

Focus on: New streamflow restoration law



Definitions

Household or domestic permit-exempt well: A groundwater well intended for household use. These wells are exempt from the state's water permitting system, but are still subject to water law.

ESSB 6091: Shorthand for the law's full legislative name—Engrossed Substitute Senate Bill 6091.

Special accommodations

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Washington state has a new law affecting water resource management. In January 2018, the Legislature passed Engrossed Substitute Senate Bill (ESSB) 6091 in response to the *Hirst* decision. *Hirst* was a 2016 Washington State Supreme Court decision that changed how some counties issued building permits. In general, the decision limited a landowner's ability to get a building permit for a new home when the proposed source of water was a permit-exempt well.

ESSB 6091 addresses the court's decision by allowing landowners to obtain a building permit for a new home relying on a permit-exempt well. The law also directs local planning groups to develop streamflow restoration plans that address the potentially negative impacts from new development.

What does the new law do?

- The law focuses on the 15 watersheds affected by the *Hirst* decision.
- It allows rural landowners in these watersheds to get a building permit to build a home that would rely on a permit-exempt well for their household water supply.
- It creates interim standards for new users of household permit-exempt wells in these watersheds:
 - Allows a maximum annual average of 950 or 3,000 gallons per day for new domestic water use, depending on the watershed.
 - Establishes a one-time \$500 fee for new building permits associated with new household permit-exempt wells. Fees collected will be used in the local watershed to pay for projects that offset the effects of household wells on streams and fish.
- These interim standards will apply until Ecology updates existing instream flow rules based on locally developed recommendations.
- The law retains the current maximum limit of 5,000 gallons per day for permit-exempt domestic water use in watersheds that do not have existing instream flow rules.
- The law invests \$300 million over the next 15 years in projects that will help fish and streamflows.

Q&A

Q: Where does the new law apply?

The main impacts of the law are in 15 watersheds (see the purple areas on the map) that were directly affected by the *Hirst* decision.



Q: I already have a well. How does this affect me?

The law only applies to wells drilled after the law took effect on Jan. 19, 2018. Existing household permit-exempt wells are not affected, nor are permit-exempt wells used for other purposes.

Q: Can I get a building permit from my county now?

Counties are now issuing building permits. However, you’ll want to check with your county government to learn about any specific restrictions that may apply in your area.

Q: What if I live outside one of the 15 watersheds?

The new law did not affect existing requirements outside the 15 watersheds.

Q: I want to build in an affected watershed. When will I need to pay the new \$500 fee?

The fee is collected by the county when you apply for a building or subdivision permit.

Q: Could the water use limits and fee amount change?

Possibly in the future. As part of the law, local planning groups will be developing or updating plans to restore streamflows. After planning is completed, Ecology may update existing instream flow rules to change the water use limits and/or fee.

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