 department of an amendment to the appropriate permit or certificate of
3 ground water right, the holder of a valid right to withdraw public
4 ground waters may, without losing ~~((his))~~ the holder's priority of
5 right, construct wells or other means of withdrawal at the original or
6 a new location in substitution for or in addition to those at the
7 original location, or ~~((he))~~ the holder may change the manner or the
8 place of use of the water: PROVIDED, HOWEVER, That ~~((such amendment))~~
9 (a) the holder is a group A public water system as defined and
10 recognized by the Washington state department of health; (b) the
11 holder's point of use designated in the valid permit or certificate is
12 within an urban growth area as defined in a county growth management
13 plan; and (c) the amendment is made in compliance with subsection (2)
14 of this section.

15 (2) An amendment to construct replacement or new additional wells
16 at the original or a new location or to change the manner or place of
17 use of the water shall be issued only after publication of notice of
18 the application and findings as prescribed in the case of an original
19 application. Such amendment shall be issued by the department only on
20 the conditions that: ~~((+1))~~ (a) The additional or substitute well or
21 wells shall tap the same body of public ground water as the original
22 well or wells; ~~((+2))~~ (b) use of the original well or wells ~~((shall))~~
23 may or may not be discontinued upon construction of ~~((the))~~ additional
24 or substitute ~~((well or))~~ wells but the combined total withdrawal from
25 the original well or wells and new additional well or wells shall not
26 exceed the right conveyed by the original permit or certificate;
27 ~~((+3))~~ (c) the construction of an additional well or wells shall not
28 enlarge the right conveyed by the original permit or certificate; and
29 ~~((+4))~~ (d) other earlier priority existing rights shall not be
30 impaired. The department may specify an approved manner of
31 construction and shall require a showing of compliance with the terms
32 of the amendment, as provided in RCW 90.44.080 in the case of an
33 original permit.

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