

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2067

Chapter 307, Laws of 2003

58th Legislature
2003 Regular Session

WATER--RESIDENTIAL DEVELOPMENTS

EFFECTIVE DATE: 7/27/03

Passed by the House April 22, 2003
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 10, 2003
Yeas 47 Nays 2

BRAD OWEN

President of the Senate

Approved May 14, 2003.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2067** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

Chief Clerk

FILED

May 14, 2003 - 3:37 p.m.

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2067

AS AMENDED BY THE SENATE

Passed Legislature - 2003 Regular Session

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,
18 to the extent that it is regularly used beneficially, shall be entitled
19 to a right equal to that established by a permit issued under the

1 provisions of this chapter: PROVIDED, HOWEVER, That the department
2 from time to time may require the person or agency making any such
3 small withdrawal to furnish information as to the means for and the
4 quantity of that withdrawal: PROVIDED, FURTHER, That at the option of
5 the party making withdrawals of ground waters of the state not
6 exceeding five thousand gallons per day, applications under this
7 section or declarations under RCW 90.44.090 may be filed and permits
8 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 is exempt as described in subsection
15 (2) of this section from the permit requirements of RCW 90.44.050 in
16 Whitman county. The department must review the use of water under this
17 section and its impact on water resources in the county and report to
18 the legislature by December 31st of each even-numbered year through
19 2016 regarding its review.

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

26 (3) No new right to use water may be established for a clustered
27 development under this section where the first residential use of water
28 for the development begins after December 31, 2015.

Passed by the House April 22, 2003.

Passed by the Senate April 10, 2003.

Approved by the Governor May 14, 2003.

Filed in Office of Secretary of State May 14, 2003.