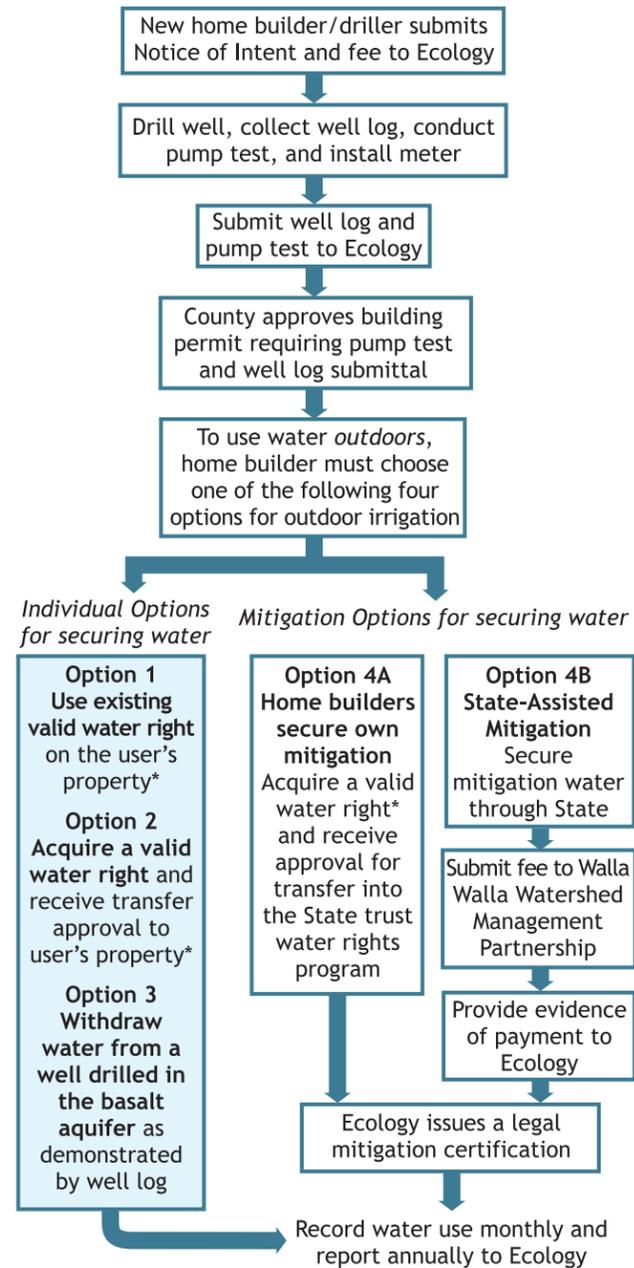


Outdoor Water Use Options for New Home Builders in High Density Zones



* 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.

If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6872. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6341.

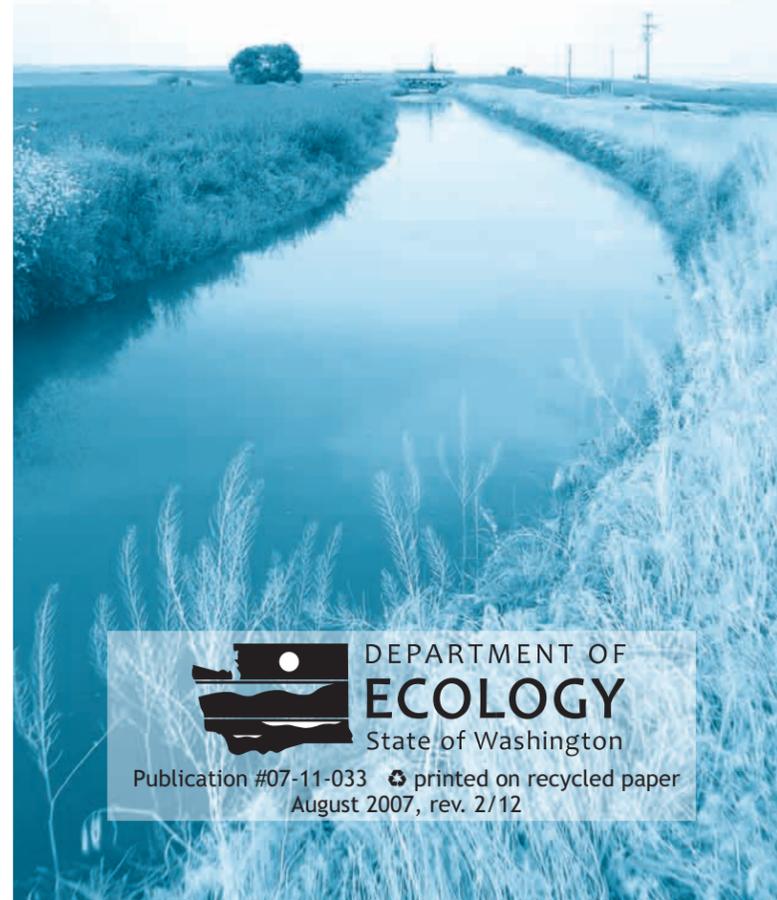
Changes to ground water use in the Walla Walla Basin

