

WAC 173-100-050 Probable groundwater management areas. The department in cooperation with local government and groundwater user groups shall identify probable groundwater management areas.

(1) Probable groundwater management areas may be proposed for identification at any time by the department upon its own motion or at the request of other state agencies, local government or groundwater user groups.

(2) Probable groundwater management area boundaries shall be delineated so as to enclose one or more distinct bodies of public groundwater as nearly as known facts permit. Probable groundwater management subareas shall be delineated so as to enclose all or any part of a distinct body of public groundwater. Boundaries shall be based on hydrogeologic properties such as limits to lateral extent of aquifers, major perennial rivers, and regional groundwater divides or as deemed appropriate by the department to most effectively accomplish the purposes of this chapter.

(3) The criteria to guide identification of probable groundwater management areas shall include, but not be limited to, the following:

(a) Geographic areas where groundwater quality is threatened;

(b) Aquifers that are declining due to restricted recharge or over-utilization;

(c) Aquifers in which over-appropriation may have occurred and adjudication of water rights has not yet been completed;

(d) Aquifers reserved or being considered for water supply reservation under chapter 90.54 RCW for future beneficial uses;

(e) Aquifers identified as the primary source of supply for public water supply systems;

(f) Aquifers underlying a critical water supply service area where the coordinated water system plan established pursuant to chapter 70.116 RCW has identified a need for a groundwater management program;

(g) Aquifers designated as sole source aquifers by the federal Environmental Protection Agency;

(h) Geographic areas where the groundwater is susceptible to contamination or degradation resulting from land use activities;

(i) Aquifers threatened by seawater intrusion; or

(j) Aquifers from which major groundwater withdrawals have been proposed or appear imminent.

(4) The state agency, local government or groundwater user group requesting probable groundwater management area identification shall provide sufficient information for the department to determine if the area should be so identified. The department and other affected state and local governments and user groups may cooperate in preparing the request for identification.

(a) The request for identification shall be presented in a concise, factual report form and shall consider the guidelines and criteria set forth in subsections (2) and (3) of this section as they relate to the proposed area. It shall also contain: (i) Supporting data as to the need for such identification; (ii) a general description of and rationale for the proposed groundwater management area boundary; (iii) goals and objectives for the proposed groundwater management area; (iv) an estimated cost of developing the groundwater management program and potential funding sources; (v) recommendations for agencies, organizations and groups to be represented on the groundwater management area advisory committee; and (vi) a recommendation for the lead agency, taking into consideration the responsibilities contained in WAC 173-100-080.

(b) The recommendation for lead agency shall first be submitted to the county or counties with jurisdiction for written concurrence. Such written concurrence shall be included with the information required in (a) of this subsection. If such concurrence cannot be obtained, the department shall attempt to mediate an agreement between the parties.

(c) The agency or groundwater user group initiating the request for identification shall hold at least one public meeting for the purpose of receiving comments from the public, affected local, state and tribal agencies and groundwater user groups.

(d) Upon completion, the request for identification shall be submitted to the department and other affected state and local agencies and groundwater user groups for their review and comment. Comments shall be submitted to the department.

(5) If the department is proposing an area for identification, the department shall prepare a report containing the information in subsection (4)(a) of this section, hold a public meeting, and submit the report to affected state and local agencies and groundwater user groups for their review and comment.

(6) Based upon review of the request for identification together with any comments received and a finding that the proposed area meets the guidelines and criteria of subsections (2) and (3) of this section, the department shall identify the proposed area as a probable groundwater management area, establish the general planning boundaries and appoint a lead agency. When a probable groundwater management area is included within only one county and that county indicates its desire to assume lead agency status, the department shall appoint the county as lead agency. The department shall notify affected state and local agencies, groundwater user groups, tribal governments and local news media of such identification.

[Statutory Authority: Chapters 43.27A and 90.44 RCW. WSR 88-13-037 (Order 88-11), § 173-100-050, filed 6/9/88. Statutory Authority: RCW 90.44.400. WSR 86-02-004 (Order DE 85-24), § 173-100-050, filed 12/20/85.]