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ENGROSSED HOUSE BILL 2067

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Schoesler and Cox

Read first time 02/21/2003. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to withdrawals of public ground waters for domestic  
2 use of clustered residential developments; amending RCW 90.44.050; and  
3 adding a new section to chapter 90.44 RCW.

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

5 **Sec. 1.** RCW 90.44.050 and 1987 c 109 s 108 are each amended to  
6 read as follows:

7 After June 6, 1945, no withdrawal of public ground waters 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 ground waters for stock-watering purposes, or for the watering of a  
13 lawn or of a noncommercial garden not exceeding one-half acre in area,  
14 or for single or group domestic uses in an amount not exceeding five  
15 thousand gallons a day, or as provided in section 2 of this act, or for  
16 an industrial purpose in an amount not exceeding five thousand gallons  
17 a day, is and shall be exempt from the provisions of this section, but,

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

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

15 (1) On a pilot project basis, the use of water for domestic use in  
16 clustered residential developments is exempt as described in subsection  
17 (2) of this section from the permit requirements of RCW 90.44.050 in  
18 Whitman county. The department must review the use of water under this  
19 section and its impact on water resources in the county and report to  
20 the legislature by December 31st of each even-numbered year through  
21 2016 regarding its 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 one thousand two hundred gallons a day per residence for a  
26 residential development that has an overall density equal to or less  
27 than one residence per ten acres.

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, 2015.

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