What builders, real estate agents and home owners need to know

Effective September 5, 2007, the Walla Walla Basin has an updated water management rule (Chapter 173-532 WAC). The amendments include changes to ground water withdrawals in certain areas.

Population and economic growth are increasing in areas of the Walla Walla Basin where water resources are already limited. New withdrawals from ground water have the potential to impair existing surface water rights, including water rights acquired for flow restoration. In order to protect water supplies, there are new conditions of use for new residences for which all the following apply:

- ❖ You are planning to withdraw ground water under the permit exemption (which limits the types of uses);
- ❖ The well is in the gravel (shallow) aquifer, and
- ❖ The aquifer is in a high-density area (see zoning map inside).



What are the limits and conditions on future permit-exempt ground water use?

The conditions on water use are:

- ❖ Water use is limited to a maximum of 1,250 gallons per day per residence for all uses, and a cumulative total of 5,000 gallons per day for multiple residences.
- ❖ If you are going to use permit-exempt well water for outdoor uses, you must mitigate the impact of outdoor use from May 1 to November 30. (See inside for further detail.)

A typical household in the basin uses 250 gallons per day in-house and 1,000 gallons per day for outdoor uses. Based on these estimates, all persons using ground water from a permit-exempt well are required to mitigate for 1,000 gallons per day for outdoor use.

- ❖ Water users must install and maintain a water measuring device and report water use to Ecology.

New development must connect to municipal water systems whenever possible

Home builders and property owners proposing new development within high density areas (see zoning map) must hook up to a municipal water system if the hook-up can be provided in a "timely and reasonable manner." *Timely and reasonable* will vary according to location and factors such as the availability and proximity of water lines.

Contacts:

- ❖ Walla Walla Joint Community Development Agency: 509-524-4710
- ❖ City of College Place Planning and Community Development Department: 509-525-0510
- ❖ City of Waitsburg: 509-337-6371
- ❖ City of Prescott: 509-849-2262

Who do the new water management changes apply to?

- ❖ Property owners and developers who are applying for building permits or sub-division approval after the new rule goes into effect on September 5, 2007.
- ❖ Home builders and well owners in the high density areas who have not yet put their water to "beneficial use." That is, they have not used their water in a residence, prior to the effective date of the rule.

Who is not affected by the changes?

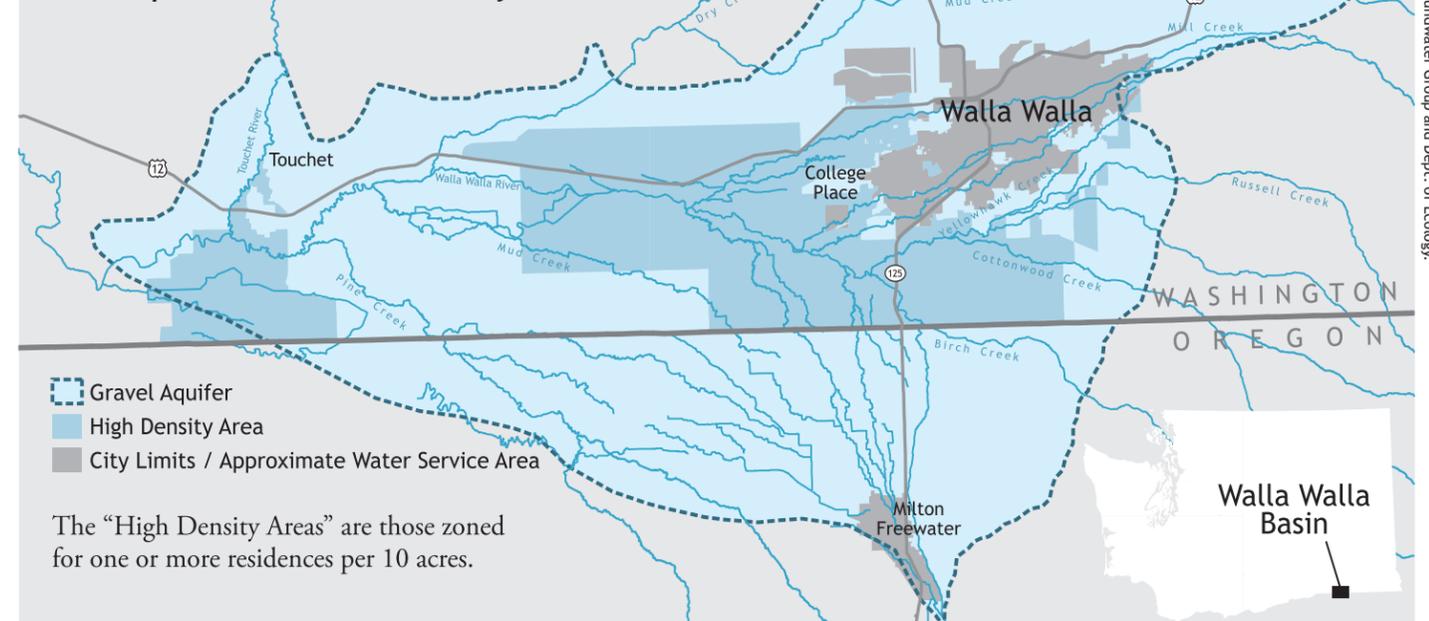
The rule applies only to the Washington side of the basin, and does not affect people who already have water rights. You are not affected if you:

