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**Agriculture & Natural  
Resources Committee**

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**HB 1749**

**Brief Description:** Concerning withdrawals of public ground waters.

**Sponsors:** Representatives Grant, Schoesler, Ahern, Benson and Ericksen.

**Brief Summary of Bill**

- Provides an exemption from ground water permit requirements for residential uses of water not exceeding 5,000 gallons/day/residence, regardless of whether the residence is part of a larger development.

**Hearing Date:** 2/19/03

**Staff:** Kenneth Hirst (786-7105).

**Background:**

The Ground Water Code prohibits a person from withdrawing ground water or constructing wells or other works for such a withdrawal without a water right permit from the Department of Ecology. However, the code exempts a number of withdrawals from this requirement. One exemption is for single or group domestic uses in an amount not exceeding 5,000 gallons per day. (RCW 90.44.050.)

In March 2002, the state's Supreme Court rendered its *Dep't of Ecology v. Campbell & Gwenn, L.L.C.* decision (146 Wn.2d 1). The Court found that the exemption provided by the code for single or group domestic use of water did not allow the developer in the case to provide water for group uses by multiple homes each withdrawing up to 5,000 gallons per day.

**Summary of Bill:**

The exemption from water right permitting provided by the Ground Water Code for single or group domestic use of water is altered. It is now for residential uses not exceeding 5,000 gallons per day per residence, regardless of whether the residence is part of a larger development.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

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