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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

Read first time 01/18/19. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

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).

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