



WASHINGTON WATER TRUST

Mitigation Guide for Future Outdoor Water Use in the Walla Walla Basin

**Prepared by: Washington Water Trust and
Department of Ecology
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Mitigation Guide for Future Outdoor Water Use in the Walla Walla Basin

INTRODUCTION

Effective September 5, 2007, mitigation is required for outdoor uses for new residential developments withdrawing ground water from permit-exempt wells¹ drilled in the gravel (shallow) aquifer, in high density areas. This document provides guidance to home builders, developers, well drillers, land owners, Walla Walla County and Department of Ecology staff and others regarding the mitigation requirement prescribed in WAC 173-532-050 of the “Water Resources Program for the Walla Walla River Basin” rule.

“Mitigation” refers to replacing the amount of water being used with an equal amount of water, bucket for bucket. The quantity of water withdrawn from a well in the gravel aquifer, during low flow conditions, must be replaced or exchanged with the same quantity of water, in proximity to the stream, aquifer or drainage zone impacted.

Mitigation can be secured either on one’s own, or through a state-assisted mitigation plan. This document provides general information on the mitigation requirement, what is required of individual water users, and what assistance will be provided by the state to help individual water users who seek state assistance to meet the mitigation requirement.

Refer to the flow chart on page 16 for an overview of outdoor water use options for new home builders in high density areas.

¹ RCW 90.44.050, commonly referred to as “the ground water exemption,” allows for small amounts of ground water to be used without going through the regular permitting process (“permit-exempt”). No ground water permit is required for single or group domestic use not to exceed 5,000 gallons per day (gpd), industrial use not to exceed 5,000 gpd, stock watering, or watering a lawn of noncommercial garden that is a half-acre or less in size.

SECTION I

GENERAL GUIDANCE

WHY IS MITIGATION NEEDED FOR FUTURE OUTDOOR WATER USE?

Water resources are limited in the Basin. The cumulative impact of ground water withdrawals from the gravel aquifer is impacting stream flows and affecting existing water rights in high growth areas, during low flow conditions. Impairment to existing water rights is prohibited by law, unless acceptable mitigation is implemented.

- The Walla Walla River basin is over-appropriated, that is, more water has been legally allocated, through water rights, than is naturally available. The surface water supply, especially from late spring to early fall, is unreliable for most water uses.
- Most of the summer flows in the Walla Walla basin have been diverted for irrigation. For about one hundred years, parts of the Walla Walla River and its tributaries were seasonally dried up, seriously impacting salmon and other fish, resulting in the listing of two species under the federal Endangered Species Act.
- Water users and governmental entities in the basin are improving flows for fish in a variety of ways, including negotiated settlement agreements, irrigation management improvements, aquifer recharge and water acquisition. Significant investment has already been committed to restoring flows and increasing water reliability for users during low flow conditions.
- 8
- Since 1977, rivers and streams in the Walla Walla basin have been closed to any new appropriations from late spring to early fall. In addition, the 1977 rule and the Water Code require protection of surface water rights from new ground water withdrawals where there is connection between the ground water and surface waters.
- Hydrogeologic studies show that shallow gravel aquifers are hydraulically connected to surface waters in the basin. New withdrawals from ground water therefore have the potential to impair existing surface water rights, including those water rights acquired for instream flow purposes. Ecology has not issued ground water rights in the basin since 1996. However, no restrictions have been imposed to-date on permit-exempt ground water withdrawals from the gravel aquifers.
- For the past ten years, water supply issues and challenges have intensified due to population growth and residential development in the urban growth areas and rural residential areas in Walla Walla County. Cumulatively, the withdrawals for residential development using gravel permit-exempt wells are impacting stream flows and impairing existing water rights in high growth areas, during low flow conditions.
- Impairment to existing water rights is prohibited, unless acceptable mitigation is implemented. The mitigation must be bucket for bucket. This means the quantity of water withdrawn from a well in the gravel aquifer, during low flow conditions, is replaced or exchanged with the same quantity of water in the stream, aquifer or drainage zone impacted.

WHO NEEDS TO MITIGATE AND WHO DOES NOT?

In high density areas, outdoor water uses must be mitigated from May 1 to November 30 if the water is withdrawn from a permit-exempt well. Indoor uses do not need to be mitigated, and water for outdoor use can be secured from other sources.

