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**SUBSTITUTE SENATE BILL 5145**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Mulliken and T. Sheldon)

READ FIRST TIME 02/21/03.

1       AN ACT Relating to withdrawals of public ground waters; and  
2 amending RCW 90.44.035.

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

4       **Sec. 1.** RCW 90.44.035 and 2000 c 98 s 2 are each amended to read  
5 as follows:

6       For purposes of this chapter:

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

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

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

16       (4) "Natural ground water" means water that exists in underground  
17 storage owing wholly to natural processes;

18       (5) "Artificially stored ground water" means water that is made

1 available in underground storage artificially, either intentionally, or  
2 incidentally to irrigation and that otherwise would have been  
3 dissipated by natural processes; (~~and~~)

4 (6) "Underground artificial storage and recovery project" means any  
5 project in which it is intended to artificially store water in the  
6 ground through injection, surface spreading and infiltration, or other  
7 department-approved method, and to make subsequent use of the stored  
8 water. However, (a) this subsection does not apply to irrigation  
9 return flow, or to operational and seepage losses that occur during the  
10 irrigation of land, or to water that is artificially stored due to the  
11 construction, operation, or maintenance of an irrigation district  
12 project, or to projects involving water reclaimed in accordance with  
13 chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of  
14 claimed artificial recharge occurring due to the construction,  
15 operation, or maintenance of an irrigation district project or  
16 operational and seepage losses that occur during the irrigation of  
17 land, as well as other forms of claimed artificial recharge already  
18 existing at the time a ground water subarea is established; and

19 (7) "Single or group domestic use" means any beneficial use of  
20 ground water for individual homesites, regardless of whether the  
21 homesite was or is to be developed individually or as part of a larger  
22 project, and regardless of whether the means of withdrawal is shared  
23 with other homesites.

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