
SENATE BILL 5593

State of Washington

54th Legislature

1995 Regular Session

By Senators Hochstatter, Rasmussen, Morton, Swecker, Sellar, Prince, Schow and Oke

Read first time 01/27/95. Referred to Committee on Senate Select Committee on Water Policy.

1 AN ACT Relating to ground water permit applications; amending RCW
2 90.44.050; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that a backlog has
5 developed in the processing and issuing of water right permits by the
6 department of ecology due to a reduction in staffing levels and the
7 sheer volume of applications.

8 The legislature further finds that this backlog has curtailed vital
9 economic growth within the state and has put an undue strain upon all
10 citizens of the state as a result.

11 The legislature therefore declares that this backlog is
12 unacceptable and must be eliminated as expeditiously as possible in
13 order to allow private property holders, whether individuals or
14 businesses, to be able to exercise their full rights as property
15 owners.

16 The legislature further declares that in order to assist the
17 department of ecology in the elimination of the backlog, a one-year
18 increase in the exempt well classification must be put into effect to
19 eliminate almost two-thirds of the backlog and to allow the department

1 of ecology to spend more time on the larger and more complex water
2 permit applications.

3 **Sec. 2.** RCW 90.44.050 and 1987 c 109 s 108 are each amended to
4 read as follows:

5 After June 6, 1945, no withdrawal of public ground waters of the
6 state shall be begun, nor shall any well or other works for such
7 withdrawal be constructed, unless an application to appropriate such
8 waters has been made to the department and a permit has been granted by
9 it as herein provided: EXCEPT, HOWEVER, That any withdrawal of public
10 ground waters for stock-watering purposes, or for the watering of a
11 lawn or of a noncommercial garden not exceeding one-half acre in area,
12 or for single or group domestic uses in an amount not exceeding five
13 thousand gallons a day, or for an industrial purpose in an amount not
14 exceeding five thousand gallons a day, is and shall be exempt from the
15 provisions of this section, but, to the extent that it is regularly
16 used beneficially, shall be entitled to a right equal to that
17 established by a permit issued under the provisions of this chapter:
18 PROVIDED, HOWEVER, That the department from time to time may require
19 the person or agency making any such small withdrawal to furnish
20 information as to the means for and the quantity of that withdrawal:
21 PROVIDED, FURTHER, That at the option of the party making withdrawals
22 of ground waters of the state not exceeding five thousand gallons per
23 day, applications under this section or declarations under RCW
24 90.44.090 may be filed and permits and certificates obtained in the
25 same manner and under the same requirements as is in this chapter
26 provided in the case of withdrawals in excess of five thousand gallons
27 a day: PROVIDED, FURTHER, That during the period from June 1, 1995, to
28 June 1, 1996, all applications for ground water withdrawal permits of
29 up to and including one-half of a cubic foot per second that are made
30 to aquifers that have not experienced a drawdown in the water table of
31 more than three feet per year during the last ten years, shall be
32 immediately approved and issued a provisional permit by the department.
33 Such permit shall be valid for five years from the date of issue unless
34 an impact on existing water rights is clearly evident and documented.
35 If such impact exists, the permit shall be suspended pending
36 departmental review of the water right and the alleged impact on
37 existing water rights. The department shall review the suspended water
38 right and its impact within sixty days from the date of the initial

1 suspension and shall determine if modification or revocation of the
2 permit is warranted. Modification may include an agreement between the
3 affected parties to accommodate any loss in or impairment of existing
4 water rights either through technological means or through a reduction
5 in the amount of water taken by the new water permit. The department
6 must seek to modify permits prior to revoking permits. After the five-
7 year period has expired, if no negative impacts to existing water
8 rights have been documented, or if all impacts have been satisfied
9 through permit modifications, the permit shall be granted certificate
10 status in accordance with RCW 90.03.330.

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