
HOUSE BILL 2532

State of Washington

61st Legislature

2010 Regular Session

By Representative Van De Wege

Prefiled 01/05/10. Read first time 01/11/10. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to a pilot program in Clallam county for cluster
2 developments; amending RCW 90.44.050; and adding a new section to
3 chapter 90.44 RCW.

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

5 **Sec. 1.** RCW 90.44.050 and 2003 c 307 s 1 are each amended to read
6 as follows:

7 After June 6, 1945, no withdrawal of public groundwaters of the
8 state shall be begun, nor shall any well or other works for such
9 withdrawal be constructed, unless an application to appropriate such
10 waters has been made to the department and a permit has been granted by
11 it as herein provided: EXCEPT, HOWEVER, That any withdrawal of public
12 groundwaters for stock-watering purposes, or for the watering of a lawn
13 or of a noncommercial garden not exceeding one-half acre in area, or
14 for single or group domestic uses in an amount not exceeding five
15 thousand gallons a day, or as provided in RCW 90.44.052 or section 2 of
16 this act, or for an industrial purpose in an amount not exceeding five
17 thousand gallons a day, is and shall be exempt from the provisions of
18 this section, but, to the extent that it is regularly used
19 beneficially, shall be entitled to a right equal to that established by

1 a permit issued under the provisions of this chapter: PROVIDED,
2 HOWEVER, That the department from time to time may require the person
3 or agency making any such small withdrawal to furnish information as to
4 the means for and the quantity of that withdrawal: PROVIDED, FURTHER,
5 That at the option of the party making withdrawals of groundwaters of
6 the state not exceeding five thousand gallons per day, applications
7 under this section or declarations under RCW 90.44.090 may be filed and
8 permits and certificates obtained in the same manner and under the same
9 requirements as is in this chapter provided in the case of withdrawals
10 in excess of five thousand gallons a day.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.44 RCW
12 to read as follows:

13 (1) On a pilot project basis, the use of water for domestic use in
14 clustered residential developments found on land designated as
15 agricultural lands of long-term significance as authorized in RCW
16 36.70A.170 in Clallam county is exempt as described in subsection (2)
17 of this section from the permit requirements of RCW 90.44.050. The
18 department must review the use of water under this section and its
19 impact on water resources in the county and report to the legislature
20 by December 31st of each even-numbered year through 2026 regarding its
21 review.

22 (2) For the pilot project, the domestic use of water for a
23 clustered residential development is exempt from the permit
24 requirements of RCW 90.44.050 for an amount of water that is not more
25 than five hundred gallons a day per residence for a residential
26 development that has an average density equal to or less than one
27 residence per three acres and a minimum of six homes.

28 (3) No new right to use water may be established for a clustered
29 development under this section where the first residential use of water
30 for the development begins after December 31, 2020.

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