
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0699.3/09 3rd draft

ATTY/TYPIST: ML:lel

BRIEF DESCRIPTION: Regarding withdrawals of groundwater for stock watering purposes.

1 AN ACT Relating to withdrawals of groundwater for stock watering
2 purposes; amending RCW 90.44.035; adding new sections to chapter 90.44
3 RCW; adding a new section to chapter 90.14 RCW; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that effective water
7 resource management and a stable livestock industry are vital to the
8 economic and environmental well-being of the state. The legislature
9 further finds that achievement of these goals is hindered by a lack of
10 agreement over the intent of the 1945 legislature's enactment of RCW
11 90.44.050 as it pertains to the quantity of water available under the
12 exemption from water right permit requirements for withdrawals of
13 public groundwater for "stock watering purposes" and the meaning of
14 that undefined term. Therefore, in order to promote the clarity needed
15 for both a sustainable livestock industry and effective water resource
16 management, the legislature intends to: Define "stock watering
17 purposes"; confirm the validity of the water rights used by existing
18 operations under the authority of the exemption; provide a process for
19 existing operations that rely upon the exemption to have their

1 authorized water withdrawal quantities and beneficial uses of water
2 registered and verified by the department of ecology; establish clear
3 quantity limits for new livestock operations that intend to rely upon
4 the exemption for small withdrawals in the future; provide a process to
5 recognize and protect from relinquishment the water conservation
6 efforts of registered livestock operations; and facilitate more
7 efficient consolidation and movement of livestock and their associated
8 water requirements among registered livestock operations.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.44 RCW
10 to read as follows:

11 (1) Any existing withdrawal of water put to beneficial use for
12 stock watering purposes under RCW 90.44.050 before the effective date
13 of this section is and remains exempt from the water right permit
14 requirements of this chapter under the following conditions:

15 (a) If the total withdrawal for stock watering purposes, combined
16 with any other permit-exempt use withdrawals authorized under RCW
17 90.44.050, does not then or thereafter exceed ten acre-feet per year;
18 or

19 (b) If the total withdrawal for stock watering purposes, combined
20 with any other permit-exempt use withdrawals authorized under RCW
21 90.44.050, exceeds ten acre-feet per year:

22 (i) By December 31, 2010, the livestock operation making the
23 withdrawal files a complete registration with the department to
24 document the quantity and priority of the withdrawal as provided in
25 section 3 of this act;

26 (ii) Water withdrawn under such a registration does not thereafter
27 exceed the annual quantity withdrawal limits contained in such a
28 registration, as originally filed, modified, or amended under sections
29 3 through 5 of this act; and

30 (iii) By December 31, 2012, for existing livestock operations
31 withdrawing water from a groundwater body that has been closed to
32 further withdrawal by rule, that is in hydraulic continuity with
33 surface waters that are closed to further appropriation by rule or have
34 an established instream flow that is not regularly met, or that is in
35 hydraulic continuity with surface waters with depressed or critical
36 salmonid stock status as determined by the Washington department of

1 fish and wildlife under RCW 90.03.360, the livestock operation begins
2 to meter its withdrawals, retains records of the amounts withdrawn, and
3 makes the records available to the department upon request.

4 (2) Any new withdrawal of water put to beneficial use for stock
5 watering purposes under RCW 90.44.050 and commenced after the effective
6 date of this section is and remains exempt from the water right permit
7 requirements of this chapter under the following conditions:

8 (a) The total withdrawal for stock watering purposes, combined with
9 any other permit-exempt use withdrawals authorized under RCW 90.44.050,
10 does not exceed ten acre-feet per year;

11 (b) Annual withdrawal quantities are metered and recorded, and
12 metering records are retained and made available to the department upon
13 request; and

14 (c) The withdrawal is not from a groundwater body that is closed to
15 further withdrawal by rule, that is in hydraulic continuity with
16 surface waters that are closed to further appropriation by rule or have
17 an established instream flow that is not regularly met, or that is in
18 hydraulic continuity with surface waters with depressed or critical
19 salmonid stock status as determined by the Washington department of
20 fish and wildlife under RCW 90.03.360.

