



ESSB 6091

Ecology's Initial Policy Interpretations

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Southwest Region
Spring, 2018

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Summary of the new law

- The law focuses on 15 watersheds that were impacted by the Hirst decision and also establishes standards for rural residential permit-exempt wells in the rest of the state.
 - The law divides the 15 basins into those that have a previously adopted watershed plan and those that did not.
- The law allows counties with those 15 watersheds to rely on our instream flow rules in preparing comprehensive plans and development regulations and for water availability determinations.
- It allows rural residents to have access to water from permit-exempt wells to build a home.
- It lays out these interim standards that will apply until local committees develop plans to be adopted into rule:
 - Allows a maximum of 950 or 3,000 gallons per day for domestic water use, depending on the watershed.
 - Establishes a one-time \$500 fee for landowners building a home using a permit-exempt well in the affected areas.
- It retains the current maximum of 5,000 gallons per day limit for permit-exempt domestic water use in watersheds that do not have existing instream flow rules.
- It invests \$300 million over the next 15 years in projects that will help fish and streamflows.

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Watersheds with previously adopted plans

- Watersheds with previously adopted watershed plans are the Nooksack (1), Nisqually (11), Lower Chehalis (22), Upper Chehalis (23), Okanogan (49), Little Spokane (55), and Colville (59).
 - For these seven basins, local watershed planning units are to update the watershed plan. We are obligated to assess if the plan results in a net ecological benefit.
- The law identifies the Nooksack and Nisqually basins as the first two to be completed.
 - They have until February 2019 to adopt a plan; if they fail to do so, we must adopt related rules no later than August 2020.
- Planning units in the Lower Chehalis, Upper Chehalis, Okanogan, Little Spokane, and Colville basins have until February 2021 to develop their plans.
- For these seven watersheds, the **maximum annual average withdrawal is 3,000 gallons per day per connection.**

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Watersheds without previously adopted plans

- Eight other watersheds do not have previously adopted watershed plans. They are Snohomish (7), Cedar-Sammamish (8), Duwamish-Green (9), Puyallup-White (10), Chambers-Clover (12), Deschutes (13), Kennedy-Goldsborough (14), and Kitsap (15).
 - For these eight basins: Ecology to establish and chair watershed committees and invite representatives from local governments, tribes, and interest groups.
- The plans for these watersheds are due June 30, 2021.
- The maximum annual average withdrawal is 950 gallons per day per connection. During drought, Ecology may curtail this to be 350 gallons per day per connection for indoor use only.
- Counties in these areas have to ensure that building permit applicants adequately manage stormwater onsite.

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What about the rest of the State's watersheds?

