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HOUSE BILL 1509

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Ross, Klippert, Takko, Armstrong, Warnick, Schmick, Smith, Hinkle, McCune, and Johnson

Read first time 01/22/09. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to clarifying the provisions of existing stock  
2 watering purposes as authorized under chapter 90.44 RCW; and amending  
3 RCW 90.44.035.

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

5 **Sec. 1.** RCW 90.44.035 and 2000 c 98 s 2 are each amended to read  
6 as follows:

7 ~~((For purposes of this chapter:))~~ The definitions in this section  
8 apply throughout this chapter unless the context clearly requires  
9 otherwise.

10 (1) "Department" means the department of ecology((+)).

11 (2) "Director" means the director of ecology((+)).

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

1 (4) "Natural groundwater" means water that exists in underground  
2 storage owing wholly to natural processes((+)).

3 (5) "Artificially stored groundwater" means water that is made  
4 available in underground storage artificially, either intentionally, or  
5 incidentally to irrigation and that otherwise would have been  
6 dissipated by natural processes(~~(+and)~~).

7 (6) "Stock watering" means all reasonable uses of water normally  
8 associated with the care and management of livestock including, but not  
9 limited to, drinking, feeding, cleaning of stalls, washing livestock,  
10 washing equipment used in the feeding or milking of livestock,  
11 controlling dust around livestock, and cooling livestock.

12 (7) "Underground artificial storage and recovery project" means any  
13 project in which it is intended to artificially store water in the  
14 ground through injection, surface spreading and infiltration, or other  
15 department-approved method, and to make subsequent use of the stored  
16 water. However, (a) this subsection does not apply to irrigation  
17 return flow, or to operational and seepage losses that occur during the  
18 irrigation of land, or to water that is artificially stored due to the  
19 construction, operation, or maintenance of an irrigation district  
20 project, or to projects involving water reclaimed in accordance with  
21 chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of  
22 claimed artificial recharge occurring due to the construction,  
23 operation, or maintenance of an irrigation district project or  
24 operational and seepage losses that occur during the irrigation of  
25 land, as well as other forms of claimed artificial recharge already  
26 existing at the time a groundwater subarea is established.

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