

2050-S

Sponsor(s): House Committee on Agriculture & Ecology (originally sponsored by Representatives Mastin, Chandler, Clements and Honeyford)

Brief Title: Identifying when a new water right would interfere with an existing water right.

HB 2050-S.E - DIGEST

(DIGEST AS PASSED LEGISLATURE)

Provides that any right represented by an application for a water right for which a permit for water use has not been issued by the time a transfer or change is approved under RCW 90.03.380 shall not be construed as being injured or detrimentally affected by the transfer or change.

Provides that any right represented by an application for a water right for which a permit for water use has not been issued by the time an amendment is approved under RCW 90.44.100 shall not be construed as being impaired by the amendment.

Declares that rights acquired by appropriation of surface waters are affected or impaired by a ground water withdrawal from a confined aquifer only if:

(1) Withdrawal of ground water causes a measurable head reduction within fifty feet of the surface water body in question in the shallowest unconfined water table aquifer that underlies that surface water body; or

(2) Withdrawal of ground water will cause a measurable reduction in the flow or level of the surface water body.

Provides that, in addition to RCW 90.44.030(1), rights acquired by appropriation of surface waters are affected or impaired by a ground water withdrawal from an unconfined aquifer only if after no more than six months pumping, the surface water will lie within the cone of depression of a well tapping an unconfined aquifer.

Declares that the department may grant a ground water permit for a withdrawal that will impair a surface water right if the applicant has proposed a satisfactory plan for mitigating the impairment.

Provides that any person whose application to appropriate public ground water was denied by the department of ecology between November 1, 1995, and the effective date of this section, when one of the grounds for denial was that the proposed ground water withdrawal would impair, or conflict with, surface water closures or surface water rights including minimum flows, may have his or her application reconsidered in accordance with this section.

VETO MESSAGE ON HB 2050-S

May 20, 1997

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 2050 entitled:

"AN ACT Relating to determining the impairment of water rights and uses;"

Engrossed Substitute House Bill No. 2050 would set standards and criteria for determining impairment due to hydraulic continuity between ground and surface water. Hydrogeologists disagree about the bill's proposed methods and express concerns that if implemented, existing water uses could be negatively impacted. Ultimately, we do need a better definition of impairment, but this bill doesn't provide the answers we need.

For these reasons, I have vetoed Engrossed Substitute House Bill 2050 in its entirety.

Respectfully submitted,
Gary Locke
Governor