
SENATE BILL 5369

State of Washington

66th Legislature

2019 Regular Session

By Senators Wagoner, Bailey, and Honeyford

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

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.44
6 RCW to read as follows:

7 The legislature affirms that just compensation is required for
8 the taking of private property, as provided in the federal and state
9 Constitutions. The legislature finds that restrictions on a person's
10 ability to begin or make use of a groundwater withdrawal authorized
11 under RCW 90.44.050, known as a permit-exempt well for the purposes
12 of this section, may result in the deprivation of private property
13 rights or diminution of property values in a manner that requires
14 compensation to the property owner. In light of this finding, it is
15 the sense of the legislature that Washington courts should order just
16 compensation to be made, in accordance with the federal and state
17 Constitutions, to any property owner who has been prohibited from
18 using or constructing a permit-exempt well by the application of a
19 state or local law, rule, order, ordinance, opinion, or other similar

1 directive, as a result of *Swinomish Indian Tribal Community v.*
2 *Department of Ecology*, 178 Wn.2d 571, 311 P.3d 6 (2013).

--- **END** ---