- In high density areas, future water uses from gravel-wells that do not require mitigation are allowed only for:
 - 1) In-house domestic uses, which include water for drinking, bathing, sanitary purposes, cooking, laundering, and other incidental household uses (outdoor water use such as irrigation of lawn and garden is not considered in-house use), and
 - 2) Stock watering.
- In the high-density areas, a future water user will not have to mitigate for outdoor uses, such as irrigation of lawn and non-commercial gardens, filling swimming pools, and outdoor washing, only if the user has/chooses one or more of the following:
 - 1) Use an existing valid water right on the user's property,² or
 - 2) Acquire a valid water right and secure Ecology's approval of its transfer, or
 - 3) Withdraw water from a permit-exempt well developed in the basalt aquifer.
- Existing water rights on the property or acquired water rights must provide an uninterrupted supply of water from May-November annually. (Staff at Ecology's Walla Walla field office can help determine whether the existing water right on the property can satisfy outdoor demands.) Any transfer or change must be approved by Ecology's field office and must cover outdoor withdrawals from May 1 to November 30.
- If future water users do not use one or more of the three options above, then they will be required to secure mitigation water to offset the withdrawal from the gravel aquifer. This can be done on either an individual basis (see section II), or as part of the state-assisted mitigation plan (see section III).
- Mitigation is required for the water used outdoors from May 1 to November 30.
- Mitigation must be approved by Ecology regional/field staff prior to using water outdoors. The approval will be in the form of a letter authorizing outdoor water use.

“**High-density areas**” are those zoned for one or more residences per ten acres.

² Assistance in determining the details and validity of a water right is provided by Ecology. Water rights must be beneficially used at least once every five years.

WHEN IS THE MITIGATION REQUIREMENT EFFECTIVE?

Outdoor water use from permit-exempt wells must be mitigated for between May and November, beginning May 1, 2008.

- The effective date of the mitigation requirement is delayed to May 1, 2008 for those in the process of building homes after the effective date of the rule, which is September 5, 2007.
- Beginning May 1, 2008, mitigation water must be secured before using water outdoors.
- If the outdoor water use begins after the effective date of the rule but before May 1, 2008, the water user is still responsible for mitigation, which must be in place by May 1, 2008.

HOW MUCH OUTDOOR WATER NEEDS TO BE MITIGATED?

Persons withdrawing water from a permit-exempt well for outdoor watering must mitigate for 1,000 gallons per day per residence, from May 1 to November 30. For multiple residences that are part of a group, the same individual limits apply as well as a combined 4,000 gallons per day limit allowed for outdoor use, and the area to be mitigated cannot exceed 1/2 acre.

- All persons required to mitigate for outdoor water use must mitigate for one thousand (1,000) gallons per day. This amount was determined as follows:
 - To encourage conservation and minimize the loss of irrigated agricultural lands to irrigation of lawns, a total maximum of 1,250 gallons per day is allowed for each residence for all uses.
 - Based on water use information from the cities of Walla Walla and College Place, and from the U.S. Geological Survey, about 250 gallons per day is used for indoor-domestic purposes.
 - Therefore, the outdoor water use from May 1 to November 30 for each individual lot is estimated at 1,000 gallons per day. This amount can irrigate about 1/12th of an acre, or 3,630 square feet of lawn.
- For multiple residences that are part of a group, the same individual limits on domestic uses apply as well as a combined 5,000 gallons per day limit. That means for a cluster of four homes, 4,000 gallons per day is allowed for outdoor use, and the area to be irrigated cannot exceed 1/2 acre.
- The total number of days from May 1 to November 30 is 180 days (this accounts for the limited irrigation days in October and November). Therefore, the total amount of mitigation water is 180,000 gallons per year per residence or **.55 acre feet /year per residence.**
- Future water users with a time-limited water right (for example, a water right that is interruptible or can be exercised only in May and June) will still be required to mitigate for the full period of May 1 to November 30.

SECTION II

GUIDANCE TO INDIVIDUAL WATER USERS SECURING THEIR OWN MITIGATION WATER

Water mitigation is required for outdoor watering by future water users who are withdrawing ground water from permit-exempt wells drilled in the gravel aquifer, in populated areas, who:

- 1) have no valid water right on the property, or
- 2) are unable to acquire and transfer existing valid water rights, or drill a well in the basalt aquifer.

