

# HOUSE BILL REPORT

## HB 1489

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**As Reported by House Committee On:**  
Agriculture & Natural Resources

**Title:** An act relating to water resource management.

**Brief Description:** Regarding water resource management.

**Sponsors:** Representatives Blake, Chandler, Schmick, Kretz, Walsh, Warnick, Hinkle, Short, Haler, Newhouse, Ross and McCune.

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 1/29/09, 1/30/09, 2/20/09 [DPS].

### Brief Summary of Substitute Bill

- Declares that the Legislature finds that effective water resource management and a stable livestock industry are vital to the economic and environmental well-being of the state.
- States that achievement of effective water resource management and a stable livestock industry is hindered by a lack of agreement of the intent of the 1945 Legislature's enactment of the exempt well statute.

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## HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz, Liias, McCoy, Nelson, Pearson, Van De Wege and Warnick.

**Minority Report:** Do not pass. Signed by 1 member: Representative Ormsby.

**Staff:** Jaclyn Ford (786-7339)

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Groundwater Code (Code) was enacted in 1945. In general, it requires a water right permit for any new withdrawal of groundwater after June 6, 1945. However, in addition to "grandfathering" groundwater rights in existence before its enactment, the Code also exempts certain new withdrawals from this permit requirement. The Code states that a permit is not required for: (1) any withdrawal of public groundwaters for stock-watering purposes; (2) watering a lawn or a non-commercial garden not exceeding one-half acre in area; (3) single or group domestic uses in an amount not exceeding 5,000 gallons per day; or (4) an industrial purpose in an amount not exceeding 5,000 gallons per day.

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### **Summary of Substitute Bill:**

The Legislature finds that effective water resource management and a stable livestock industry are vital to the economic and environmental well-being of the state.

The Legislature further finds that achievement of these goals is hindered by a lack of agreement of the intent of the 1945 Legislature's enactment of the exempt well statute as it pertains to the quantity of water available under the requirements for a water right permit exemption for withdrawals of public groundwater for "stock-watering purposes," as well as the meaning of that term.

### **Substitute Bill Compared to Original Bill:**

The substitute bill deletes:

- the definition of stock-watering;
- the requirement for permit-exempt wells withdrawing water for stock-watering purposes to not withdraw more than 350 acre-feet of water per year; and
- the requirement that if the permit-exempted well owner plans on withdrawing more than 15,000 gallons per day for stock-watering purposes, the well owner must submit several documents to the Department of Ecology.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) This bill will offer growth and flexibility to larger dairy operations and will require them to provide the DOE with documentation. The potato industry needs the cattle industry in order to sell feed, and this bill helps the cattle industry.

(Opposed) This would go against the original intent of the Legislature. Washington is running out of water. One dairy uses three million gallons a day. There is a proliferation of exempt wells. There not sufficient water instream to protect salmon. Washington cannot afford to give out water when the future of Washington's water is unclear. Washington's aquifers cannot recharge.

**Persons Testifying:** (In support) Jack Field, Washington Cattlemen's Association; Craig Grub, Spokane County Cattlemen; Wade King, Cattle Producers of Washington; L.D. Green; John Stuhlmiller, Washington Farm Bureau; and Pat Boss, Columbia Snake River Irrigators Association.

(Opposed) Rachael Osborn, Center for Environmental Law and Policy; Patricia Sumption, Sierra Club; Martin Durkan, Jr., Muckleshoot Tribe; Mo McBroom, Washington Environmental Council; Dawn Vyvyan, Yakama Nation; Terry Williams, Tulalip Tribes; and Sheila Poe, Five Corner Family Farms.

**Persons Signed In To Testify But Not Testifying:** None.