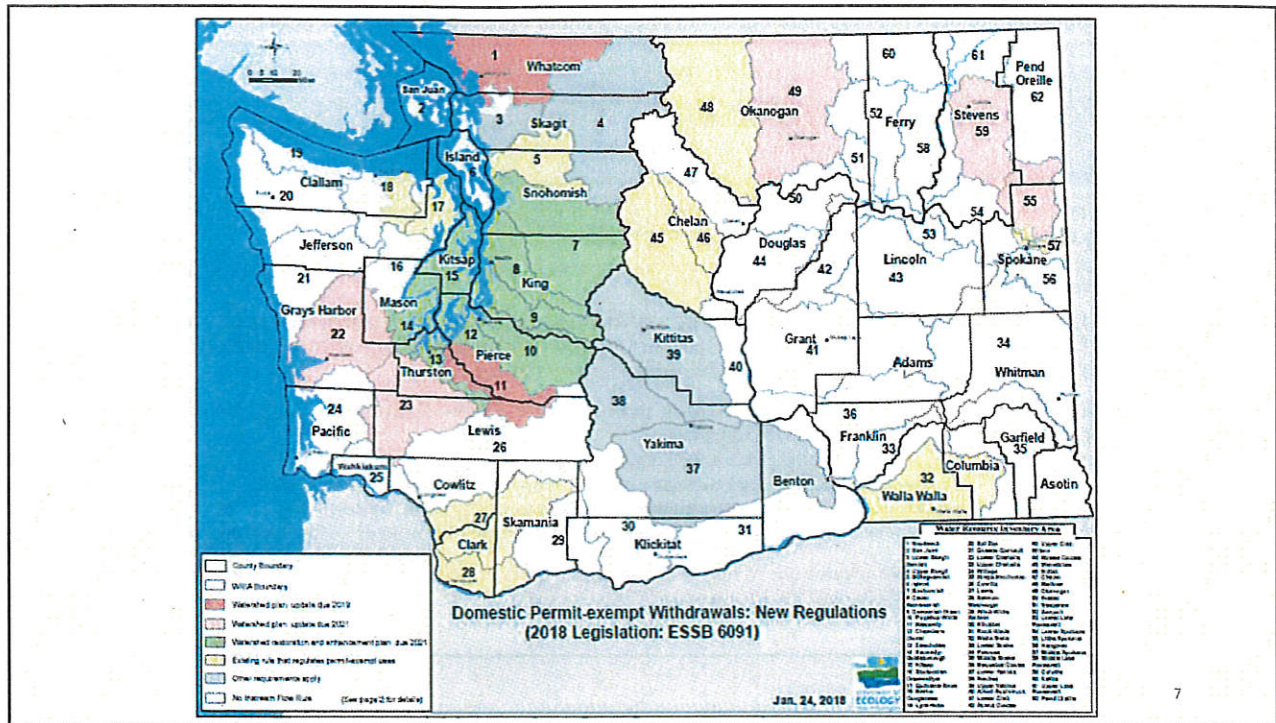
- Watersheds with instream flow regulations and a reservation for permit exempt wells – those rules apply for future permit exempt wells.
 - [WRIAs Quilcene-Snow (17), **Dungeness only (18)**, Lewis (27), Salmon-Washougal (28), Walla² (32), Wenatchee (45), Entiat (46) and Methow (48)]
- The Upper and Lower Skagit Watersheds (WRIAs 3 and 4) have “additional requirements” and the Lower Yakima (37), Naches (38) and Upper Yakima (39) may have additional requirements imposed to satisfy adjudicated water rights.
- All the rest of the WRIAs in the state have no instream flow regulations and the 4 exemptions under RCW 90.44.050 apply:
 1. Providing water for livestock (no gallon per day limit or acre restriction)
 2. Watering a non-commercial lawn or garden one-half acre in size or less (no gallon per day limit)
 3. Providing water for a single home or groups of homes (limited to 5,000 gallons per day)
 4. Providing water for industrial purposes, [including commercial irrigation] (limited to 5,000 gallons per day but no acre limit).
 - **For Clallam County this includes Elwha (west 18), Lyre-Hoko (19), and Soleduck-Hoh (20) AND the Johnson Creek – Miller Peninsula part of the Quilcene-Snow (WRIA 17)**

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Requirements affecting local land use decisions

- **The new law impacts only new domestic uses.**
- **Existing wells are exempt from the provisions of the new law.**
- New law does not place additional requirements per se at the subdivision stage of permitting. Counties must continue to follow 90.44.050 for water supply for subdivisions
- New law provides specific regulation for new permit-exempt domestic uses - new law to limit water use under the exemptions in RCW 90.44.050 for domestic water use and watering of a non-commercial lawn or garden. The other uses exempt from permitting (industrial use including irrigation and stockwatering) are not restricted beyond existing legal limitations under RCW 90.44.050.

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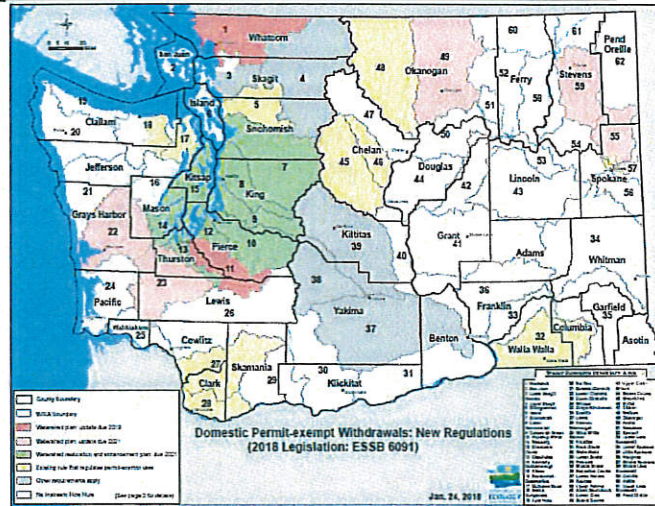


What is domestic use?

