

2 **SSB 5276** - H COMM AMD **ADOPTED 4-16-97**
3 By Committee on Agriculture & Ecology

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

7 "NEW SECTION. **Sec. 1.** The legislature finds that in many basins
8 in the state there is water available on a seasonal basis that is in
9 excess of the needs of either existing water right holders or instream
10 resources. The legislature finds that excess waters often result in
11 significant flooding and damage to public and private resources.
12 Further, it is in the public interest to encourage the impoundment of
13 excess water and other measures that can be used to offset the impact
14 of withdrawals and diversions on existing rights and instream
15 resources. Further, in some areas of the state additional supplies of
16 water are needed to meet the needs of a growing economy and population.
17 The legislature finds there is a range of alternatives that offset the
18 impacts that should be encouraged including the creation, restoration,
19 enhancement, or enlargement of ponds, wetlands, and reservoirs and the
20 artificial recharge of aquifers.

21 The purpose of this act is to foster the improvement in the water
22 supplies available to meet the needs of the state. It is the goal of
23 this act to strengthen the state's economy while maintaining and
24 improving the overall quality of the state's environment.

25 **Sec. 2.** RCW 90.03.255 and 1996 c 306 s 1 are each amended to read
26 as follows:

27 The department shall, when evaluating an application for a water
28 right, transfer, or change filed pursuant to RCW 90.03.250 or 90.03.380
29 that includes provision for any water impoundment or other resource
30 management technique, take into consideration the benefits of ((the))
31 any water impoundment or other resource management technique that is
32 included as a component of the application. The department's
33 consideration shall extend to any increased water supply that results
34 from the impoundment or other resource management technique,
35 including((7)) but not limited to((7)) any recharge of ground water

1 that may occur, as a means of making water available or otherwise
2 offsetting the impact of the diversion of surface water proposed in the
3 application for the water right, transfer, or change. Provision for an
4 impoundment or other resource management technique in an application
5 shall be made solely at the discretion of the applicant and shall not
6 otherwise be made by the department as a condition for approving an
7 application that does not include such provision (~~(for impoundment)~~).

8 This section does not lessen, enlarge, or modify the rights of any
9 riparian owner, or any existing water right acquired by appropriation
10 or otherwise.

11 **Sec. 3.** RCW 90.44.055 and 1996 c 306 s 2 are each amended to read
12 as follows:

13 The department shall, when evaluating an application for a water
14 right or an amendment filed pursuant to RCW 90.44.050 or 90.44.100 that
15 includes provision for any water impoundment or other resource
16 management technique, take into consideration the benefits of (~~(the)~~)
17 any water impoundment or other resource management technique that is
18 included as a component of the application. The department's
19 consideration shall extend to any increased water supply that results
20 from the impoundment or other resource management technique,
21 including(~~(7)~~) but not limited to(~~(7)~~) any recharge of ground water
22 that may occur, as a means of making water available or otherwise
23 offsetting the impact of the withdrawal of ground water proposed in the
24 application for the water right or amendment in the same water resource
25 inventory area. Provision for an impoundment or other resource
26 management technique in an application shall be made solely at the
27 discretion of the applicant and shall not be made by the department as
28 a condition for approving an application that does not include such
29 provision (~~(for impoundment)~~).

30 This section does not lessen, enlarge, or modify the rights of any
31 riparian owner, or any existing water right acquired by appropriation
32 or otherwise.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.03 RCW
34 to read as follows:

35 Upon the request of the applicant, the department shall, when
36 evaluating an application for a water right, transfer, or change filed
37 pursuant to RCW 90.03.250 or 90.03.380, take into account the recharge

1 of ground water from septic tanks or other on-site wastewater treatment
2 facilities in an amount not to exceed the proposed use of water for
3 indoor purposes. The department shall, based upon hydrogeologic data
4 for the area in which the application is located, determine the amount
5 of recharge to the aquifer that is likely to occur and factor that
6 amount into the decision it makes on the application. Any water right
7 permit, transfer, or change that is authorized under this section shall
8 be conditioned to state that the water right permit, transfer, or
9 change shall remain in effect only so long as the water use, including
10 the discharge of water used for indoor purposes through a septic tank
11 or other wastewater treatment facility, remains unchanged from that
12 proposed in the original application.

13 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.44 RCW
14 to read as follows:

15 Upon the request of the applicant, the department shall, when
16 evaluating an application for a water right or an amendment to a water
17 right or permit filed pursuant to RCW 90.44.050 or 90.44.100, take into
18 account the recharge of ground water from septic tanks or other on-site
19 wastewater treatment facilities in an amount not to exceed the proposed
20 use of water for indoor purposes. The department shall, based upon
21 hydrogeologic data for the area in which the application is located,
22 determine the amount of recharge to the aquifer that is likely to occur
23 and factor that amount into the decision it makes on the application.
24 Any water right permit or amendment that is authorized under this
25 section shall be conditioned to state that the water right permit or
26 amendment shall remain in effect only so long as the water use,
27 including the discharge of water used for indoor purposes through a
28 septic tank or other wastewater treatment facility, remains unchanged
29 from that proposed in the original application."

30 Correct the title.

31 EFFECT: The amendment: (1) limits the applicability of the
32 consideration the DOE is to give to impoundment or any other resource
33 management technique to those applications that include such provision
34 of impoundment or such techniques and rewords the kind of consideration
35 to be given; (2) removes the sections of the bill granting priority
36 processing to certain applications and provide for revisions of
37 applications after permits are conditioned or denied; and (3) gives
38 recharge of ground water from other on-site wastewater treatment

1 facilities the same consideration granted by the substitute senate bill
2 for such recharge from septic tanks.

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