21 (3) A water right permit, certificate, or claim, a department
22 approved transfer of an existing water right, or a department approved
23 change or consolidation amendment as provided under section 5 of this
24 act, is required for, and prior to, any amount of expanded water use
25 exceeding:

26 (a) Ten acre-feet per year for any livestock operation that
27 commenced a withdrawal for stock watering purposes after the effective
28 date of this section, as provided under subsection (2) of this section;

29 (b) Ten acre-feet per year for any livestock operation that existed
30 and had a total withdrawal for stock watering purposes of less than ten
31 acre-feet per year prior to the effective date of this section, as
32 provided under subsection (1)(a) of this section; and

33 (c) The registered annual quantity withdrawal limit, as originally
34 filed, modified, or amended under sections 3 through 5 of this act, for
35 any livestock operation that existed prior to the effective date of
36 this section and that registered a withdrawal of more than ten acre-
37 feet per year, as provided under subsection (1)(b) of this section.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.44 RCW
2 to read as follows:

3 (1) (a) A complete registration and declaration of beneficial use
4 for stock watering purposes under this chapter must be on a form or
5 electronic template provided by the department and must include:

6 (i) The name and address of either the water user or the stock
7 watering operation, or both;

8 (ii) The name and address of the owner of the land on which the
9 well, wells, or other means used for the withdrawal are located;

10 (iii) The legal description of the location of the point of
11 withdrawal and the place of use;

12 (iv) The depth, and any other pertinent specifications, of the
13 well, wells, or other means used for the withdrawal that may reasonably
14 be required by the department to determine the body of public
15 groundwater being withdrawn from;

16 (v) The date or approximate date as best it can be estimated of the
17 first beneficial use of groundwater withdrawn and any year in which the
18 operation expanded either its livestock numbers or its withdrawal of
19 water, or both, by an amount of ten percent or greater, including
20 estimated additional livestock numbers and amounts of water withdrawn
21 to the nearest annual acre-foot increment;

22 (vi) A description of the seasonal and year-to-year continuity or
23 variability of the amount withdrawn for beneficial use;

24 (vii) A description of the stock watering purposes, and any other
25 permit exempt purposes, associated with such withdrawal and use;

26 (viii) A declaration of the highest annual quantity, estimated to
27 the nearest acre-foot, of water withdrawn and beneficially used by the
28 livestock operation for stock watering purposes, and for other permit
29 exempt purposes, during the period of January 1, 2004, through December
30 31, 2010. Appropriate means of demonstrating water use may include,
31 but are not limited to:

32 (A) Power records;

33 (B) Livestock records including numbers and type of stock;

34 (C) Metering records of the operation or a similarly situated and
35 managed operation; and

36 (D) Calculations acceptable to the department based on reputable
37 state or federal agency estimates of water requirements for various

1 uses, livestock operation types, livestock types and varieties, and
2 other pertinent conditions; and

3 (ix) The identifying number of any of the operation's water rights
4 authorized by a permit, certificate, or claim and a brief description
5 of how the rights contribute to the daily water needs of the livestock
6 operation.

7 (b)(i) A registrant may use the following livestock annual water
8 use conservation standards as an alternative way to calculate and
9 quantify livestock operation water requirements:

- 10 (A) Cow, horse, or mule: .028 acre-foot per year;
- 11 (B) Sheep, goat, or swine: 0.0056 acre-foot per year;
- 12 (C) Ostrich or emu: 0.0036 acre-foot per year;
- 13 (D) Llama: 0.0022 acre-foot per year; and
- 14 (E) Chicken or turkey: 0.00084 acre-foot per year.

15 (ii) The estimated withdrawal requirements provided in the list of
16 specified livestock in (b)(i) of this subsection are based on year-
17 round watering. The list is not exclusive, and may not be construed as
18 a limit to the type of livestock to which this act applies. For
19 livestock not expressly listed under (b)(i) of this subsection,
20 estimated water requirements may be based on other sources or methods
21 acceptable to the department, including but not limited to third-party
22 technical materials or on calculations of equivalent water requirements
23 for the most similar type of livestock listed under (b)(i) of this
24 subsection. Livestock operations withdrawing water for lesser or
25 intermittent periods would need to adjust accordingly when calculating
26 a cumulative annual acre-foot quantity of withdrawal. Water diverted
27 for stock watering purposes is generally considered to be one hundred
28 percent depleted by the animal, evaporation, and/or waste water
29 collection. In no instance may the registered withdrawal amount
30 related to stock watering purposes exceed the estimated water
31 requirements for the operation, as calculated under this subsection, by
32 more than ten percent.

