

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5276

55th Legislature
1997 Regular Session

Passed by the Senate April 23, 1997
YEAS 37 NAYS 3

President of the Senate

Passed by the House April 16, 1997
YEAS 95 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5276** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5276

AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Senate Committee on Agriculture & Environment (originally sponsored by Senators Swecker, Roach and Oke)

Read first time 03/05/97.

1 AN ACT Relating to water withdrawals and diversions; amending RCW
2 90.03.255 and 90.44.055; adding a new section to chapter 90.03 RCW;
3 adding a new section to chapter 90.44 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that in many basins in
6 the state there is water available on a seasonal basis that is in
7 excess of the needs of either existing water right holders or instream
8 resources. The legislature finds that excess waters often result in
9 significant flooding and damage to public and private resources.
10 Further, it is in the public interest to encourage the impoundment of
11 excess water and other measures that can be used to offset the impact
12 of withdrawals and diversions on existing rights and instream
13 resources. Further, in some areas of the state additional supplies of
14 water are needed to meet the needs of a growing economy and population.
15 The legislature finds there is a range of alternatives that offset the
16 impacts that should be encouraged including the creation, restoration,
17 enhancement, or enlargement of ponds, wetlands, and reservoirs and the
18 artificial recharge of aquifers.

1 The purpose of this act is to foster the improvement in the water
2 supplies available to meet the needs of the state. It is the goal of
3 this act to strengthen the state's economy while maintaining and
4 improving the overall quality of the state's environment.

5 **Sec. 2.** RCW 90.03.255 and 1996 c 306 s 1 are each amended to read
6 as follows:

7 The department shall, when evaluating an application for a water
8 right, transfer, or change filed pursuant to RCW 90.03.250 or 90.03.380
9 that includes provision for any water impoundment or other resource
10 management technique, take into consideration the benefits and costs,
11 including environmental effects, of ((the)) any water impoundment or
12 other resource management technique that is included as a component of
13 the application. The department's consideration shall extend to any
14 increased water supply that results from the impoundment or other
15 resource management technique, including(()) but not limited to(())
16 any recharge of ground water that may occur, as a means of making water
17 available or otherwise offsetting the impact of the diversion of
18 surface water proposed in the application for the water right,
19 transfer, or change. Provision for an impoundment or other resource
20 management technique in an application shall be made solely at the
21 discretion of the applicant and shall not otherwise be made by the
22 department as a condition for approving an application that does not
23 include such provision ((for impoundment)).

24 This section does not lessen, enlarge, or modify the rights of any
25 riparian owner, or any existing water right acquired by appropriation
26 or otherwise.

27 **Sec. 3.** RCW 90.44.055 and 1996 c 306 s 2 are each amended to read
28 as follows:

29 The department shall, when evaluating an application for a water
30 right or an amendment filed pursuant to RCW 90.44.050 or 90.44.100 that
31 includes provision for any water impoundment or other resource
32 management technique, take into consideration the benefits and costs,
33 including environmental effects, of ((the)) any water impoundment or
34 other resource management technique that is included as a component of
35 the application. The department's consideration shall extend to any
36 increased water supply that results from the impoundment or other
37 resource management technique, including(()) but not limited to(())

1 any recharge of ground water that may occur, as a means of making water
2 available or otherwise offsetting the impact of the withdrawal of
3 ground water proposed in the application for the water right or
4 amendment in the same water resource inventory area. Provision for an
5 impoundment or other resource management technique in an application
6 shall be made solely at the discretion of the applicant and shall not
7 be made by the department as a condition for approving an application
8 that does not include such provision (~~(for impoundment)~~).

9 This section does not lessen, enlarge, or modify the rights of any
10 riparian owner, or any existing water right acquired by appropriation
11 or otherwise.

12 NEW SECTION. Sec. 4. A new section is added to chapter 90.03 RCW
13 to read as follows:

14 Upon the request of the applicant, the department shall, when
15 evaluating an application for a water right, transfer, or change filed
16 pursuant to RCW 90.03.250 or 90.03.380, take into account the recharge
17 of ground water from septic tanks or other on-site wastewater treatment
18 facilities in an amount not to exceed the proposed use of water for
19 indoor purposes. The department shall, based upon hydrogeologic data
20 for the area in which the application is located, determine the amount
21 of recharge to the aquifer that is likely to occur and factor that
22 amount into the decision it makes on the application. Any water right
23 permit, transfer, or change that is authorized under this section shall
24 be conditioned to state that the water right permit, transfer, or
25 change shall remain in effect only so long as the water use, including
26 the discharge of water used for indoor purposes through a septic tank
27 or other wastewater treatment facility, remains unchanged from that
28 proposed in the original application.

29 NEW SECTION. Sec. 5. A new section is added to chapter 90.44 RCW
30 to read as follows:

31 Upon the request of the applicant, the department shall, when
32 evaluating an application for a water right or an amendment to a water
33 right or permit filed pursuant to RCW 90.44.050 or 90.44.100, take into
34 account the recharge of ground water from septic tanks or other on-site
35 wastewater treatment facilities in an amount not to exceed the proposed
36 use of water for indoor purposes. The department shall, based upon
37 hydrogeologic data for the area in which the application is located,

1 determine the amount of recharge to the aquifer that is likely to occur
2 and factor that amount into the decision it makes on the application.
3 Any water right permit or amendment that is authorized under this
4 section shall be conditioned to state that the water right permit or
5 amendment shall remain in effect only so long as the water use,
6 including the discharge of water used for indoor purposes through a
7 septic tank or other wastewater treatment facility, remains unchanged
8 from that proposed in the original application.

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