

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by June 24, 2009. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 586-0728, or by writing to the Office of the Attorney General, Solicitor General Division, Attention Jeffrey T. Even, Deputy Solicitor General, P.O. Box 40100, Olympia, Washington 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

If you are interested in receiving notice of new formal opinion requests via e-mail, you may visit the Attorney General's website at www.atg.wa.gov/AGOOpinions/default.aspx for more information on how to join our Opinions ListServ.

The Attorney General's Office seeks public input on the following opinion request(s):

**Opinion Docket No. 09-05-04
Request by Honorable Gregory Zempel
Kittitas County Prosecutor**

1. Does RCW 90.44.050 restrict groundwater withdrawals without a permit for lawn and non-commercial gardening purposes to a subpart of the 5,000 gallons per day allocated to single or group domestic use, and thus also limit those domestic uses of the exemption to a remainder?

2. If RCW 90.44.050 does not limit such groundwater withdrawals as mentioned above, may the Department of Ecology implement a rule imposing such a limit by permanently adopting WAC 173-539A Upper Kittitas Ground Water Rule?

3. Does RCW 90.44 preempt the local legislative authority of a county from setting a numeric gallon per day limit or group use limit upon the lawn and non-commercial gardening exemption from permitting?

4. Could Ecology and a county, by entering into an agreement, impose such a limit?

CODE BOOKERS OFFICE STATE OF WASHINGTON	
MAY 21 2009	
TIME	10:18 AM
WSR	09-12-009