- Legislature did not define “domestic use” in the new law.
- Legislature chose to specify that during a drought, only 350 gallons per day (GPD) may be used for “indoor domestic use” in selected basins.
- This distinction leads us to interpret that the larger quantities authorized in non-drought years (950 or 3,000 GPD, depending on which basin) include indoor and outdoor uses for a household (including watering of a lawn and noncommercial garden).

How much water is legally allowed for domestic use in Hirst-affected basins?

- Under the law, applicants relying on a permit-exempt well for a new home may use a maximum annual average of 950 GPD or 3,000 GPD for their indoor and outdoor use, depending on which water resource inventory area (WRIA) they are located in (see [map](#)).
- All new permit-exempt uses, including group domestic, are still restricted by the 5,000 GPD limit under RCW 90.44.050.
 - For example, a new homeowner in an affected basin could withdraw 4,000 gallons on a summer day, so long as they did not do so often enough that their annual average exceeded the 950 or 3,000 gallon limit.



Also...

- New fees.** The law imposes a \$500 fee, which is paid to the local government at the time of applying for a building permit. The new fee is not required to be paid at the time a well is drilled. The new \$500 fee is separate and in addition to existing well drilling fees required under chapter 18.104 RCW.
- Does the new law expand areas covered under a rule?** No. The new law identifies which WRIAs have new regulations. In some watersheds, however, instream flow rules only cover portions of the WRIA. When that is the case, the new regulations apply to the geographical areas directly covered by a rule. The remainder of the WRIA is only subject to limits under Section 101(1)(g) and RCW 90.44.050.
- County obligations for recording.** Under Sections 202(5)(a) and 203(4)(a)(i), counties must record relevant water use restrictions, which would be either limits to 950 GPD or 3,000 GPD, depending on the specific watershed. In addition, under Section 203(4)(b), counties would need to record the potential for curtailment to 350 GPD during a declared drought, where applicable.
- Low-impact development.** In basins identified in Section 203, building permit recipients are required to employ low-impact development techniques. For counties or cities that do not have local low-impact development standards, [guidance is available on our website](#).

Impacts on Ecology water right permitting

- Our approach to water right permit decisions will not change. The law does not modify sections of statute affecting our permitting decisions, authority, and approach **EXCEPT** as it relates to processing permits under the "Foster Pilot" in Sections 301 and 302. We are evaluating how best to provide procedural guidance for the five identified projects.

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Two Metering Pilots

- The law directs Ecology to initiate a metering pilot program in the **Dungeness Basin** and in Kittitas County (Section 204).
- We will work with the entities that are implementing existing programs (the Washington Water Trust in the Dungeness Basin and with Kittitas County) to implement this section.
- We are developing a process to purchase and provide meters.
- We anticipate paying for new meters once we have this process in place; we do not intend to reimburse homeowners who bought meters before we launch the new process. Landowners wanting to build immediately using a permit-exempt well in these basins may purchase their own meter through the existing program, or wait until we have our new process in place to obtain a meter free of charge.

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Basin planning



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Streamflow enhancement projects

- Legislature authorized \$300 million for 15 years to be used for restoring and enhancing streamflows statewide.
- Although funding is to be prioritized within the basins in which planning is being conducted, the language does not limit projects to those basins. We have not yet developed criteria for approving funding.

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Watershed Planning Units

- **Section 202** provides some procedural guidance for how we and initiating governments are to update existing Watershed Plans in selected WRIAs.
- In these basins, plans were developed under the Watershed Planning Act (RCW 90.82). Where the law does not provide specific direction as to the process for plan development and approval, we and local governments should look to the Watershed Planning Act for direction.

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Watershed Restoration and Enhancement Committees.

- **Section 203** - Ecology convenes a group of local governments, Tribes, and stakeholders to develop a Watershed Restoration and Enhancement Plan. If all members of the committee agree to approval of a plan, then we will proceed to adopt a plan. Then, if necessary, we will amend instream flow rules to incorporate provisions of the plan. We have not yet established procedures or guidelines for finalization of plans or for subsequent evaluation and adoption.
- If a committee fails to adopt a plan by their prescribed timeline, they are to send the draft plan to the Salmon Recovery Funding Board (SRFB) for its review. The SFRB makes recommendations and sends them to us. We then we amend the draft plan and adopt it into rule.

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Available Funding

ESSB 6091 relies on the planning units created under chapter 90.82 RCW for specific water resource inventory areas (WRIAs) to update existing WRIA plans, with the goal to support actions that restore and enhance stream flows.

