AN ACT Relating to limiting withdrawals of groundwater for stock watering purposes; amending RCW 90.44.050; and adding a new section to chapter 16.36 RCW.

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

Sec. 1. RCW 90.44.050 and 2003 c 307 s 1 are each amended to read as follows:

(1) After June 6, 1945, no withdrawal of public groundwaters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the department and a permit has been granted by it as herein provided: EXCEPT, HOWEVER, That any withdrawal of public groundwaters for stock watering purposes that is in accordance with subsection (2) of this section, or for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, or for single or group domestic uses in an amount not exceeding five thousand gallons a day, or as provided in RCW 90.44.052, or for an industrial purpose in an amount not exceeding five thousand gallons a day, is and shall be exempt from the provisions of this section, but, to the extent that it is regularly used beneficially, shall be entitled to a right equal to
that established by a permit issued under the provisions of this chapter: PROVIDED, HOWEVER, That the department from time to time may require the person or agency making any such small withdrawal to furnish information as to the means for and the quantity of that withdrawal: PROVIDED, FURTHER, That at the option of the party making withdrawals of groundwaters of the state not exceeding five thousand gallons per day, applications under this section or declarations under RCW 90.44.090 may be filed and permits and certificates obtained in the same manner and under the same requirements as is in this chapter provided in the case of withdrawals in excess of five thousand gallons a day.

(2)(a) After the effective date of this section, withdrawal of public groundwaters for stock watering purposes must be metered and may not exceed five thousand gallons per day, except those withdrawals authorized in (b) of this subsection.

(b) The withdrawer of public groundwaters that are put to beneficial use for stock watering purposes prior to the effective date of this section may continue to withdraw public groundwaters for stock watering purposes in an amount not exceeding five thousand gallons per day or their total per livestock water limit as determined by the Washington state department of agriculture in section 2 of this act for the highest daily number of livestock present in 2009 on the parcel where the permit exempt well used for stock watering is located.

NEW SECTION. Sec. 2. A new section is added to chapter 16.36 RCW to read as follows:

The department must determine by rule the average daily water use of individual livestock in Washington. The estimate of water use per individual livestock must include all reasonable uses of water needed for domestic farm animals for drinking and for maintenance of livestock health and welfare.

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