33 (c) A registration under this section pertains to the quantity of
34 permit-exempt groundwater withdrawn and not to quantities of water use
35 authorized by an existing water right permit, certificate, or claim.
36 However, where an operation depends upon a mixture of permit-exempt
37 withdrawals and other water rights authorized by a permit, certificate,

1 or claim, the identifying number of the rights and claims and a brief
2 description of how they contribute to the daily water needs of the
3 livestock operation must also be included.

4 (2) A livestock operation that, prior to the effective date of this
5 section, has relied upon combined permit-exempt withdrawals of more
6 than ten acre-feet per year, as provided under section 2(2) of this
7 act, that fails to register by the December 31, 2010, deadline may
8 apply to the department for a waiver and a reasonable extension of
9 time, which may not exceed two additional years and that may be granted
10 only upon a showing of good cause. Unregistered operations may not
11 avail themselves of the protections and programs provided by sections
12 5 and 6 of this act.

13 (3) A livestock operation that, prior to the effective date of this
14 section, has relied upon combined permit-exempt withdrawals of ten or
15 fewer acre-feet per year under section 2(1)(a) of this act is not
16 required to register under this section. A livestock operation that,
17 after the effective date of this section, will not exceed the combined
18 limits provided for new small permit-exempt withdrawals under section
19 2(2) of this act is also not required to register. However, these
20 types of permit-exempt operations may voluntarily register with the
21 department at any time, consistent with the provisions of this chapter.

22 (4) Permit-exempt withdrawals of livestock operations registered
23 under this section may be approved by the department for transfer and
24 change or amendment to another place or purpose of use, consistent with
25 the requirements of RCW 90.44.100. The department may also approve an
26 expedited transfer and change or amendment to accommodate the expansion
27 or consolidation of registered livestock operations consistent with
28 section 5 of this act and RCW 90.44.100. For purposes of RCW
29 90.44.100, the department shall treat such registered permit-exempt
30 stock water withdrawals as an appropriate permit when considering an
31 application for transfer and change or amendment.

32 (5) Any livestock operation, whether relying on a water right
33 permit, certificate, claim, or exemption, or some combination of such
34 rights, may register at any time unless the livestock operation: (a)
35 Existed prior to the effective date of this section; (b) relied on
36 combined permit-exempt withdrawals of more than ten acre-feet per year,
37 as provided under section 2(2) of this act; and (c) failed to register

1 within the deadline or extension periods provided under subsection (2)
2 of this section.

3 (6) All livestock operations registered under this section and
4 using more than ten acre-feet per year that withdraw water from a
5 groundwater body that has been closed to further withdrawal by rule,
6 that is in hydraulic continuity with surface waters that are closed to
7 further appropriation by rule or have an established instream flow that
8 is not regularly met, or that is in hydraulic continuity with surface
9 waters with depressed or critical salmonid stock status as determined
10 by the Washington department of fish and wildlife under RCW 90.03.360,
11 must: (a) Meter and record their groundwater withdrawals; and (b)
12 retain the records and make them available to the department upon
13 request, unless an operation will entirely cease withdrawal of public
14 groundwater for stock watering purposes following the department's
15 approval of a change or consolidation amendment under section 5 of this
16 act.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.44 RCW
18 to read as follows:

19 (1) Upon receipt, the department shall review all registration
20 applications received under this chapter, and shall record all
21 registrations that appear accurate and complete. Prior to recording
22 such registration, and any time thereafter, the department may verify
23 beneficial use quantities of withdrawals registered under this chapter
24 and may return registrations for modification as needed, to correct
25 ministerial errors and to ensure that information, including but not
26 limited to withdrawal quantities and priority dates, provided in the
27 registration is accurate and consistent with all conditions and
28 requirements of this chapter.

29 (2) A registered livestock operation may request, and the
30 department is authorized to provide, confirmation via written
31 verification of:

32 (a) The department's tentative determination of permit-exempt water
33 right withdrawal quantities authorized and available for beneficial use
34 by the livestock operation; and

35 (b) The department's tentative determination of the priority date
36 or dates of such rights, as supported by documentation provided, or by
37 other evidence available to the department.

