

# SENATE BILL REPORT

## SB 5578

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As Reported By Senate Select Committee On:  
Water Policy, February 27, 1995

**Title:** An act relating to certification of small water supply wells.

**Brief Description:** Providing for certification of exempt small wells.

**Sponsors:** Senators Swecker, Rasmussen, Fraser, Morton, Wood, Roach, Palmer and Haugen.

**Brief History:**

**Committee Activity:** Water Policy: 2/27/95 [DP-WM].

Ways & Means: 3/2/95.

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### SENATE SELECT COMMITTEE ON WATER POLICY

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Drew, Fraser, Haugen, Hochstatter, Morton, Newhouse, Oke, Rasmussen, Spanel, Sutherland, Swecker and Winsley.

**Staff:** David Danner (786-7784)

**Background:** Current law prohibits the withdrawal of public ground waters, unless a permit has been granted by the Department of Ecology (DOE). However, the law exempts from permitting requirements small wells used for watering stock, for lawns or non-commercial gardens of one half acre or less, or for residential or industrial uses where withdrawal does not exceed 5,000 gallons a day.

The statute provides that exempt wells are entitled to water rights equal to those for which DOE permits are issued. Currently, small well owners may apply for a permit in the same manner as large well owners, but they are not required to do so. Few small well owners apply for permits because, among other things, doing so establishes their priority date as the date of the application rather than the date of the first use.

Many small wells have not been recorded with the state. In these cases, the state has no data concerning the location or nature of the well, and the water right holder has no record certifying his or her rights to the well water.

**Summary of Bill:** A person or agency making a small withdrawal exempt from permit requirements has a right equal to that of water rights holders for whom permits are issued.

DOE is directed to establish an application procedure by which persons or agencies that establish water rights for small wells exempt from the ground water permit requirements may, for a fee of \$100 per exempt well, obtain certificates of water right from the DOE.

Fees collected by DOE are deposited into the agency's basic data fund, to be used specifically for data processing and watershed planning.

DOE cannot accept applications under this act after December 31, 2001.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Voluntary certification of exempt wells provides water rights holders a record of their rights. Certification provides DOE with needed funds for collecting and processing data on water, and for watershed planning.

**Testimony Against:** None.

**Testified:** Senator Swecker, prime sponsor.

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## SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Susan Lucas (786-7711)

**Testimony For:** The program is voluntary. There is indication the exempt well owners want the certificate as evidence of a water right and to know the limitations on their water right. Of the approximately 1 million wells in the state, 3/4 are exempt. Data is needed on these exempt wells. The fiscal note seems to underestimate the amount of revenue possible under the program, possibly because the Department of Ecology has no way of knowing how much participation there would be. Nine thousand new wells are drilled each year in the state and many of the owners of these wells might participate in the program if public awareness is focused on.

**Testimony Against:** None.

**Testified:** Senator Dan Swecker, prime sponsor.