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SENATE BILL 5135

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State of Washington

64th Legislature

2015 Regular Session

By Senators Bailey, Pearson, Ericksen, and Honeyford

Read first time 01/14/15. Referred to Committee on Agriculture,  
Water & Rural Economic Development.

1 AN ACT Relating to ensuring that certain existing water uses are  
2 not subject to interruption; adding a new section to chapter 90.44  
3 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that hundreds of  
6 homeowners and businesses who lawfully obtained building permits are  
7 subject to unnecessary interruption of established groundwater uses  
8 through the operation of the Skagit river basin instream flow rule.  
9 An interruptible groundwater supply is not feasible for domestic use,  
10 is hazardous to public health, and imposes severe hardship on  
11 citizens who justifiably relied on the water availability  
12 determinations of both state and local governments. The same water  
13 users could suffer substantial economic hardship due to the  
14 enforcement of the Skagit river basin instream flow rule. It is  
15 therefore just, equitable, and within the public's interest to  
16 preserve from interruption those existing water uses. The legislature  
17 further finds that this act is consistent with the enforcement  
18 discretion exercised by the department of ecology following the  
19 supreme court of Washington's October 3, 2013, opinion in *Swinomish*  
20 *Indian Tribal Community v. Washington State Department of Ecology.*

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 90.44  
2    RCW to read as follows:  
3        Groundwater uses exempt from the permit requirement of RCW  
4    90.44.050 and established between April 14, 2001, and October 3,  
5    2013, in the areas delineated in chapter 173-503 WAC as it existed on  
6    the effective date of this section shall not be subject to  
7    interruption from the instream flows established in chapter 173-503  
8    WAC as it existed on the effective date of this section.

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