Water users can pursue mitigation on their own, or participate in the state-assisted mitigation plan. This section covers guidelines for those water users who wish to pursue mitigation on their own. (The state-assisted mitigation plan is covered in section III.)

HOW WILL INDIVIDUAL WATER USERS MITIGATE FOR OUTDOOR WATER USE ON THEIR OWN?

To meet the mitigation requirement, a water user must acquire a valid surface water right and work with Ecology regional/field staff to transfer the right to the trust water rights program.

- The right purchased or acquired must have a consumptive quantity equal to or greater than .55 acre feet.
- In exchange for putting water in the trust water rights program, Ecology will provide the water user with a legal right to use the same quantity of water (up to 1,250 gallons per day) from the permit-exempt well. The right will be tied to the property and can't be sold or transferred.
- Water users must secure water for mitigation in the proximity of their property, unless otherwise informed in writing by Ecology.
- The mitigation must be approved by the Ecology regional office or Walla Walla field office, before the water is put to use.

A **trust water right** is a right secured through transfer of an existing right. It retains the same priority as the original right and it is held by the state for instream flows and other purposes, such as mitigation.

WHAT WILL IT COST NEW HOME BUILDERS TO MITIGATE ON THEIR OWN?

The mitigation costs include the cost of purchasing water, associated transaction costs and transfer costs, which is estimated to total a one-time fee of approximately \$2,000.

- New permit-exempt well users without a source for outdoor water use will be required to mitigate for the full .55 acre feet/year.
- Ecology, based on recent transactions in the Walla Walla Basin, estimates that one acre foot of water can be purchased for between \$600 and \$1,000, with an average of \$800/acre foot. Using the average, the one-time cost of purchasing mitigation water for one household would be about \$440 per residence (.55 acre feet x \$800).
- In addition to the cost of water, there are other costs associated with the transaction and the transfer of the right. These costs are:
 - Ecology’s transfer application processing fee of \$50. If the transfer is processed by the Walla Walla Conservancy Board, the application fee is \$500.
 - Transaction costs associated with the purchase of the water right, such as fees for research, consultant, and legal services. These costs are difficult to accurately estimate, given a number of uncertainties in acquiring a portion of a water right for mitigation in the appropriate area. Those costs can average about \$1,500.
- Until actual purchases are made and total costs are calculated, **an estimated one-time cost of \$2,000 for mitigation water per household is anticipated.**
- It may be difficult for an individual home builder to purchase such a small quantity of water. Future home builders are encouraged to jointly mitigate or participate in the state-assisted mitigation plan.

HOW WILL A NEW HOME BUILDER FIND OUT ABOUT THE MITIGATION REQUIREMENT?

There will be several opportunities for the new home builder to learn more about the mitigation requirements during the process of applying for a building permit. In addition, Ecology staff are available, and explanatory materials prepared.

- Walla Walla County has a role in ensuring that new development has an adequate quantity of potable water. RCW 19.27.097(1) states that each applicant for a building permit that requires potable water must provide evidence of an adequate water supply for the intended use of the building. RCW 58.17.110 requires a county or city to determine that provisions for potable water supplies are made prior to approving a subdivision.
- Home builders pursue building permits through the Walla Walla County Community Development Department, and water quality and quantity approvals through the Walla Walla County Health Department. The County Health Department requires a well log and a pump test that demonstrates a capacity of at least 5 gallons/minute as well as water quality testing

to approve the well for residential use. Once the County Health Department has approved water availability for the building (residence), a building permit can be issued from the Community Development Department. The County does not require evidence of outdoor water availability. The evidence is limited to in-house water, which does not require mitigation under the amended rule.

- Educating new home builders about the outdoor water mitigation requirement will necessitate the involvement of the County. Home builders applying for or receiving building permits and sub-division approvals after the effective date of the rule will be provided with a notice from Ecology informing them of the requirement and the steps they need to take to comply with the requirement (see Appendix A).
- Ecology will also provide Walla Walla and Columbia Counties, Cities of Walla Walla and College Place, local drillers, realtors, developers, builders and mortgage companies with fact sheets, frequently asked questions (FAQ), maps, an Ecology web site and Ecology contacts to share with those affected or interested.
- New home builders will be informed by Ecology and the County that the mitigation must be approved by Ecology prior to any outdoor water use.

WHAT STEPS MUST A NEW HOME BUILDER TAKE TO MEET THE MITIGATION REQUIREMENT?