1 (3) The department's receipt and recording of information regarding
2 a water right permit, certificate, or claim under the registration
3 provisions of this section does not constitute a final determination of
4 the extent and validity of such a right. In verifying a registered
5 livestock operation's permit-exempt withdrawals under subsection (2) (a)
6 of this section, the department may not conduct a tentative
7 determination of the extent and validity of any other water right
8 permit, certificate, or claim associated with such a livestock
9 operation unless the permit, certificate, or claim is proposed to be
10 changed or amended.

11 (4) For purposes of this chapter, the initial priority date of a
12 water right established through the permit exemption for stock watering
13 purposes is the date of the first beneficial use of water for such
14 purposes. If annual water use has increased since the time of first
15 beneficial use, each incremental increase of ten percent or more, over
16 previously established withdrawal amounts and priority dates, must have
17 its own priority date.

18 (5) For purposes of enforcement, the department shall treat the
19 beneficial use of permit-exempt stock water withdrawals registered
20 under this chapter as a perfected water right, and to the extent the
21 registered right is regularly used beneficially, the livestock
22 operation making the withdrawal is entitled to a right equal to that
23 established by a permit issued under the provisions of, and subject to
24 all conditions and limitations of, this chapter. However, the
25 department from time to time may require the livestock operation making
26 such a withdrawal to furnish information as to the means for and the
27 quantity of that withdrawal.

28 (6) The filing or confirmation of a statement of registration under
29 this chapter does not constitute an adjudication of any claim to the
30 right to use of waters as between the water use registrant and the
31 state or as between one or more water use registrants and another or
32 others. A registration confirmed under subsection (2) of this section
33 shall be admissible in an adjudication of water rights as prima facie
34 evidence of the times of use and quantity of water the registrant was
35 authorized to withdraw as of the year of filing, if, and only if, the
36 quantities of water right in use and the time of use when considered in
37 such adjudication are substantially in accord with the times of use and
38 quantity of water confirmed in the statement of registration, or nonuse

1 of the water right is excused under chapter 90.14 RCW. A statement of
2 registration may not otherwise be evidence of the priority of the
3 registered water right in such an adjudication.

4 (7) A permit-exempt withdrawal right under this chapter may be
5 relinquished or abandoned through nonuse in the same manner as other
6 water rights.

7 (8) Nothing in this act authorizes the impairment of, or operates
8 to impair, any existing water right. Nothing in this act precludes an
9 action, on the basis of priority date, in favor of senior water rights,
10 whether such an action is brought by the holder of an existing water
11 right or by the department which is authorized to use the authorities
12 of RCW 90.03.605 to pursue such an action.

13 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.44 RCW
14 to read as follows:

15 (1) Registration, consistent with the provisions of section 3 of
16 this act, is required for livestock operations wishing to participate
17 in the change and consolidation amendment program provided under this
18 section. The department shall expedite change and consolidation
19 amendments under this section.

20 (2) Upon the issuance by the department of an amendment to the
21 appropriate permit-exempt groundwater right registrations, claims,
22 permits, or certificates of livestock operations registered under this
23 chapter, the holder of such a valid right to withdraw public
24 groundwaters may use the expedited procedures provided under this
25 section to change or consolidate water rights with consenting owners of
26 other livestock operations registered under this chapter. Such an
27 amendment does not affect the priority of any water rights involved in
28 the change or consolidation, and may be issued only after a
29 determination has been made by the department that all applicable
30 criteria established under subsections (3) through (8) of this section
31 have been satisfied.

32 (3) (a) Any registered livestock operation that conserves water and
33 reduces the water withdrawal quantities required by the operation may:

34 (i) Increase either the operation's numbers or types, or both, of
35 livestock without notice to the department as long as withdrawal
36 quantities authorized under registration with the department are not
37 exceeded; or

1 (ii) Elect to protect the excess and unused portion of registered
2 withdrawal quantities from relinquishment under section 6 of this act
3 by submitting a notice of reduced use to the department. In order to
4 prevent relinquishment:

5 (A) The notice must be received by the department within five years
6 of the date when reduced water use began; and

7 (B) The livestock operation's withdrawal facilities must be
8 maintained in good operating condition consistent with the ability to
9 withdraw and make full beneficial use of the livestock operation's
10 registered withdrawal quantities.

