

Resource Contact: Policy and Technical Support Section

Effective Date: 10/7/94

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References: Chapter 90.03 and 90.22 RCW

POLICY FOR CONVEYING STOCKWATER AWAY FROM STREAMS TO PROTECT WATER QUALITY

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 does not apply to stockwatering relating to feedlots and other activities that are not related to stock grazing land at more than the lands carrying capacity.

1. Ecology shall encourage conveyance of stockwater away from streams for the purpose of protecting water quality.

The Department of Ecology recognizes that removing livestock from streams will protect water quality and improve vegetative zones associated with stream banks. The change of water right process (90.03.380 RCW) will not be required when small amounts of water consistent with historic practice are diverted (screened and piped) 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 range 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.

2. 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.

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.

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Special 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.