The step-by-step procedure for new home builders using a permit-exempt well from the gravel aquifer in high density areas is as follows:

1. Submit a well start card and fee to Ecology, drill the well and submit well log to Ecology.³
2. Apply for Building Permit and submit proof of water availability -- well log and a pump test to Walla Walla County.
3. Receive information and Ecology's notice on the new requirements for outdoor water use.
4. Determine or confirm, with assistance from County staff or Ecology, that the property is within the high density areas. Maps will be available at the County, on the web and at Ecology's regional office.
5. Contact Ecology to discuss options to meet outdoor water needs, if it is determined that mitigation water must be secured. At this juncture, the home builder chooses to mitigate on their own (if you are going to use the state-assisted mitigation program, refer to the process on page 10).

³ For more information about well-drilling procedures for the property owner, refer to Ecology's website: <http://www.ecy.wa.gov/programs/wr/wells/owner.html>

6. Secure mitigation water by:
 - purchasing a water right,
 - getting it transferred by Ecology to the trust water rights program, and
 - receiving legal authorization from Ecology to use the permit-exempt well for outdoor water use, for the equivalent amount of the water in the water right.
7. Install a meter as part of the plumbing system. (The cost of a meter and its installation is about \$500.) Ecology may inspect the water use meter to ensure that it is properly installed and functioning. (See page 14 for more information on metering.)
8. Report monthly water use to Ecology every year by December 31.

(Refer also to the flow chart on page 16, “Outdoor Water Use Options for New Home Builders in High Density Zone.”)

Note: A home builder’s water use may be subject to inspection by Ecology’s staff and subject to enforcement action if outdoor water use occurred prior to Ecology’s determination of the validity of an existing right or approval of the transfer or mitigation.

SECTION III

STATE-ASSISTED MITIGATION PLAN

To assist future permit-exempt users in offsetting the impacts of their proposed outdoor water use, Ecology has committed to developing a mitigation plan using the trust water rights program to establish a water exchange. The water exchange will be administered by the Washington Water Trust.⁴

A trust water right is a right secured through the transfer of an existing right. It retains the same priority as the original right and it is held by the state for instream flows and other purposes, such as mitigation. Once water is placed in trust, a water exchange (or “water bank”) will be set up as the mechanism for keeping track of “credits” (more water acquired) and “debits” (water that will be used to mitigate for outdoor use) for the purpose of mitigating outdoor water use from permit-exempt wells in high-density areas of the Walla Walla Basin.

GOALS OF STATE-ASSISTED MITIGATION PLAN

The goals of state-assisted mitigation plan are to:

- Have sufficient water in the exchange by May 2008 so that new home builders are able to mitigate for their new water use.
- Assist future home builders in meeting their mitigation requirement in a timely manner and at a reasonable cost, by pooling resources and reducing transaction costs.
- Design the mitigation plan to avoid additional localized impacts to surface waters and springs.
- Prevent impairment to existing surface water rights and instream flows in high-density areas, while allowing future outdoor uses through new permit-exempt well withdrawals.
- Ensure that mitigation requirements are efficient and straightforward for new permit-exempt well users.
- Minimize workload on Ecology generated by the mitigation process.
- Allow for future adaptation and possibly broader application of the mitigation process.

⁴ Washington Water Trust is a non-profit organization with a mission to restore flows in rivers and streams.

HOW WILL THE MITIGATION PLAN WORK?

Water users must have arrangements in place to meet the mitigation requirement prior to using water outdoors. To assist affected water users in meeting this requirement, a mitigation plan which establishes an acquisition fund and a “water exchange” will be established prior to May 1, 2008, the date by which outdoor water users must secure mitigation water.

- The first step of the mitigation plan is for the Washington Water Trust, under contract with Ecology, to acquire water rights in targeted mitigation zones, on a willing seller basis.
- Ecology will review water rights proposed for acquisition and transfer them to the trust water right program for the purpose of restoring instream flows and mitigating outdoor water use. The trust water will seed a “water exchange” and will be available to future domestic well water users requesting mitigation water for outdoor water uses.
- New home builders requesting mitigation water will be required to pay a fee based on the total cost of the water acquired in the exchange. Based on the proportionate cost of .55 acre foot of water per year, the fee is estimated to be approximately \$2,000. **This one-time flat fee of approximately \$2,000 will be paid to the Washington Water Trust (WWT). WWT will use the money received to acquire water for instream flows.**
- A new home builder must provide evidence of fee payment to Ecology and demonstrate that a meter was installed in accordance with Ecology’s specifications.
- Ecology will then issue a legal document certifying that the home builder fulfilled the mitigation requirement (see Appendix B). The document is tied to the property. It cannot be sold or transferred to another property.
- Once the documentation is completed, the home owner/builder can use up to 1,000 gallons per day to water outdoors.