11 (b) The livestock operation may, at any date after submitting a
12 notice of reduced use, resume the use of some or all of the amounts of
13 water preserved under this section by submitting notice to the
14 department of the intent to resume water use, as long as the operation
15 has met the requirements of (a)(ii) of this subsection.

16 (4) Upon receipt of a notice of reduced or resumed use, and subject
17 to department verification:

18 (a) The department shall append such a notice to the applicable
19 registration; and

20 (b) The department may, consistent with the provisions of this
21 section, approve a change application to make the conserved and unused
22 water available for use by another registered livestock operation.
23 Prior to such a change approval, the department shall amend the
24 registrations of the sending and receiving livestock operations to
25 appropriately reflect the corresponding reduction and increase of water
26 withdrawal quantities available.

27 (5) The department may approve the consolidation of two or more
28 registered stock water rights to accommodate the expansion or
29 consolidation of livestock operations. A registered livestock
30 operation may increase water withdrawal associated with a consolidation
31 of livestock to be received from another registered livestock operation
32 if the department first approves the consolidation application in
33 accordance with RCW 90.44.105. Prior to such a consolidation approval,
34 the department shall amend the registrations of the sending and
35 receiving livestock operations to appropriately reflect the
36 corresponding reduction and increase of water withdrawal quantities
37 available.

1 (6) Applications for a change or consolidation amendment under this
2 section must:

3 (a) Use a change of water right application form provided by the
4 department;

5 (b) Provide registration or water right identification numbers for
6 the registered livestock operation proposing to receive conserved water
7 under subsection (2) of this section or proposing to receive livestock
8 and their associated water requirements under subsection (3) of this
9 section;

10 (c) Provide registration or water right identification numbers for
11 the registered operation proposing to send conserved water under
12 subsection (2) of this section or proposing to send livestock and their
13 associated water requirements under subsection (3) of this section;

14 (d) Provide the date or approximate date of the change or
15 consolidation, or the date of deposit in a water bank established
16 under:

17 (i) RCW 90.42.100;

18 (ii) Chapter . . . , Laws of 2009 (sections . . . , . . . , and . . . ,
19 of Senate Bill No. 5583/House Bill No. 1494 (water banking)); or

20 (iii) Chapter . . . , Laws of 2009 (sections . . . , . . . , and
21 . . . , of Senate Bill No. 5647/House Bill No. 1580 (Walla Walla water
22 banking sections)); and

23 (e) Provide the proposed increase and corresponding decrease in the
24 amount of water to be withdrawn and beneficially used by each
25 operation, in gallons per day, following the change of conserved water
26 or the consolidation and movement of animals, based on a prorated
27 operational share of water associated with animals moved.

28 (7) Prior to the department making a determination on an
29 application for a change or consolidation amendment under this section,
30 the applicant seeking the consolidation must publish notice of the
31 application in a newspaper of general circulation in the county or
32 counties in which the withdrawal or withdrawals for the right or rights
33 to be changed or consolidated are located once a week for two
34 consecutive weeks. Preparation of the notice must be consistent with
35 the provisions of RCW 90.03.280. The applicant shall provide evidence
36 of the publication of notice to the department. There is a thirty-day
37 comment period beginning on the date the second notice is published.

1 (8) The department may only approve expedited change and
2 consolidation amendments under this section after:

3 (a) Conducting a tentative determination, based on the water
4 right's full history, of the extent and validity of any water right
5 registration, permit, certificate, or claim associated with a change or
6 consolidation amendment under this section; and

7 (b) Determining that:

8 (i) The sending and receiving livestock operations utilize
9 withdrawals that tap the same body of public groundwater unless the
10 department determines that withdrawing the water from a different body
11 of public groundwater would improve the overall management of
12 groundwater resources;

13 (ii) Any increase in water legally withdrawn by the receiving
14 livestock operation will be matched by an equal or greater reduction in
15 water legally withdrawn by the sending operation;

16 (iii) Other existing rights, including groundwater and surface
17 water rights and minimum stream flows adopted by rule, will not be
18 impaired as a result of the change or consolidation amendment; and

19 (iv) The proposed change or consolidation amendment will not be
20 detrimental to the public welfare.

