

Establishing a Volumetric Cap for Stock Water Purposes Under the Permit Exemption

The Proposal: Establish a volumetric cap for stock water purposes under the permit exemption.

Elements of the Proposal: Legislation is needed to establish an annual volumetric cap or a volumetric cap based on type of livestock for stock water purposes under the permit exemption that will allow smaller operations to rely on the permit exemption.

Additionally, legislation should allow Ecology to adopt rules to either increase or decrease the cap amount based on various factors. Some of the factors Ecology should consider when adopting rules include whether salmon listed or proposed for listing as threatened or endangered or listed as critical or depressed under the state salmon and steelhead stock inventory are being affected; stream flows have been diminishing; aquifer levels have been declining; surface waters or ground waters have been fully appropriated; existing water rights have been restricted or interrupted or the basin has ever been closed; there is an ongoing adjudication; or rules are necessary to prevent impairment to existing rights or significant harm to fish, wildlife, navigation, or an existing public recreational use.

Why it is needed: Groundwater plays a critical role in Washington's economic and environmental future. It is the source of drinking water for more than 60 percent of Washington residents. Groundwater irrigates more than 385,000 acres in our state, supporting thousands of agricultural jobs and a large part of the state's economy. It is the primary source of water for hundreds of commercial and industrial needs that use more than 138 million gallons of water each day. It is also expected to provide the majority of drinking water for the millions of new residents predicted for Washington in the next several decades. Washington State's population is now more than 6.3 million, and is expected to be between 8 to 9 million by 2030. Groundwater is a finite resource and the best available science suggests at current population growth rates, the proliferation of permit-exempt wells under current law is not sustainable. As such, there is a need to establish a volumetric cap for stock water purposes within the permit exemption.

Based on information from the industry, it appears that a daily limitation does not make sense. However, an annual limitation or a limitation based on type of livestock could put some parameters around this exemption. As such, legislation should contain an annual volumetric cap or a volumetric cap based on the type of livestock in order to allow some farms to rely on a permit exemption for their water use, but also provide Ecology with the ability to better manage the ground water resource.

Related Elements: Specific language establishing a volumetric cap assumes enactment of other proposals, including defining "stock water purposes" in the Ground Water Code, and would require Water Code approval for uses above the cap.