

Vincent Buys

See attached handout from Lynden Open House

RCW 90.44.050 – Exempt well statute.

RCW 90.44.050 creates four separate and unique exemptions:

“EXCEPT, HOWEVER, That any withdrawal of public groundwaters for stock-watering purposes, or for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, or for single or group domestic uses in an amount not exceeding five thousand gallons a day, or as provided in RCW 90.44.052, or for an industrial purpose in an amount not exceeding five thousand gallons a day, is and shall be exempt from the provisions of this section...”

These four distinct uses have been upheld in WA Supreme Court cases such as “Five Corners Family Farmers v State of Washington” and a number of AG Opinions, specifically AGO 2009 No 6 – Brief Answer 1. “In response to your first question, the use for watering lawns and noncommercial gardens is not included within the 5,000 gallon-per-day limit for single or group domestic uses”



“for stock watering purposes”



“or for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area”



“or for single or group domestic uses in an amount not exceeding five thousand gallons a day”



“or for an industrial purpose in an amount not exceeding five thousand gallons a day”

SB6091 – “AN ACT Relating to ensuring that water is available to support development” AKA “Hirst Fix”

Section 202, which outlines the process for addressing the water mitigation planning for Whatcom County’s WRIA1 area specifically says this in 202(8):

(8) This section only applies to new domestic groundwater withdrawals exempt from permitting under RCW 90.44.050 in the following water resource inventory areas with instream flow adopted under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals: 1 (Nooksack); 11 (Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 4 55 (Little Spokane); and 59 (Colville) and does not restrict the withdrawal of groundwater for other uses that are exempt from permitting under RCW 90.44.050.