

History of the Groundwater Code

According to State Archives, there are no documents regarding the legislative history from when the Ground Water Code was enacted in 1945. In looking at the Journals from the House and the Senate, House Bill 536 (Representative H. Rosellini) and Senate Bill 366 (Senator Albert Rosellini) were introduced on February 26, 1945. House Bill 536 was referred to the House Judiciary Committee and Senate Bill 366 was referred to the Senate Appropriations Committee. On March 2, the House Judiciary Committee reported the bill without recommendation. The House was read the second time on March 3, the second reading being considered the third, and the bill was placed on final passage. The bill passed with a vote of 96 yeas and 3 absent or not voting. On March 4, the Senate read House Bill 536 for the first time, suspended the rules and read the bill for the second time, and referred the bill to the Senate Judiciary Committee. The Senate Judiciary Committee reported the bill back with a do pass recommendation on March 6. The Senate passed the bill on third reading on March 7, with a vote of 42 yeas, 1 nay, and 3 absent or not voting. The Senate moved to postpone indefinitely Senate Bill 366 on March 8. House Bill 536 was approved by the Governor on March 19 and took effect on June 7, 1945.

While there are no documents regarding the legislative history of the Ground Water Code, there are a few documents from the time period about the ground water resource. In "Ground Water Conditions in the State of Washington" published in May 1937, N.C. Janssen of the N.C. Janssen Drilling Company discusses the groundwater conditions in various areas around the state. Based on Mr. Janssen's experience, he said "[t]he Puget Sound Basin as a whole has an abundance of underground water for domestic and industrial use."¹ In relation to the Upper Columbia River Basin, he said that the amount of water currently being pumped could be pumped indefinitely, but additional wells would cause the water level to decrease and the yield of water would not be sufficiently increased.²

A 1942 report of the Washington State Planning Council, entitled "Rural Domestic Water Supply," gives examples of the level of farm use of stock water existing at the time of the legislation.³ The 1942 report indicates that the total expected farm demand for all water, including domestic use, stockwater, sprinkling a small lawn and garden, processing farm products, and fire protection, was expected to be 1,500 gallons per day (gpd).⁴ The study of existing farms showed an estimated low daily consumption of stock water at 814 gpd and a high daily consumption of 1,130 gpd.⁵

Another study from January 1944, "Factual Data Pertaining to Wells and Springs in the Columbia Basin Project Area, Washington," discusses the basic factual data gathered in the investigation of the ground water features of the Columbia Basin Project area by the Geological Survey in the United States Department of the Interior cooperating with the Washington State Department of Conservation and Development.⁶ The study indicates that as project lands are settled and developed, wells and springs will remain the principle sources for yearlong uses of water for domestic and industrial purposes. The study further indicates that a reliable appraisal of ground water resources of the area is essential if settlement is to be directed in an orderly and prudent manner.⁷

Art Garton, director of the Department of Conservation and Development, is quoted in the Spokesman-Review on June 4, 1945 right before the Ground Water Code took effect as saying "[w]ith a code under which the withdrawal of groundwater is controlled, water users can acquire definite water rights to the water."⁸ Additionally, Garton said that "[w]ithout control, the development of this resource could become competitive to the extent of severe loss or damage to those who already make use of ground water."⁹

The "First Biennial Report of the Division of Progress and Industry Development" notes that "[d]espite a common impression that at least on the western slope of the Cascades, the state has a practically limitless supply of water, the growing population, industry, and agriculture of the state have made it necessary to conserve this resource."¹⁰ The report also notes "that the appropriate federal agencies [should] be informed of the desirability of an integrated program for the conservation and development of the water resources of the Northwest."¹¹

In a 1946 report from the Department of Conservation and Development, the Department stated that the ground water bill was prepared by the Northwest Section of the American Water Works Association at the request of the Association of Washington Cities which have large investments in facilities for obtaining ground water supplies.¹² According to this report, the bill was introduced and sponsored in the Legislature by the Association of Washington Cities.¹³ Additionally, the report notes that 126 cities and towns rely upon ground water for their domestic water supplies with large additional quantities being withdrawn for irrigation and industrial purposes.¹⁴ The report also states that the future development of the State will depend, to a large extent, on this source of water supply.¹⁵

In another article from the Spokesman-Review, Charles J. Bartholet, state hydraulics engineer in charge of the administration of the new ground water code, said the purpose of the ground water code was to conserve water.¹⁶ He said the State had found that ground water had been wasted in many areas.¹⁷ Bartholet also stated that "three classes of permits are available for the use of ground water."¹⁸ The article also mentioned that "owners have three years in which to file claims on larger amounts of ground water they were using when the act became effective [on] June 7, 1945."¹⁹

¹ "Ground Water Conditions in the State of Washington", A Report by N.C. Janssen of the N.C. Janssen Drilling Company.

² Id.

³ Rural Domestic Water Supply, Means to Minimize the Financial Commitments of Rural Settlers in Obtaining Domestic Water", Washington State Planning Council, May 1942.

⁴ Id.

⁵ Id.

⁶ "Factual Data Pertaining to Wells and Springs in the Columbia Basin Project Area, Washington", United States Department of the Interior, Geological Survey, January 1944.

⁷ Id.

⁸ "Hidden Water Under Control", The Spokesman-Review, June 5, 1945.

⁹ Id.

¹⁰ First Biennial Report of the Division of Progress and Industry Development", submitted as a portion of the "Thirteenth Biennial Report of the Department of Conservation and Development, April 1, 1945 to September 30, 1946

¹¹ Id.

¹² "Thirteenth Biennial Report of the Department of Conservation and Development", October 1, 1944-September 30, 1946, page 44.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

¹⁶ "State's Ground Water Hearings", The Spokesman-Review, May 14, 1946.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.