

## **Adopting a Sustainability Policy for Ground Water**

**The proposal:** A Water Code policy is legislatively adopted requiring the management of water resources to sustain the resource for present and future generations.

**Elements of the proposal:** To the Water Resource Fundamentals in chapter 90.54 RCW of the Water Code would be added a policy that all aspects of managing the public ground water resources be guided by the principle of sustaining the quantity and the quality of the resource for both present and future generations. In implementing the policy the department shall not authorize withdrawals which deplete the aquifer beyond the rate of recharge to an extent that long term uses of the aquifer would be jeopardized. Provisions of the Water Code governing approvals of new appropriations, changes, transfers, and closures, would be amended to reference this policy. The Code's "overriding public interest" policy may be employed to mine fossil aquifers with essentially no recharge characteristics.

**Why it is needed:** Unlike most surface water sources that are renewed frequently as part of the hydrological cycle, many ground water aquifers are a product of much longer time periods of charging. Many aquifers date back to the Ice Ages and may be largely isolated from regular replenishment. They are considered to hold "fossil" water. These and other slowly recharged aquifers are often an economical source of high quality water, but they are at high risk of depletion without careful management to avoid a rate of withdrawal that greatly exceeds their recharge rate.

The Ground Water Code, and the Surface Water Code which it supplements, contain no express guidance regarding the time horizon by which state water resources should be managed, although there is a general understanding that the objective should be to ensure that these resources are available into the future. The Water Code "fundamentals" refers to allocation among "potential" as well as existing uses in applying the "maximum net benefits" standard. RCW 90.54.020(2). Ecology is also granted authority to "reserve and set aside" water for "future" beneficial uses RCW 90.54.050(1). The Ground Water Code prohibits Ecology from granting permits that would affect the ground water source capacity to yield water within a "reasonable or feasible pumping lift", RCW 90.44.070, and grants Ecology the authority to limit existing withdrawals in order to maintain a "safe sustaining yield". RCW 90.44.130. It may also order the reduction in "aggregate" withdrawals when it determines the supply is not adequate to meet the "current needs" of all water right holders.

But these disparate provisions in the Water Code do not add up to an explicit policy that groundwater resources be managed to sustain the supply not only for current needs but for future generations of users. While some of the provisions refer to futures (maximum net benefits test, reservations), there are many other management activities in which the Code provides no such reference to sustaining water resources to ensure the fulfillment of needs in the future. While the State Environmental Policy Act (SEPA) contains such a declaration applicable to many activities of state agencies that may have a significant adverse impact on the environment (see RCW 43.21C.020(1)), not all water management actions are subject to SEPA analysis.

**Related elements:** The data management proposal would assist in providing important ground water resource availability, use, and demand information needed to effectively implement a "sustainability" policy for ground water resources. But the policy declaration proposal could be enacted independent of this related proposal.