

ESSB 6091: Streamflow Restoration law Cedar-Sammamish (WRIA 8) and Duwamish-Green (WRIA 9) Watersheds



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.

RCW 90.94: The Revised Code of Washington chapter that codifies ESSB 6091.

WRIA: Water Resource Inventory Area. Also referred to as a watershed or basin.

In January 2018, the Legislature passed ESSB 6091, a Streamflow Restoration law that helps protect rivers and streams while providing water for homes in rural Washington. The law was in response to the *Hirst* decision, a 2016 Washington State Supreme Court decision that 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. The Streamflow Restoration law clarifies how counties issue building permits for homes that use a permit-exempt well for a water source. The law also directs local planning groups to develop streamflow restoration plans that address the potentially negative impacts from new domestic wells. The law is now codified as [RCW 90.94](#).

What does the Streamflow Restoration law do?

- The law focuses on the 15 watersheds affected by the *Hirst* decision (see [map](#) on Page 2).
- It allows counties to issue building permits to rural landowners to build a home that would rely on a permit-exempt well for household water supply.
- It creates interim standards related to fees and annual average water use for new users of household permit-exempt wells in affected watersheds. These interim standards will apply unless Ecology updates existing instream flow rules based on locally developed recommendations.
- The law retains the current maximum of 5,000 gallons per day for all permit-exempt household water use.
- The law invests \$300 million over the next 15 years in projects that help fish and streamflows.