- ❖ Used ground water in your residence before September 5, 2007
- ❖ Have an existing water right that can be used year-round
- ❖ Are not planning to use a permit-exempt well
- ❖ Drill in the deep basalt aquifer, or
- ❖ Plan to develop in low density areas and the Burbank area.

Gravel aquifer:

The Walla Walla Basin has two primary aquifers: a gravel (shallow) aquifer and a basalt (deep) aquifer. You can determine whether you are drilling in the gravel aquifer by looking at the well log. As a rule of thumb, if your well ends in sand and/or gravel, it is the shallow aquifer. If it is cased and sealed into basalt rock, then it is in the deep basalt aquifer. Refer to zoning map. Assistance can also be requested from a well driller or through Ecology.

Zoning and Approximate Extent of Gravel Aquifer in Walla Walla County



Sources: Walla Walla Joint Community Development Agency, Pacific Groundwater Group and Dept. of Ecology.



DEPARTMENT OF
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What you need to know about mitigating for outdoor water use

What does it mean to mitigate for outdoor uses?

“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, drainage zone or aquifer impacted. Home owners will be required to mitigate for 1,000 gallons per day for outdoor water use, from May to November.

How do I arrange for mitigation?

Mitigation can be secured either on your own, or through a state-assisted mitigation plan. Each option is described in more detail, below. (See also the flow chart on the back page.)

Are there any alternatives to mitigation?

Yes. You do not need to mitigate if you can secure water for outdoor use 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 water right on the property that provides an uninterrupted supply of water from May-November annually.
- ❖ Acquire a valid water right. Water may be used outdoors if supplied by a transferred or changed water right that provides an uninterrupted supply of water from May-November annually.
- ❖ Permit-exempt well drilled in the basalt aquifer.

New development can use water for in-house purposes without mitigation

If hook-up to a municipal water system cannot be provided, home builders and property owners can use up to 1,250 gallons per day of ground water from the gravel aquifer for in-house domestic purposes (e.g., cooking, laundering, sanitary purposes and bathing).

Future withdrawals from the gravel aquifer for outdoor uses from May 1 to November 30 are *restricted*. Uses such as irrigation of lawns and non-commercial garden, filling swimming pools, and outdoor washing *must be mitigated*.

When is the mitigation required?

The effective date of the mitigation requirement is May 1, 2008, for those in the process of building homes after September 5, 2007.

Beginning May 1, 2008, mitigation water must be secured before using water outdoors.

Permit-exempt well

“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 exceeding 5,000 gallons per day (gpd), industrial use not exceeding 5,000 gpd, stock watering, or watering a lawn or noncommercial garden that is a half-acre or less in size.

How much water needs to be mitigated?

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. The total number of irrigation days is about 180 days. Therefore, the total amount of mitigation water is 180,000 gallons per year per residence or .55 acre feet/year per residence.

For multiple residences, up to a combined maximum of 4,000 gallons per day is allowed for outdoor use, and the area to be irrigated cannot exceed 1/2 acre.

How do individual water users mitigate on their own?

