

# SENATE BILL REPORT

## SB 6200

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As of January 24, 2012

**Title:** An act relating to reconvening a stock water working group.

**Brief Description:** Reconvening a stock water working group.

**Sponsors:** Senator Nelson.

**Brief History:**

**Committee Activity:** Agriculture, Water & Rural Economic Development: 1/24/12.

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### SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

**Staff:** Bob Lee (786-7404)

**Background:** In 1917 the Legislature required persons seeking new withdrawals of surface waters to obtain a water right permit. In 1945 the Legislature required persons seeking new withdrawals of ground waters to obtain a water right permit for all but four categories of water use:

- stock watering;
- watering of a lawn or non-commercial garden not exceeding one-half acre in area;
- single or group domestic uses in an amount not exceeding 5000 gallons a day; and
- industrial purposes in an amount not exceeding 5000 gallons a day.

Around the year 2000, the question was raised as to whether the stock-watering exemption was limited to 5000 gallons per day in regard to the use of water by an existing dairy operation. Because approximately two-thirds of the dairy production in the state relies on the longstanding interpretation that the exemption for stock water is not limited to 5000 gallons per day, a formal attorney general opinion (AGO) was sought to quell concerns of the lending industry. In 2005 AGO #17 was issued that confirmed that the long-standing interpretation.

Litigation was initiated that challenged this interpretation in regard to a beef cattle feedlot. In 2009 the Legislature directed that a Stock Water Work Group be formed; several meetings ensued but no bills were introduced.

In December 2011 the state Supreme Court entered a ruling consistent with AGO that the use of ground water for stock-watering purposes does not require a permit. This ruling doesn't

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preclude other water right holders from bringing an action against a livestock operation if their senior rights are impaired.

**Summary of Bill:** The Department of Ecology (DOE) is directed to convene a stock water work group that includes :

- four members of the House, two from each of the largest political caucus;
- four members of the Senate, two from each of the largest political caucus;
- four members representing agricultural interests, one which must represent small agricultural interests;
- three members representing environmental interests;
- the Attorney General Office;
- DOE;
- the Department of Agriculture; and
- affected federally recognized tribes shall be invited to send participants.

The members of the workgroup are to choose its chair from among its legislative membership. The workgroup must review issues surrounding the use of permit-exempt wells for stock-watering purposes and develop recommendations for legislative action. The findings and recommendations for legislative action must be transmitted to the Legislature by December 31, 2012.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** Yes.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.