
HOUSE BILL 2979

State of Washington

58th Legislature

2004 Regular Session

By Representatives Kessler and Buck

Read first time 01/26/2004. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to clarifying authority regarding ground water
2 withdrawals; and amending RCW 19.27.097.

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

4 **Sec. 1.** RCW 19.27.097 and 1995 c 399 s 9 are each amended to read
5 as follows:

6 (1) Each applicant for a building permit of a building
7 necessitating potable water shall provide evidence of an adequate water
8 supply for the intended use of the building. Evidence may be in the
9 form of a water right permit from the department of ecology, a letter
10 from an approved water purveyor stating the ability to provide water,
11 or another form sufficient to verify the existence of an adequate water
12 supply. In addition to other authorities, the county or city may
13 impose conditions on building permits requiring connection to an
14 existing public water system where the existing system is willing and
15 able to provide safe and reliable potable water to the applicant with
16 reasonable economy and efficiency but may not limit or condition ground
17 water withdrawals to protect existing water rights. Absent an
18 interlocal agreement between a county and the department of ecology,
19 the department of ecology retains sole authority over the regulation

1 and appropriation of waters of the state, under chapters 90.03, 90.44,
2 and 90.54 RCW. An application for a water right shall not be
3 sufficient proof of an adequate water supply.

4 (2) Within counties not required or not choosing to plan pursuant
5 to RCW 36.70A.040, the county and the state may mutually determine
6 those areas in the county in which the requirements of subsection (1)
7 of this section shall not apply. The departments of health and ecology
8 shall coordinate on the implementation of this section. Should the
9 county and the state fail to mutually determine those areas to be
10 designated pursuant to this subsection, the county may petition the
11 department of community, trade, and economic development to mediate or,
12 if necessary, make the determination.

13 (3) Buildings that do not need potable water facilities are exempt
14 from the provisions of this section. The department of ecology, after
15 consultation with local governments, may adopt rules to implement this
16 section, which may recognize differences between high-growth and low-
17 growth counties.

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