
HOUSE BILL 2116

State of Washington

58th Legislature

2003 Regular Session

By Representatives Grant and Linville

Read first time 02/25/2003. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to the use of water for stock-watering purposes;
2 and amending RCW 90.44.050.

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

4 **Sec. 1.** RCW 90.44.050 and 1987 c 109 s 108 are each amended to
5 read as follows:

6 (1) Except as provided in subsection (2) of this section, after
7 June 6, 1945, no withdrawal of public ground waters of the state shall
8 be begun, nor shall any well or other works for such withdrawal be
9 constructed, unless an application to appropriate such waters has been
10 made to the department and a permit has been granted by it as herein
11 provided(~~(:—EXCEPT, HOWEVER, That)~~).

12 (2) Each of the following water uses is exempt from the permit
13 requirements of subsection (1) of this section to the extent that the
14 water is regularly used beneficially, and the right to use the water
15 shall be entitled to a right equal to that established by a permit
16 issued under the provisions of this chapter:

17 (a) Any withdrawal of public ground waters ((~~for stock-watering~~
18 purposes, ~~or~~)) for the watering of a lawn or of a noncommercial garden
19 not exceeding one-half acre in area(~~(, ~~or~~)~~); and

1 (b) Except as provided in subsection (4) of this section, any
2 withdrawal of public ground waters in an amount not exceeding five
3 thousand gallons a day for:

4 (i) Single or group domestic uses ((in an amount not exceeding five
5 thousand gallons a day, or for an industrial purpose in an amount not
6 exceeding five thousand gallons a day, is and shall be exempt from the
7 provisions of this section, but, to the extent that it is regularly
8 used beneficially, shall be entitled to a right equal to that
9 established by a permit issued under the provisions of this chapter:
10 PROVIDED, HOWEVER, That));

11 (ii) Stock watering purposes; or

12 (iii) An industrial purpose.

13 (3) However, the department from time to time may require the
14 person or agency making any such small withdrawal to furnish
15 information as to the means for and the quantity of that withdrawal(~~(+~~
16 ~~PROVIDED, FURTHER, That))~~). At the option of the party making
17 withdrawals of ground waters of the state not exceeding five thousand
18 gallons per day, applications under this section or declarations under
19 RCW 90.44.090 may be filed and permits and certificates obtained in the
20 same manner and under the same requirements as ((is)) provided in this
21 chapter ((~~provided~~)) in the case of withdrawals in excess of five
22 thousand gallons a day.

23 (4) Any withdrawal of water for stock watering purposes begun
24 before the effective date of this section is exempt from the permit
25 requirements of subsection (1) of this section to the maximum extent
26 that water was withdrawn for those purposes under the right prior to
27 the effective date of this section. Beginning on the effective date of
28 this section, such a withdrawal begun before the effective date of this
29 section continues to be exempt from the permit requirements of
30 subsection (1) of this act for that maximum extent.

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