
SENATE BILL 6200

State of Washington

62nd Legislature

2012 Regular Session

By Senator Nelson

Read first time 01/13/12. Referred to Committee on Agriculture, Water & Rural Economic Development.

1 AN ACT Relating to reconvening a stock water working group;
2 creating a new section; and providing an expiration date.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that effective
5 water resource management and a stable livestock industry are vital to
6 the economic and environmental well-being of the state. The livestock
7 industry is an important part of our state's economy and an important
8 part of many communities in our state, and this industry should be
9 treated fairly as with all other sectors of the economy seeking an
10 assured water supply for its activities. The legislature further finds
11 that achievement of these goals is hindered by uncertainty surrounding
12 the exemption from water right permit requirements for withdrawals of
13 public groundwater for "stock watering purposes." In a six to three
14 decision, the supreme court held in *Five Corners Family Farmers v.*
15 *State*, No. 84632-4 (2011) that "under a plain reading of RCW 90.44.050,
16 groundwater withdrawn without a permit for stock-watering purposes is
17 not limited to 5,000 gallons per day." In the dissent, the minority
18 held that "the stock-watering permit exemption in RCW 90.44.050 is
19 ambiguous, and the legislature intended to limit the exemption to 5,000

1 gallons of water per day." The minority concluded that "it is highly
2 unlikely that the legislature contemplated in 1945 that the stock-
3 watering exemption would apply to an industrial feedlot using between
4 450,000 and 600,000 gallons of water per day." The majority opinion
5 stated that, "it may be that, at the time of enactment of RCW
6 90.44.050, the legislature believed that stock-watering was
7 sufficiently important, and its impact sufficiently slight, that a
8 balancing of interests categorically justified groundwater withdrawals
9 without consideration of other factors." The court further stated that
10 "to the extent this reasoning no longer holds true, it is for the
11 legislature, not this court, to amend the statute." With that
12 direction from the supreme court, the legislature finds that
13 reconvening the stock water working group established in Engrossed
14 Substitute House Bill No. 1244, chapter 564, Laws of 2009 is necessary.

15 (2)(a) The department of ecology shall convene a stock water
16 working group that includes:

17 (i) Four members of the house of representatives, two from each of
18 the two largest political caucuses, appointed by the speaker of the
19 house of representatives;

20 (ii) Four members of the senate, two from each of the two largest
21 political caucuses, appointed by the president of the senate;

22 (iii) Four members representing agricultural interests, one of
23 which must represent small agricultural interests;

24 (iv) Three members representing environmental interests;

25 (v) The attorney general or the attorney general's designee;

26 (vi) The director of the department of ecology or the director's
27 designee; and

28 (vii) The director of the department of agriculture or the
29 director's designee.

30 (b) Affected federally recognized tribes shall be invited to send
31 participants.

32 (c) The stock water working group shall choose its chair from among
33 its legislative membership.

34 (d) The stock water working group shall review issues surrounding
35 the use of permit-exempt wells for stock-watering purposes and develop
36 recommendations for legislative action.

37 (e) The stock water working group shall meet periodically and

1 report its findings and recommendations for legislative action to the
2 legislature, consistent with RCW 43.01.036, by December 31, 2012.

3 (3) This section expires December 31, 2012.

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