
SENATE BILL 5525

State of Washington

57th Legislature

2001 Regular Session

By Senators Honeyford, Deccio, Morton, Hale, McDonald, Parlette, Horn, Johnson, Hochstatter, Stevens and Sheahan

Read first time 01/25/2001. Referred to Committee on Environment, Energy & Water.

1 AN ACT Relating to water right certificates; and amending RCW
2 90.03.330 and 90.44.100.

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

4 **Sec. 1.** RCW 90.03.330 and 1987 c 109 s 89 are each amended to read
5 as follows:

6 (1) Upon a showing satisfactory to the department that any
7 appropriation has been perfected in accordance with the provisions of
8 this chapter, it shall be the duty of the department to issue to the
9 applicant a certificate stating such facts in a form to be prescribed
10 by him or her, and such certificate shall thereupon be recorded with
11 the department. Any original water right certificate issued, as
12 provided by this chapter, shall be recorded with the department and
13 thereafter, at the expense of the party receiving the same, be by the
14 department transmitted to the county auditor of the county or counties
15 where the distributing system or any part thereof is located, and be
16 recorded in the office of such county auditor, and thereafter be
17 transmitted to the owner thereof.

18 (2) A certificate issued by the department under the provisions of
19 this chapter may not be revoked or diminished without specific

1 legislative or judicial direction, provided that the water right
2 represented by the certificate has not been relinquished under the
3 provisions of chapter 90.14 RCW, issued with ministerial errors, or
4 obtained through the misrepresentation of the completion of the project
5 or the quantity appropriated. The department may revoke or adjust a
6 certificate if ministerial errors are discovered or if a certificate
7 has been obtained through misrepresentation.

8 **Sec. 2.** RCW 90.44.100 and 1997 c 316 s 2 are each amended to read
9 as follows:

10 (1) After an application to, and upon the issuance by the
11 department of an amendment to the appropriate permit or certificate of
12 ground water right, the holder of a valid right to withdraw public
13 ground waters may, without losing the holder's priority of right,
14 construct wells or other means of withdrawal at a new location in
15 substitution for or in addition to those at the original location, or
16 the holder may change the manner or the place of use of the water.

17 (2) An amendment to construct replacement or a new additional well
18 or wells at a location outside of the location of the original well or
19 wells or to change the manner or place of use of the water shall be
20 issued only after publication of notice of the application and findings
21 as prescribed in the case of an original application. Such amendment
22 shall be issued by the department only on the conditions that: (a) The
23 additional or replacement well or wells shall tap the same body of
24 public ground water as the original well or wells; (b) where a
25 replacement well or wells is approved, the use of the original well or
26 wells shall be discontinued and the original well or wells shall be
27 properly decommissioned as required under chapter 18.104 RCW; (c) where
28 an additional well or wells is constructed, the original well or wells
29 may continue to be used, but the combined total withdrawal from the
30 original and additional well or wells shall not enlarge the right
31 conveyed by the original permit or certificate; and (d) other existing
32 rights shall not be impaired. The department may specify an approved
33 manner of construction and shall require a showing of compliance with
34 the terms of the amendment, as provided in RCW 90.44.080 in the case of
35 an original permit.

36 (3) The construction of a replacement or new additional well or
37 wells at the location of the original well or wells shall be allowed
38 without application to the department for an amendment. However, the

1 following apply to such a replacement or new additional well: (a) The
2 well shall tap the same body of public ground water as the original
3 well or wells; (b) if a replacement well is constructed, the use of the
4 original well or wells shall be discontinued and the original well or
5 wells shall be properly decommissioned as required under chapter 18.104
6 RCW; (c) if a new additional well is constructed, the original well or
7 wells may continue to be used, but the combined total withdrawal from
8 the original and additional well or wells shall not enlarge the right
9 conveyed by the original water use permit or certificate; (d) the
10 construction and use of the well shall not interfere with or impair
11 water rights with an earlier date of priority than the water right or
12 rights for the original well or wells; (e) the replacement or
13 additional well shall be located no closer than the original well to a
14 well it might interfere with; (f) the department may specify an
15 approved manner of construction of the well; and (g) the department
16 shall require a showing of compliance with the conditions of this
17 subsection (3).

18 (4) A certificate issued by the department under the provisions of
19 this chapter may not be revoked or diminished without specific
20 legislative or judicial direction, provided that the water right
21 represented by the certificate has not been relinquished under the
22 provisions of chapter 90.14 RCW, issued with ministerial errors, or
23 obtained through the misrepresentation of the completion of the project
24 or the quantity appropriated. The department may revoke or adjust a
25 certificate if ministerial errors are discovered or if a certificate
26 has been obtained through misrepresentation.

27 (5) As used in this section, the "location of the original well or
28 wells" is the area described as the point of withdrawal in the original
29 public notice published for the application for the water right for the
30 well.

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