A water user must acquire a valid water right with a consumptive quantity of at least .55 acre feet. Individuals need to work with Ecology to transfer the right to the trust water rights program and approve the mitigation. In exchange, the water user can water outdoors.

What will it cost water users to mitigate on their own?

The mitigation costs include the cost of purchasing water, associated transaction costs and transfer costs. There is an one-time cost of approximately \$2,000 for mitigation water per household. It may be difficult for an individual home owner to purchase this small amount of water. Future home builders are encouraged to jointly mitigate or participate in the state-assisted mitigation plan.

What is the state-assisted mitigation plan?

To assist future permit-exempt users in offsetting the impacts of their proposed outdoor water use, Ecology used the trust water rights program to establish a water exchange. The water exchange is administered by the Walla Walla Watershed Management Partnership.

The Walla Walla Watershed Management Partnership acquires water rights, which are then transferred to the trust program for mitigation. Once water is placed in trust, a water exchange is used as the mechanism for keeping track of “credits” (more water acquired) and “debits” (water used to mitigate for outdoor use).

How does the plan work?

New home builders requesting mitigation water are required to pay a one-time fee of approximately \$2,000 to the Walla Walla Watershed Management Partnership.

Ecology then issues a legal document certifying that the home builder has fulfilled the mitigation requirement.

Does the mitigation requirement apply to someone in the process of building a home after the effective date of the rule?

The mitigation requirement became effective on May 1, 2008.

Does the mitigation requirement apply if the property has a well but no residential structure?

Drilling a well does not establish a priority date of withdrawal. Beneficial use of water is established once actual water is used within a residence. Mitigation is required for future development on the property using the permit-exempt well.

If there is an existing ground or surface water right for outdoor irrigation on the property, is mitigation required?

If a new exempt well user has an additional water right to use for outdoor irrigation, and that right can provide an uninterrupted supply of water from May-November annually, then mitigation is not required. It is advisable to contact Ecology to ensure the validity of the right and its use from May 1 to Nov. 30. There are water rights in the Walla Walla watershed that are valid but cannot be used in the summer time.

Why do I have to mitigate when my neighbor doesn't?

Water rights in Washington are based on the premise of “first in time, first in right.” A permit-exempt well is exempt from the water right permitting process, but is still a water right with a priority date that relates back to when water was first put to beneficial use in a residence. The mitigation provisions of the amended water management rule apply only to those permit-exempt uses put to beneficial use after Sept. 5, 2007.

If an existing well is purchased, can the new owners still pump at the old level?

Yes, provided all else remains the same. A water right that is established under a permit-exempt use is just like any other water right in most respects. Even though you may change ownership of a permit-exempt well without losing priority, you will not be able to transfer or change the permit-exempt right itself (i.e., point of diversion, place of use, and/or purpose of use).

If water is currently being used from a permit-exempt well, can the use be changed and can another residence be added?

Another use can be added provided it is also a permit-exempt use occurring on the same property. If the new use is not a permit-exempt use, a separate water right is needed to cover that use. A second residence can also be added to an existing exempt well subject to the limitations set in the new water management rule.

Can I water my horses and dogs from my exempt well?

A few domestic animals may be watered from an exempt well as part of the 1,250 gallons per day (gpd) limit. Beyond that, there are limits on using ground water for stock watering based on legal lot size that range from 700 gpd for 10 acres or less to 5,000 gpd for lots over 20 acres.

Can I use my exempt well for a small commercial garden?

Permit exemptions for the gravel aquifer are not allowed for commercial and industrial uses in high density areas. Commercial and industrial operators can secure water in those areas by acquiring and transferring existing valid water rights, withdrawing from the basalt aquifer, or obtaining water from municipal water suppliers.

Where can I get a meter and at what cost?

Water meters are available from several irrigation and farm equipment suppliers serving the Walla Walla Basin. These suppliers can install meters and demonstrate how to read them. The cost of a meter and its installation is about \$500. (See separate hand-out on metering equipment specifications, Ecology pub #07-11-038.) Ecology may inspect the meters on a case-by-case basis to ensure their proper installation and maintenance.

How is the water use data reported?

Water metering forms and instructions for reporting water use are available on Ecology's web site, <http://www.ecy.wa.gov/pubs/ecy070172.pdf>. Reporting is 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.

Metering to meet the limits on water use

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.

Contacts

❖ Walla Walla Watershed Management Partnership: 509-524-5216; Web site: <http://www.wallawallawatershed.org>

❖ Washington Department of Ecology: 360-407-7207 or 509-329-3400; Web site: <http://www.ecy.wa.gov/programs/wr/instream-flows/wallawallabasin.html>