

House Bill Analysis

HB 2867

HOUSE AGRICULTURE AND ECOLOGY COMMITTEE

January 28, 2000

<p>- Defines the reservoirs– for which reservoir permits may be issued under the Water Code and for which secondary, water use permits are required.</p>
--

BACKGROUND:

Under the Groundwater Code, the Department of Ecology (DOE) may limit withdrawals by appropriators of groundwater to maintain a safe sustaining yield of water from the groundwater source for senior appropriators. For this purpose, the DOE may designate ground water areas or sub-areas and may also designate separate depth zones within such an area or sub-area to control the withdrawals. If the DOE makes such a designation, a person claiming to be the owner of artificially stored ground water within such an area, sub-area, or zone must file a declaration to that effect with the DOE. If any of the groundwater that is claimed to be artificially stored has been or is being withdrawn, the claimant must also file evidence showing that none of the water withdrawn is public ground water. Acceptance of such a declaration by the DOE conveys to the claimant *no* right to withdraw public ground waters from the area, sub-area, or zone, nor a right to impair existing or subsequent rights to the public waters. (RCW 90.44.130.)

Applications for reservoir permits filed under the Surface Water Code are filed and processed in the same manner as are applications for rights to use water. A person wishing to use any water stored in a reservoir must file an application for a secondary permit.– The application for the secondary permit must refer to the reservoir as its source of water supply and provide evidence that an agreement has been entered into with the owners of the reservoir for a permanent and sufficient interest in the reservoir to impound enough water for the purposes of the secondary permit. (RCW 90.03.370.)

SUMMARY:

The "reservoirs" for which permits may be processed under the Surface Water Code include natural or artificial places where water is collected and stored for use, including underground geological formations. The requirement that secondary– permits be secured for using water from a reservoir applies to this expanded definition of a reservoir.

*Prepared for the House Agriculture and Ecology Committee
Ken Hirst (786-7105)
Office of Program Research*