
**Agriculture & Natural Resources
Committee**

HB 1233

Brief Description: Specifying that the ability to withdraw a certain amount of groundwater for domestic purposes without first obtaining a permit from the department of ecology is not subject to relinquishment through nonuse.

Sponsors: Representatives Chandler, Blake, Buys, Dent, Taylor, Scott, Hayes, Condotta, Young, McCaslin and Parker.

Brief Summary of Bill

- The state's water relinquishment policy is made inapplicable to lawful unpermitted groundwater withdraws used for domestic purposes.

Hearing Date: 2/3/15

Staff: Jason Callahan (786-7117).

Background:

Water Rights Relinquishment.

A landowner who has the right to use water will lose that right if he or she does not put the water to a beneficial use over a period of five consecutive years. This is commonly known as both "relinquishment" and the "use it or lose it" principle. The water right holder can lose, or relinquish, their entire right to use any water or a portion of their original water right depending on how much water was not put to beneficial use over the five years in question.

There are, however, instances when a water right holder cannot use the water for five years and still retain his or her rights to the water. This occurs when the water right holder can show a sufficient cause for not using the water. The qualifying sufficient causes have been identified in statute and include causes such as drought, military service, legal proceedings, participation in

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the Trust Water Rights Program, and crop rotation practices. Water right holders that can show a sufficient cause do not relinquish their right to water even if they go more than five years without putting the water to a beneficial use.

Groundwater Exempt Wells.

All groundwater withdrawals require an application and permit from the Department of Ecology (Department). However, there are a class of lawful, unpermitted wells, often referred to as "permit exempt wells," which may be constructed and used without first obtaining a permit from the Department.

Exemptions from the permitting requirement include any withdrawal of public groundwater for stock-watering purposes, or for watering a lawn or a noncommercial garden less than one-half acre. Single or group domestic uses or industrial purposes in an amount not exceeding 5,000 gallons a day are also included in the class of permit exempt wells [RCW 90.44.050].

The Department has exercised authority in certain regions of the state to limit the uses of new permit exempt wells. This includes agency rules applicable to portions of Skagit, Kittitas, Clallam, and Jefferson counties.

Summary of Bill:

The state's water relinquishment policy is made inapplicable to certain groundwater withdrawals. Specifically, there the relinquishment policy does not apply to lawful unpermitted groundwater withdraws as long as the withdrawals were originally, and continue to be, for domestic purposes.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.