HOW WILL THE MITIGATION PLAN WORK FOR THE HOME BUILDER?

If the home builder chooses state-assisted mitigation to secure water for outdoor water use, the home owner will first follow steps 1-5 on page 7 and then continue as described below:

6. Submit the fee (estimated at about \$2,000) to the Washington Water Trust.
7. Install a meter as part of the plumbing system (meters cost \$250-\$350).
8. Provide evidence of fee payment and proper meter installation to Ecology. Ecology issues a legal mitigation certification.
9. Report monthly water use to Ecology every year by December 31.

Refer also to the flow chart on page 16, “Outdoor Water Use Options for New Home Builders in High Density Zone.”

HOW WILL THE MITIGATION PLAN BE FUNDED?

Ecology has committed to provide the initial funding for the purchase or lease of water and to transfer the acquired water to the trust water right program. Through a "water exchange" the amounts of water bought and sold, by whom, and fees paid, will all be tracked. The water exchange will be administered by the Washington Water Trust, under contract with Ecology.

- Ecology's commitment is limited to setting-up the mitigation exchange to meet future outdoor water needs for the next **2 years**. Starting the water acquisition in phases will be the most feasible (i.e., purchase or lease a two-year supply at a time).
- The amount of water to be permanently acquired will be at least **55 acre feet of consumptively used water** (.55 acre foot per household x 50 households x 2 years). If there is opportunity to acquire more Ecology will do so, with most additional water going to instream flows.
- Funding will cover the cost of the water and associated transaction costs.
- WWT will collect fees from water users using the state-assisted mitigation program. The fees will be used to acquire water for instream flows in the Walla Walla basin.

WHERE WILL THE WATER FOR MITIGATION COME FROM?

The water will be either purchased or leased from existing water right holders.

- A permanent transfer -- as in the case of a sale of a water right -- usually requires time for the water right holder to consider as well as increased negotiation and transaction time. Typically, it takes four months to a year to identify willing sellers, agree on a price and transfer water to the trust water rights program.
- To help prepare the mitigation plan for a May 2008 start date, the Washington Water Trust will pursue short-term leases of two to five years with an option to negotiate a purchase at the end of the lease. Alternatively, WWT may pursue long-term leases (five years or more).
- Given that gravel aquifer is connected with surface waters in the basin, mitigation requirements must reflect this. New homes will fall into one of several drainage zones (a map illustrating the mitigation zones is in production). In order to fulfill the mitigation requirements, mitigation water must preferably originate upstream of any impacts.
- The geographic area of new growth is being estimated so that the appropriate amount of mitigation water can be acquired and transferred to trust as instream flow and mitigation outdoor water, prior to outdoor water uses. However, given that the impact of each new exempt well is minimal (~.55 acre feet/yr) Ecology with WWT assistance will acquire a block of water in a drainage zone(s) where there will be a direct benefit to instream flows.

HOW WILL THE MITIGATION PLAN BE INTEGRATED WITH EXISTING WATER MANAGEMENT EFFORTS IN THE WALLA WALLA BASIN?

Watershed management in the Walla Walla Basin is among the most comprehensive in the state, and there are many watershed and planning groups simultaneously working towards balance in water management throughout the basin. It will be critical to tie implementation of the mitigation requirement into existing processes.

- A water exchange created to assist future water users meet the mitigation requirement in high-density areas can be designed to ultimately serve a broader range of purposes for water right exchange and conservation. An expanded water exchange framework could eventually serve a larger range of transactions such as water for new industry, agriculture, development, fish or the environment.
- It is the intent of Ecology to help Basin entities explore and pursue the establishment of a local entity that would take on the financial and administrative responsibility for a mitigation exchange. Legislative authorization will likely be needed to ensure the local entity is able to operate as a “water bank.”

