
HOUSE BILL 2085

State of Washington

58th Legislature

2003 Regular Session

By Representatives Condotta, Armstrong, Sump, Newhouse, Crouse, Holmquist, Benson and Schindler

Read first time 02/24/2003. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to the return or recharge of ground water; and
2 amending RCW 90.03.255 and 90.44.055.

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

4 **Sec. 1.** RCW 90.03.255 and 1997 c 360 s 2 are each amended to read
5 as follows:

6 The department shall, when evaluating an application for a water
7 right, transfer, or change filed pursuant to RCW 90.03.250 or 90.03.380
8 that includes provision for any water impoundment or other resource
9 management technique, take into consideration the benefits and costs,
10 including environmental effects, of any water impoundment or other
11 resource management technique that is included as a component of the
12 application. The department's consideration shall extend to any
13 increased water supply that results from the impoundment or other
14 resource management technique, including but not limited to any
15 recharge of ground water that may occur, as a means of making water
16 available or otherwise offsetting the impact of the diversion of
17 surface water proposed in the application for the water right,
18 transfer, or change. Provision for an impoundment or other resource
19 management technique in an application shall be made solely at the

1 discretion of the applicant and shall not otherwise be made by the
2 department as a condition for approving an application that does not
3 include such provision. For these purposes and when considering an
4 application regarding the domestic use of water, the department shall
5 not consider the return or recharge portion of the water as being lost
6 through beneficial use. The return or recharge portion of the water is
7 the amount returned to surface or ground waters after septic or sewage
8 treatment or returned in the form of seepage. Analyses contained in a
9 watershed plan developed or approved under chapter 90.82 RCW shall be
10 used by the department in determining the return or recharge portion of
11 the water in that watershed.

12 This section does not lessen, enlarge, or modify the rights of any
13 riparian owner, or any existing water right acquired by appropriation
14 or otherwise.

15 **Sec. 2.** RCW 90.44.055 and 1997 c 360 s 3 are each amended to read
16 as follows:

17 The department shall, when evaluating an application for a water
18 right or an amendment filed pursuant to RCW 90.44.050 or 90.44.100 that
19 includes provision for any water impoundment or other resource
20 management technique, take into consideration the benefits and costs,
21 including environmental effects, of any water impoundment or other
22 resource management technique that is included as a component of the
23 application. The department's consideration shall extend to any
24 increased water supply that results from the impoundment or other
25 resource management technique, including but not limited to any
26 recharge of ground water that may occur, as a means of making water
27 available or otherwise offsetting the impact of the withdrawal of
28 ground water proposed in the application for the water right or
29 amendment in the same water resource inventory area. Provision for an
30 impoundment or other resource management technique in an application
31 shall be made solely at the discretion of the applicant and shall not
32 be made by the department as a condition for approving an application
33 that does not include such provision. For these purposes and when
34 considering an application regarding the domestic use of water, the
35 department shall not consider the return or recharge portion of the
36 water as being lost through beneficial use. The return or recharge
37 portion of the water is the amount returned to surface or ground waters

1 after septic or sewage treatment or returned in the form of seepage.
2 Analyses contained in a watershed plan developed or approved under
3 chapter 90.82 RCW shall be used by the department in determining the
4 return or recharge portion of the water in that watershed.

5 This section does not lessen, enlarge, or modify the rights of any
6 riparian owner, or any existing water right acquired by appropriation
7 or otherwise.

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