

2 **2SHB 2867 - H AMD 487 ADOPTED 2-15-00**

3 By Representative

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 90.44 RCW
8 to read as follows:

9 The legislature recognizes the importance of sound water
10 management. In an effort to promote new and innovative methods of
11 water storage, the legislature authorizes the department of ecology to
12 issue reservoir permits that enable an entity to artificially store and
13 recover ground water in any underground geological formation, which
14 qualifies as a reservoir under RCW 90.03.370.

15 **Sec. 2.** RCW 90.44.035 and 1987 c 109 s 107 are each amended to
16 read as follows:

17 For purposes of this chapter:

18 (1) "Department" means the department of ecology;

19 (2) "Director" means the director of ecology;

20 (3) "Ground waters" means all waters that exist beneath the land
21 surface or beneath the bed of any stream, lake or reservoir, or other
22 body of surface water within the boundaries of this state, whatever may
23 be the geological formation or structure in which such water stands or
24 flows, percolates or otherwise moves. There is a recognized
25 distinction between natural ground water and artificially stored ground
26 water;

27 (4) "Natural ground water" means water that exists in underground
28 storage owing wholly to natural processes; ~~((and))~~

29 (5) "Artificially stored ground water" means water that is made
30 available in underground storage artificially, either intentionally, or
31 incidentally to irrigation and that otherwise would have been
32 dissipated by natural ~~((waste))~~ processes; and

33 (6) "Underground artificial storage and recovery project" means any
34 project in which it is intended to artificially store water in the
35 ground through injection or surface spreading and infiltration.

1 However, (a) this subsection does not apply to operational and seepage
2 losses that occur during the irrigation of land, or to water that is
3 artificially stored due to the construction, operation, or maintenance
4 of an irrigation district project, or to projects involving water
5 reclaimed in accordance with chapter 90.46 RCW; and (b) RCW 90.44.130
6 applies to those instances of claimed artificial recharge occurring due
7 to the construction, operation, or maintenance of an irrigation
8 district project or operational and seepage losses that occur during
9 the irrigation of land, as well as other forms of claimed artificial
10 recharge already existing at the time a ground water subarea is
11 established.

12 **Sec. 3.** RCW 90.03.370 and 1987 c 109 s 93 are each amended to read
13 as follows:

14 (1) All applications for reservoir permits shall be subject to the
15 provisions of RCW 90.03.250 through 90.03.320. But the party or
16 parties proposing to apply to a beneficial use the water stored in any
17 such reservoir shall also file an application for a permit, to be known
18 as the secondary permit, which shall be in compliance with the
19 provisions of RCW 90.03.250 through 90.03.320. Such secondary
20 application shall refer to such reservoir as its source of water supply
21 and shall show documentary evidence that an agreement has been entered
22 into with the owners of the reservoir for a permanent and sufficient
23 interest in said reservoir to impound enough water for the purposes set
24 forth in said application. When the beneficial use has been completed
25 and perfected under the secondary permit, the department shall take the
26 proof of the water users under such permit and the final certificate of
27 appropriation shall refer to both the ditch and works described in the
28 secondary permit and the reservoir described in the primary permit.

29 (2)(a) For the purposes of this section, "reservoir" includes, in
30 addition to any surface reservoir, any naturally occurring underground
31 geological formation where water is collected and stored for use as
32 part of an underground artificial storage and recovery project. To
33 qualify for issuance of a reservoir permit an underground geological
34 formation must meet standards for review and mitigation of adverse
35 impacts identified, for the following issues:

- 36 (i) Aquifer vulnerability and hydraulic continuity;
37 (ii) Potential impairment of existing water rights;
38 (iii) Geotechnical impacts;

- 1 (iv) Chemical compatibility of surface waters and ground water;
- 2 (v) Recharge and recovery treatment requirements;
- 3 (vi) System operation;
- 4 (vii) Water rights and ownership of water stored for recovery; and
- 5 (viii) Environmental impacts.

6 (b) Standards for review and standards for mitigation of adverse
7 impacts shall be established by the department by rule.
8 Notwithstanding the provisions of RCW 90.03.250 through 90.03.320,
9 analysis of each underground artificial storage and recovery project
10 and each underground geological formation for which an applicant seeks
11 the status of a reservoir shall be through applicant-initiated studies
12 reviewed by the department.

13 (3) For the purposes of this section, "underground artificial
14 storage and recovery project" means any project in which it is intended
15 to artificially store water in the ground through injection or surface
16 spreading and infiltration. However, (a) this subsection does not
17 apply to operational and seepage losses that occur during the
18 irrigation of land, or to water that is artificially stored due to the
19 construction, operation, or maintenance of an irrigation district
20 project, or to projects involving water reclaimed in accordance with
21 chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of
22 claimed artificial recharge occurring due to the construction,
23 operation, or maintenance of an irrigation district project or
24 operational and seepage losses that occur during the irrigation of
25 land, as well as other forms of claimed artificial recharge already
26 existing at the time a ground water subarea is established.

27 (4) The department shall report to the legislature by December 31,
28 2001, on the standards for review and standards for mitigation
29 developed under subsection (3) of this section and on the status of any
30 applications that have been filed with the department for underground
31 artificial storage and recovery projects by that date."

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