21 NEW SECTION. **Sec. 6.** A new section is added to chapter 90.14 RCW
22 to read as follows:

23 (1) For a livestock operation registered under section 3 of this
24 act, the nonuse of water for a period exceeding five years does not
25 result in relinquishment of the unused quantity, and is available for
26 future use by the livestock operation, provided:

27 (a) Notice of reduced use is received by the department of ecology
28 within five years of the date when reduced water use began;

29 (b) Notice of the livestock operation's intent to resume use of
30 water, up to the maximum amount allowed under the operation's
31 registration, is received by the department of ecology; and

32 (c) The livestock operation's withdrawal facilities are maintained
33 in good operating condition consistent with the ability to withdraw and
34 make full beneficial use of the registered right.

35 (2) The department's receipt and recording of water use reduction
36 and resumption notices from a registered livestock operation does not

1 constitute a final determination of the extent and validity of the
2 livestock operation's water right.

3 (3) In receiving and recording water use reduction and resumption
4 notices from a registered livestock operation, the department may not
5 conduct a tentative determination of the extent and validity of the
6 livestock operation's water right, unless such a right is proposed to
7 be changed or amended.

8 **Sec. 7.** RCW 90.44.035 and 2000 c 98 s 2 are each amended to read
9 as follows:

10 (~~For purposes of this chapter:~~) The definitions in this section
11 apply throughout this chapter unless the context clearly requires
12 otherwise.

13 (1) "Department" means the department of ecology(~~(†)~~).

14 (2) "Director" means the director of ecology(~~(†)~~).

15 (3) "Groundwaters" means all waters that exist beneath the land
16 surface or beneath the bed of any stream, lake or reservoir, or other
17 body of surface water within the boundaries of this state, whatever may
18 be the geological formation or structure in which such water stands or
19 flows, percolates or otherwise moves. There is a recognized
20 distinction between natural groundwater and artificially stored
21 groundwater(~~(†)~~).

22 (4) "Natural groundwater" means water that exists in underground
23 storage owing wholly to natural processes(~~(†)~~).

24 (5) "Artificially stored groundwater" means water that is made
25 available in underground storage artificially, either intentionally, or
26 incidentally to irrigation and that otherwise would have been
27 dissipated by natural processes(~~(† and)~~).

28 (6) "Underground artificial storage and recovery project" means any
29 project in which it is intended to artificially store water in the
30 ground through injection, surface spreading and infiltration, or other
31 department-approved method, and to make subsequent use of the stored
32 water. However, (a) this subsection does not apply to irrigation
33 return flow, or to operational and seepage losses that occur during the
34 irrigation of land, or to water that is artificially stored due to the
35 construction, operation, or maintenance of an irrigation district
36 project, or to projects involving water reclaimed in accordance with
37 chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of

1 claimed artificial recharge occurring due to the construction,
2 operation, or maintenance of an irrigation district project or
3 operational and seepage losses that occur during the irrigation of
4 land, as well as other forms of claimed artificial recharge already
5 existing at the time a groundwater subarea is established.

6 (7) "Livestock" means all classes and breeds of animals generally
7 kept for the production of food or fiber, or raised for use or sale,
8 including but not limited to sheep, goats, swine, cows, horses, mules,
9 llamas, ostriches, emus, rabbits, chickens, and turkeys.

10 (8) "Livestock operation" means the contiguous facilities,
11 premises, or parcels where livestock are kept for the purpose of
12 owning, raising, maintenance, use, or production and sale of livestock
13 or any livestock-related agricultural product, as that term is defined
14 in RCW 82.04.213.

15 (9) (a) "Stock watering purposes" means providing water for
16 livestock for drinking and for maintenance of animal health and
17 welfare, and includes the primary and beneficial use of water for
18 livestock drinking, feeding, cleaning equipment used to feed or milk
19 livestock, cleaning the livestock and the buildings they occupy, and
20 misting the livestock for cooling purposes.

21 (b) "Stock watering purposes" does not include the use of water to
22 cool or process milk or milk products or meat or meat products,
23 irrigation of vegetation, or dust control, all of which are industrial
24 or commercial water uses under RCW 90.44.050, unless such uses are
25 secondary and incidental to, and do not exceed quantities required
26 solely for, the beneficial use of water associated with primary "stock
27 watering purposes" authorized under this subsection.

28 (c) "Stock watering purposes" does not include use of water for
29 households or their pets, which are domestic uses under RCW 90.44.050.

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