

At the heart of the current stock watering bills is water availability. Creating a piece of paper that says water is available does not make it so. Using a loophole to allow unlimited water appropriation violates the basic tenets of Western Water Law. If there is an abundance of water then a water right can be issued - no problem! However, there is no extra water to appropriate in Eastern Washington. This is evidenced by the hundreds of people waiting to have their water right applications approved by Ecology - some for decades - with no sign that this will change. Referring to stock water as a different kind of water right does not change the physics of the hydrologic cycle. Water use is water use - regardless of the political terminology or the professed need of future users. The fully allocated Yakima Basin and the declining Odessa aquifer clearly demonstrate the serious nature of this problem.

The Groundwater Act never intended for unlimited water withdrawals from permit-exempt wells. In 1945 the legislature could never have conceived of the factory farms* of today - why in the world would they give an unfair competitive advantage to ranchers over the crop growers who had to obtain real, quantifiable water rights? Stock would have been assumed to be in much smaller numbers than the tens of thousands of animals currently proposed by industrial farming and thus under the 5,000 gpd limitations. That said, 5,000 gallons a day waters a fair number of cattle and if a farmer wanted more than 180 milk cows or 280 head of beef cows (conservatively) in arid country perhaps it would be incumbent upon him to procure water rights so that he wasn't building a house of cards predicated on someone else's water. * **Factory farming** is the practice of raising farm animals in confinement at high stocking density, where a farm operates as a factory — a practice typical in industrial farming by agribusinesses. Also referred to as a Concentrated Animal Feeding Operation (CAFOs).

The stock watering bills are meant to clarify the original intent of the legislature. The 2005 Attorney General Opinion that stock watering means an unlimited amount of water is just that; his opinion. Rationale? It's based on comma placement. Factory farming is an industry and could not exist in the free market without corporate welfare - requiring exceptions to pollution controls (think nitrates in drinking water among other contaminants) and copious amounts of water. Even the smaller CAFOs would use more than a quarter of a million gallons a day for drinking water alone - some of the larger operations in excess of several million gallons a day. Does anyone really think this is what the legislature had in mind when they created an exemption to a water right? This also penalizes the farmer and rancher using sustainable methods; just as grass-fed beef is gaining ground in the market, a CAFO gets an extremely unfair competitive advantage over the small, sustainable Ag producer. The Washington State Legislature should be working to assist the small farmer - the true backbone of the local community - not allowing giveaways to factory farms, especially as competition for water increases.

The scare tactics that the proponents of unlimited water use are using are intellectually false - no one is proposing to shut down existing farms. The 5,000 gpd cap on stock water use is to prevent future abuses of large agribusinesses taking water, especially in water short basins such as the Yakima. Ask the City of Roslyn how they feel about curtailment in a water short year - even though they have a valid water right that is more than 100 years old. Some of the CAFOs wanting to come into Eastern WA could use more than the City of Roslyn - with no restrictions during times of drought. Washington Water Code is supposed to protect senior water users - however proof of impairment falls on the victim. Under the current standards, proof of impairment is next to impossible for the average citizen. Who will protect the existing users?

When drafting the legislation it is important to remember that "local control" doesn't always translate into the best interest of the locals. In our case, the Kittitas County Commissioners have abused the claim of "local" control. Development interests have had an inordinate amount of input in county policy. This has had serious consequences - as evidenced by repeated rulings against them by the Growth Management Hearings Board - even though citizens have consistently said they want to have sustainable growth in Kittitas County. Be careful of the amount of unencumbered control afforded to local jurisdictions.

This much we DO know: there is no water available for appropriation throughout the majority of Eastern WA. In fact, many areas are experiencing rapidly diminishing water supplies. No one involved with water issues was surprised by the results of the recently completed 2 year, 4 county aquifer study.

The issue of water availability, while sensitive, is simple. Where water IS available a water right can be obtained. Where water is not available then perhaps we should be looking to protect the water supply we do have. Are the lenders watching any of this closely?

Sincerely, Melissa Bates,
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