
SUBSTITUTE SENATE BILL 5077

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Honeyford, Rasmussen, Doumit, Hewitt, Swecker, Morton, Brandland, Hale and Mulliken)

READ FIRST TIME 02/21/03.

1 AN ACT Relating to withdrawals for stock watering; amending RCW
2 90.44.050; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that this act is
5 necessary for the economic health and well-being of Washington citizens
6 and rural communities that depend upon the thousands of jobs created by
7 agricultural and livestock operations. In accordance with the
8 longstanding interpretation of the intent of the original act in 1945,
9 the legislature deems it necessary to clarify and reaffirm that the
10 ability and right to use water as provided for in RCW 90.44.050(2)
11 remains exempt from the requirements of obtaining a permit under the
12 ground water code.

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

15 (1) After June 6, 1945, no withdrawal of public ground waters of
16 the state shall be begun, nor shall any well or other works for such
17 withdrawal be constructed, unless an application to appropriate such

1 waters has been made to the department and a permit has been granted by
2 it as ~~((herein))~~ provided(~~(: EXCEPT, HOWEVER, That)~~) in this section.

3 (2) However, any small withdrawal of public ground waters is exempt
4 from the provisions of this section. Small withdrawal means: (a) Any
5 amount of water for stock-watering purposes(~~(, or)~~); (b) any amount of
6 water for the watering of a lawn or of a noncommercial garden not
7 exceeding one-half acre in area(~~(, or for)~~); (c) single or group
8 domestic uses in an amount not exceeding five thousand gallons a
9 day(~~(,)~~); or (~~(for)~~) (d) an industrial purpose in an amount not
10 exceeding five thousand gallons a day(~~(, is and shall be exempt from~~
11 the provisions of this section, but,)). To the extent that ~~((it))~~ a
12 small withdrawal is regularly used beneficially, the withdrawal shall
13 be entitled to a right equal to that established by a permit issued
14 under the provisions of this chapter(~~(: PROVIDED, HOWEVER, That)~~).
15 For the purposes of this section, "stock" means livestock as defined in
16 RCW 16.36.005.

17 (3) The department from time to time may require the person or
18 agency making any such small withdrawal to furnish information as to
19 the means for and the quantity of that withdrawal(~~(: PROVIDED,~~
20 FURTHER, That)).

21 (4) At the option of the party making withdrawals of ground waters
22 of the state (~~(not exceeding five thousand gallons per day))~~ in
23 accordance with subsection (2) of this section, applications under this
24 section or declarations under RCW 90.44.090 may be filed and permits
25 and certificates obtained in the same manner and under the same
26 requirements as (~~(is in this chapter provided in the case of))~~
27 withdrawals in (~~(excess of five thousand gallons a day))~~ accordance
28 with subsection (1) of this section.

--- END ---