

# FINAL BILL REPORT

## E2SHB 2867

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Synopsis as Enacted

**Brief Description:** Providing for the issuance of reservoir permits to store and recover water in an underground geological formation.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Linville, G. Chandler, Miloscia, Mitchell, Koster and Cooper).

**House Committee on Agriculture & Ecology**

**House Committee on Appropriations**

**Senate Committee on Environmental Quality and Water Resources**

### **Background:**

Under the groundwater code, the Department of Ecology (DOE) may limit withdrawal by appropriators of groundwater to maintain a safe sustaining yield of water from a groundwater source for senior appropriators. For this purpose, the DOE may designate groundwater areas or sub-areas and also may designate separate depth zones within such an area or sub-area to control the withdrawal. If the DOE makes such a designation, a person claiming to be the owner of artificially stored groundwater within such an area, sub-area, or zone must file a declaration to that effect with the DOE.

Applications for reservoir permits are filed under the surface water code with the DOE. A person wishing to use any water stored in a reservoir must file an application for a secondary permit and provide evidence that an agreement has been entered into with the owners of the reservoir for enough water for the secondary permit.

### **Summary of Bill:**

The "reservoirs" for which permits may be processed include natural underground formations which water may be stored and used as part of an underground artificial storage and recovery project. For such a project, the water may be stored by injection, surface spreading and infiltration, or other DOE-approved method. To qualify, the underground formation must meet standards for review and mitigation established by the DOE by rule. The issues to be addressed in this review and mitigation are: aquifer vulnerability and hydraulic continuity; potential impairment of existing water rights; geo-technical impacts; aquifer boundaries and characteristics;

chemical compatibility of surface and ground waters; recharge and recovery treatment requirements; system operation; water rights; and environmental impacts.

Analysis of such a project and geological formation must be conducted through studies initiated by the applicant under the review of the DOE. The DOE must report to the Legislature by December 31, 2001, on its standards for review and mitigation and on the status of any applications that have been filed for such projects.

An underground artificial storage and recovery project does not apply to irrigation operational and seepage losses, irrigations return flows, water artificially stored due to irrigation district projects, reclaimed water, or artificially stored water that may be claimed when a groundwater sub-area is established. Requirements of existing law governing the issuance of permits to appropriate or withdraw waters are not altered.

**Votes on Final Passage:**

House 97 0

Senate 46 0 (Senate Amended)

House 98 0 (House Concurred)

**Effective:** June 8, 2000