

POL-1025

DEPARTMENT OF ECOLOGY WATER RESOURCES PROGRAM
POLICY AND INTERPRETIVE STATEMENT

**POLICY FOR CONVEYING STOCKWATER AWAY FROM STREAMS
TO PROTECT WATER QUALITY**

Effective Date: 10/7/1994
Revised Date: xx/xx/xxxx
Contact: XXXXXX
References: Chapters 90.22, 90.54, and 90.82 RCW; RCW 90.03.380 and 90.44.050
Purpose: To provide a simple, consistent response to water right related issues when conveying stockwater away from streams to protect water quality and stream habitat.
Application: This policy is to provide guidance to all water resources staff when responding to inquiries or inspecting surface water diversions intended to remove livestock from streams for the purpose of protecting water quality and stream habitat. This policy applies to stock grazing land at or below the land's carrying capacity, and does not apply to stockwatering relating to feedlots.

This policy supersedes any previous policy statement with which it conflicts.

Ecology encourages conveyance of stockwater away from streams for the purpose of protecting water quality.

The Department of Ecology (Ecology) recognizes that removing livestock from streams will protect water quality and improve vegetative zones associated with stream banks.

Surface water diversions: A water right is required whether the stockwater is through a diversion or is directly consumed from a surface water body. However, water right holders are not required to submit an application for a water right change under RCW 90.03.380 to divert small amounts of water, provided the diversion is screened and piped. Stockwater use must be consistent with historical practice to nearby stockwater tanks for consumption by livestock. If a float or demand type valve is not used, the tank overflow must return to the same source, at or near the point of diversion. The stock tank must serve no greater number of stock than historically ranged that parcel of property. The quantity consumed from the stock tank should not exceed the quantity consumed if the stock drank directly from the stream.

Groundwater withdrawals: Except where prohibited under a rule adopted under chapter 90.22, 90.54, or 90.82 RCW, a water right is NOT required to drill a well and withdraw groundwater for stockwatering purposes. There are no quantity limits for stockwatering purposes under the State's groundwater permit-exemption described in RCW 90.44.050.

Other restrictions: There may be local or state restrictions (e.g., quantity limitations, fencing requirements, or tank siting requirements) that affect stockwater projects. Ecology's Water Resources, Water Quality, and Shorelands and Environmental Assistance Programs, and the local permitting authority, should be consulted to ensure consistency with allowable uses. A Hydraulics Permit Application (HPA) may be required from Washington Department of Fish and Wildlife (WDFW) for a surface water diversion.

Systems designed to convey stockwater to a stock tank must have a minimum impact to the bypassed reach of the stream.

Stockwater tanks shall be located close to the surface water source, and have as short a bypass reach as possible, not more than is necessary to provide gravity flow. The purpose in modifying an existing direct access to the stream by stock must be to afford protection to the water body, stream bank, and associated vegetative zone.

Diversion remains subject to adjudication.

The decision to divert stockwater from the stream and into a tank does not constitute an adjudication of any claim to the right to the use of the water as between the claimant and the state, or as between one or more water use claimants and another or others.

Mary Verner
Program Manager
Water Resources Program

Note: These policies and procedures are used to guide and ensure consistency among water resources program staff in the administration of laws and regulations. These policies and procedures are not formal administrative regulations that have been adopted through a rule-making process. In some cases, the policies may not reflect subsequent changes in statutory law or judicial findings, but they are indicative of the department's practices and interpretations of laws and regulations at the time they are adopted. If you have any questions regarding a policy or procedure, please contact the department.

To request ADA accommodation, call Ecology at 360-407-6831 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 800-833-6384.