SECTION IV

EDUCATION, MONITORING AND COMPLIANCE

For both individuals mitigating on their own and those working within the state-assisted mitigation plan, certain common issues exist with regards to education and outreach, monitoring and metering, and enforcement.

HOW WILL PEOPLE KNOW ABOUT THE REQUIREMENTS?

There will be a variety of printed materials and an Ecology web site, as well as Ecology and County staff available to talk with home builders and others.

- Outreach is a key part of a successful mitigation strategy. Inevitably there will be a lot of questions such as:

“Why do I have to mitigate and conserve and my neighbor who has been pumping from the shallow gravel aquifer for years doesn’t have to? How much water can I use? How much will it cost and how long will it take to get approval for my mitigation requirement? What happens if I exceed my allotted water use?”
- Considerable effort will be made to educate and dialogue with new home builders about the water use limitations and mitigation requirements — while emphasizing the long-term benefits to the basin.
- Other key outreach groups include: land owners with undeveloped land, developers, realtors, well drillers, lenders and the general public.
- FAQs, fact sheets, maps and an Ecology web site will be available to answer questions and outline the process that future water users will need to follow.
- Walla Walla and Columbia Counties will assist with outreach to home builders, developers, and owners of undeveloped land.
- The Walla Walla County Conservation District and the Walla Walla Community College will be provided with information and may be asked to assist with outreach and education, particularly with meter education and low-water use landscaping. There is also a recognized need for water conservation education and outreach to all users throughout the basin, not just with permit-exempt well users.

WHEN AND HOW WILL MONITORING AND METERING OCCUR?

New permit-exempt well users in high density areas are required to install a meter to record their water use. Water use must be recorded monthly and sent to Ecology by December 31 of each year.

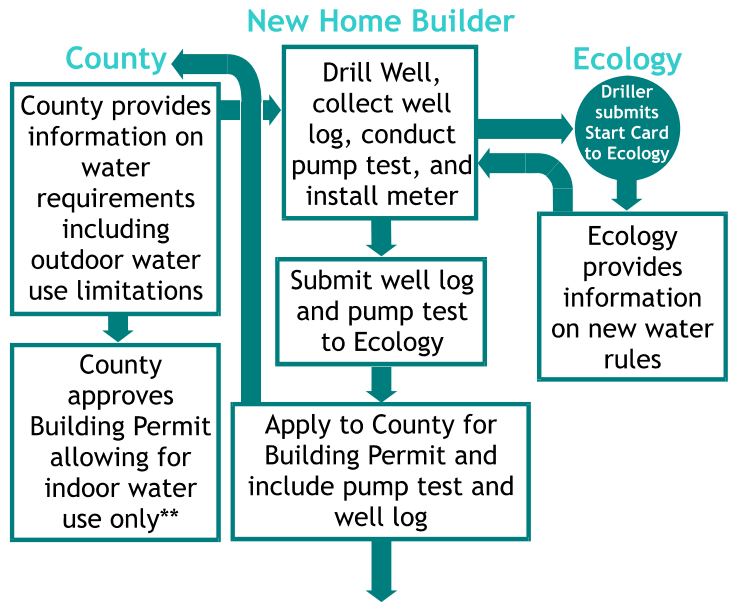
- Reporting will be done electronically on Ecology's web site with an option of mail-in for those without internet access. Meters must be equipped with a totalizer to record the total amount of water used.
- Meter installation will be completed by the contractor or plumbing contractor for the home builder in accordance with Ecology-specified standards (see separate hand-out on metering equipment specifications). Inspection will be required to ensure proper installation and functioning. Ecology will handle meter inspections on a case-by-case basis. Ongoing maintenance of meters will be the responsibility of the home owner.
- Ecology will track how much water is allocated from the trust water rights program to mitigate for outdoor water uses. With the assistance of the County, Ecology will keep track on an annual basis of the number of new residential developments approved by the County within high density areas.
- Information on water use, number of new developments, amounts of water provided for mitigation, and ground and surface water monitoring data will be analyzed by Ecology and shared with the Planning Unit, Counties, Cities, the Confederated Tribes of the Umatilla Indian Reservation, and others.

HOW WILL THE MITIGATION BE ENFORCED?

