
SENATE BILL 5275

State of Washington

55th Legislature

1997 Regular Session

By Senator Swecker

Read first time 01/21/97. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to permit exemptions for small water withdrawals;
2 and amending RCW 90.44.035 and 90.44.050.

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

4 **Sec. 1.** RCW 90.44.035 and 1987 c 109 s 107 are each amended to
5 read as follows:

6 ~~((For purposes of this chapter))~~ The definitions in this section
7 apply throughout this chapter unless the context clearly requires
8 otherwise:

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

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

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

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

1 (5) "Artificially stored ground water" means water that is made
2 available in underground storage artificially, either intentionally, or
3 incidentally to irrigation and that otherwise would have been
4 dissipated by natural waste;

5 (6) "Group domestic" means multiunit residential housing for which
6 the internal use is determined by the resident and the external use is
7 determined by the management authority; and

8 (7) "Withdrawal" means the extraction of water from the ground,
9 regardless of the technology used in the extraction, conveyance, and
10 delivery of that water.

11 **Sec. 2.** RCW 90.44.050 and 1987 c 109 s 108 are each amended to
12 read as follows:

13 After June 6, 1945, no withdrawal of public ground waters of the
14 state shall be begun, nor shall any well or other works for such
15 withdrawal be constructed, unless an application to appropriate such
16 waters has been made to the department and a permit has been granted by
17 it as herein provided: EXCEPT, HOWEVER, That any withdrawal of public
18 ground waters for stock-watering purposes, or for the watering of a
19 lawn, or for the watering of a noncommercial garden not exceeding one-
20 half acre in area, or for single or group domestic uses in an amount
21 not exceeding five thousand gallons a day, or for an industrial purpose
22 in an amount not exceeding five thousand gallons a day, is and shall be
23 exempt from the provisions of this section, but, to the extent that it
24 is regularly used beneficially, shall be entitled to a right equal to
25 that established by a permit issued under the provisions of this
26 chapter: PROVIDED, HOWEVER, That the department from time to time may
27 require the person or agency making any such small withdrawal to
28 furnish information as to the means for and the quantity of that
29 withdrawal: PROVIDED, FURTHER, That at the option of the party making
30 withdrawals of ground waters of the state not exceeding five thousand
31 gallons per day, applications under this section or declarations under
32 RCW 90.44.090 may be filed and permits and certificates obtained in the
33 same manner and under the same requirements as is in this chapter
34 provided in the case of withdrawals in excess of five thousand gallons
35 a day. No single domestic use may be denied the right to withdraw up
36 to five thousand gallons per day without the need of a permit.

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