S-0671.1

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**SENATE BILL 5369**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Wagoner, Bailey, Honeyford, and Warnick

AN ACT Relating to promoting just compensation for certain property owners who are prevented from using permit-exempt wells; and adding a new section to chapter 90.44 RCW.

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

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

The legislature affirms that just compensation is required for the taking of private property, as provided in the federal and state Constitutions. The legislature finds that restrictions on a person's ability to begin or make use of a groundwater withdrawal authorized under RCW 90.44.050, known as a permit-exempt well for the purposes of this section, may result in the deprivation of private property rights or diminution of property values in a manner that requires compensation to the property owner. In light of this finding, it is the sense of the legislature that Washington courts should order just compensation to be made, in accordance with the federal and state Constitutions, to any property owner who has been prohibited from using or constructing a permit-exempt well by the application of a state or local law, rule, order, ordinance, opinion, or other similar directive, as a result of *Swinomish Indian Tribal Community v. Department of Ecology*, 178 Wn.2d 571, 311 P.3d 6 (2013).

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