Presently, Ecology has regulatory authority and responsibility over water rights and changes to water rights and enforcement of the following requirements:

- Enforcing the requirement to mitigate prior to using new permit-exempt wells for outdoor uses.
- Enforcing compliance of the 1,250 gallons/day limit for new exempt well users in the high-density areas.
- Ensuring reporting compliance for metered well users.
- Ensuring meters are properly installed and functioning.
- Assuring compliance with other limitations associated with permit-exempt wells such as irrigation restrictions and gallon per day limits.

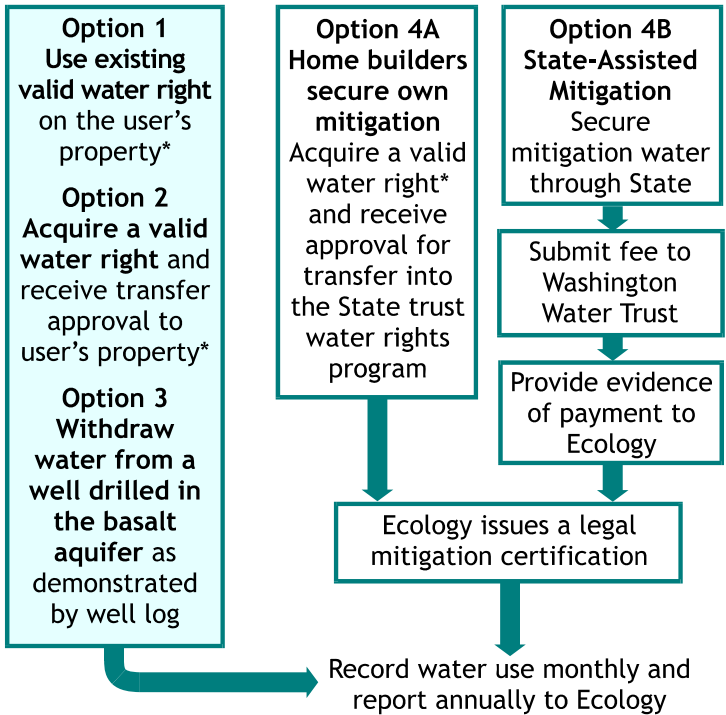
Outdoor Water Use Options for New Home Builders in High Density Zones



If the Home Builder Wants to Use Water Outdoors, Choose One Option for Outdoor Irrigation

Individual Options for securing water

Mitigation Options for securing water



*The water right must provide an uninterrupted supply of water from May-November annually. If there are any questions, it is advisable to contact Ecology.

**Home builder will have to follow one of the four options below to secure water for outdoor use.

Appendix A: Notice of new rule requirements



NOTICE Effective September 5, 2007 New rule affecting new ground water uses for residential developments in the Walla Walla Basin

The Washington State Department of Ecology (Ecology) has adopted new water management provisions to better protect and manage the current condition of the Basin's water supplies. Effective **September 5, 2007**, there will be new conditions on water use for new residences for which all the following apply:

- ↔ *You are planning to withdraw ground water under the permit exemption;*
- ↔ *The well is in the gravel (shallow) aquifer,*
- ↔ *The aquifer is in a high density area, (zoned for one or more residences per ten acres), and*
- ↔ *The water is for domestic uses.*

Conditions of water use

1. Water use by new development is limited to a maximum of **1,250 gallons per day per residence**, and a cumulative total of **5,000 gallons per day for multiple residences**.
 - These maximum amounts of water cover in-house uses as well as outdoor uses such as irrigating a lawn or noncommercial garden.
 - Irrigation is limited to a cumulative maximum of ½ acre of lawn and non-commercial garden per development.
2. Water users must **install and maintain a water measuring device** (water source meter) and report to Ecology their monthly water use from May 1 to November 30, by December 31 of each year. (See separate hand-out on metering equipment specifications.)
3. If you are going to use permit-exempt well water for outdoor uses, you must **mitigate the impact of outdoor water use from May 1 to November 30**. Arrangements for mitigation must be in place by May 1, 2008.

Mitigation for outdoor water use from permit-exempt wells

If you will be using water from a permit-exempt well in the gravel aquifer in a high density area for outdoor water use, you must arrange for mitigation: that is, to replace the amount of water being used with an equal amount of water before using the water outdoors.

The amount of water for mitigation is based on 1,000 gallons per day of outdoor use per residence or .55 acre feet of water per year per residence. Mitigation may be done on your own or through the state mitigation program. For a detailed description of both processes, refer to the Mitigation Guide and Ground water use brochure included in this packet.

Mitigation for outdoor water use not required under these circumstances

You do not need to mitigate if you can secure water by any of the following:

- *Existing valid water right.* Water may be used outdoors on the land in question if there is an existing valid right on the property that covers such withdrawals from May 1 to November 30.
- *Acquire a valid water right.* Water may be used outdoors if supplied by a transferred or changed water right that can be used from May 1 to November 30.
- *Permit-exempt well drilled in the basalt aquifer.*
- *Public water purveyor.*

For more information

Please contact Ecology's Walla Walla field office to assist you in determining the availability of water for outdoor use, or for other questions:

Walla Walla Field Office
1815 Portland Avenue, Suite 1
Walla Walla, WA 99362
Phone: (509) 527-4546

To review the amended rule language, go to: <http://www.ecy.wa.gov/programs/wr/instream-flows/wallawallabasin.html>

Glossary

Aquifer: Aquifers are underground geological water systems that store and/or transmit ground water, such as to wells, springs and streams. The Walla Walla Basin has two primary aquifers:

- Gravel, or shallow – underlies the central part of the Basin
- Basalt, or deep – underlies the entire Basin.

Ground water: Ground water is water located under the ground. Studies show a direct connection between the gravel aquifer and the surface waters in the Walla Walla basin.

High density area: Populated areas, specifically zones with a density of one or more residences per ten acres, that have been designated as “high density areas” by Walla Walla County.

In-house domestic uses: Water for drinking, bathing, sanitary purposes, cooking, laundering, and other incidental household uses.

Mitigation: Mitigation must be bucket for bucket. This means that the quantity of water withdrawn from a well in the gravel aquifer, during low flow conditions, is replaced or exchanged with the same quantity of water in proximity to the river, stream or drainage area impacted.

Outdoor domestic uses: Irrigation of lawn and non-commercial gardens, filling swimming pools and outdoor washing, and other incidental outdoor water uses.

Permit-exempt well: RCW 90.44.050, commonly referred to as “the ground water exemption,” allows for small amounts of ground water to be used without going through the regular permitting process (“permit-exempt”). No ground water permit is required for: 1) single or group domestic use not to exceed 5,000 gallons per day (gpd); 2) industrial use not to exceed 5,000 gpd; 3) stock watering; or 4) watering a lawn of noncommercial garden that is a half-acre or less in size.

Trust water right: A trust water right is a right secured through transfer of an existing right. It retains the same priority date as the original right, and it is held by the state for instream and other purposes, such as mitigation.

Appendix B: Certification that home builder fulfilled mitigation requirement

(DRAFT)

Date

Dear "Name":

RE: Future outdoor water use for land parcel No.--

The Washington State Department of Ecology (Ecology) acknowledges that the addressee has produced evidence of mitigation for outdoor water use in accordance with WAC 173-532-050. Addressee has secured mitigation water for outdoor use from May 1 to November 30 on the subject property by paying all applicable fees to Washington Water Trust for the State-assisted mitigation program. The property in question is located at [legal description] (land parcel No. ---).

Outdoor water use is allowed on the subject property under the following conditions:

- (1.) For each residence, total water withdrawals (i.e., indoor and outdoor combined) put to use shall not exceed one thousand two hundred and fifty gallons a day (1,250 gpd) per residence, and irrigation is limited to a maximum of one-half (1/2) acre of lawn and non-commercial garden per lot;
- (2.) For combined group use, total water withdrawals (i.e., indoor and outdoor combined) put to use shall not exceed five thousand gallons per day (5,000 gpd) per well, and irrigation is limited to a maximum of one-half (1/2) acre of lawn and non-commercial garden per development;
- (3.) Water users must install and maintain a water measuring device (water source meter), meeting Ecology's specifications, and report to Ecology their monthly water use from May 1 to November 30, by December 31 of each year; and
- (4.) Mitigation for outdoor water use is approved from May 1 to November 30 on the subject property, and is not transferable for use on other locations or other exempt uses.

For more information or assistance please contact:

Watermaster Bill Neve
Walla Walla Field Office
1815 Portland Avenue, Suite 1
Walla Walla, WA 99362
Phone: (509) 527-4546

The Water Resources Program for the Walla Walla River Basin, Chapter 173-532 WAC, may be viewed at:
<http://www.ecy.wa.gov/programs/wr/instream-flows/wallawallabasin.html>