Under Section 202 of ESSB 6091, local planning efforts are led by **initiating governments** working in collaboration with stakeholders.

The "lead agency" is the public entity which coordinates staff support of its own or of other local governments and receives grants for developing a watershed plan.

Ecology will be providing assistance to local and tribal governments, including specific funding for entities which are designated by the initiating governments as lead agencies.

See Ecology's web page at: <https://ecology.wa.gov/Water-Shorelines/Water-supply/Streamflow-restoration>

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Funding for Local Capacity Grants and for Initial Planning Efforts

Funding will be provided in two phases for completing watershed plans.

- 1) "Local capacity grants" of up to \$50,000 will support lead agencies' staff time to implement the new law.
- 2) In addition, for the first phase of planning, up to \$150,000 (\$50k/year for 3 years) will be available to the lead agency to complete the following activities:

- Supporting planning unit meetings, including facilitation and public outreach;
- Estimating 20 year consumptive impacts from future permit exempt domestic wells;
- Reviewing previous plans and studies for relevant elements to be included in the update watershed plan; and
- Identifying additional technical information needed to complete the plan so that it meets the requirements of ESSB 6091.

Lead agencies may be awarded additional funding for phase 2 to collect technical information identified in the first phase of planning and to complete a watershed plan that meets the requirements of ESSB 6091.

Funding amounts will be determined after completion of the phase 1, and must include agreement from all initiating government to seek the additional funding.

Funding availability after June 30, 2019 will depend on the level of legislative appropriations in the Fiscal Year 2019-2021 budget adopted next year.

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Plan requirements

Sections 202 and 203 establish the requirements for an adopted plan.

Specifically, under subsections 202(4)(b) and (c) and 203(3)(b) and (c), plans must identify projects necessary to offset the impact of permit-exempt domestic water use.

(b) At a minimum, the watershed plan must include those actions that the planning units determine to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic water use.

The **highest priority** recommendations must include replacing the quantity of consumptive water use during the same time as the impact and in the same basin or tributary.

Lower priority projects include projects not in the same basin or tributary and projects that replace consumptive water supply impacts only during critical flow periods.

The watershed plan may include projects that protect or improve instream resources without replacing the consumptive quantity of water where such projects are in addition to those actions that the planning unit determines to be necessary to offset potential consumptive impacts to instream flows associated with permit-exempt domestic water use.

(c) Prior to adoption of the updated watershed plan, the department must determine that actions identified in the watershed plan, after accounting for new projected uses of water over the subsequent twenty years, will result in a net ecological benefit to instream resources within the water resource inventory area.

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When is Ecology required to amend instream flow rules?

- Two circumstances under which we must adopt rules to incorporate plan provisions. In addition, we may adopt rules if we believe it to be necessary for another reason.

In WRIAs identified in Section 202:

- If the updated plan recommends a change to the fee or water use limit prescribed in the law; or
- If the planning unit fails to adopt an updated watershed plan by their prescribed timeline.

In WRIAs identified in Section 203:

- If the adopted plan recommends a change to the fee or water use limit prescribed in the law; or
- If the basin committee fails to adopt a plan by their prescribed timeline. In this case, the draft plan goes to the Salmon Recovery Funding Board; they make recommendations, then Ecology amends and adopts the plan. We must then adopt the plan into rule.

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Section 301 – the “Foster” Fix

Joint Legislative task force created to develop and recommend a mitigation sequencing process and scoring system to address such appropriations and to review the Foster v. Department of Ecology Supreme Court Decision.

Task Force to include:

- 2 members of House
- 2 members of Senate
- Ecology
- Dept. of Fish and Wildlife
- Dept. of Agriculture

ONE representative from each of the following groups, appointed by consensus of the co-chairs of the task force:

- Organization representing the farming industry
- Organization representing Washington cities
- Organization representing municipal water purveyors
- Organization representing business interests

AND

- Two representatives from an environmental advocacy organization(s)
- Representatives of two federally recognized Indian Tribes, one invited by recommendation of NW Indian Fisheries Commission and one invited by recommendation of the Columbia River Intertribal Fish Commission

- First task force meeting is by June 30, 2018
- Recommendations to Legislature from Task Force by November 15, 2019

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Foster Pilot Projects

Five Foster Pilots Projects identified in the new law:

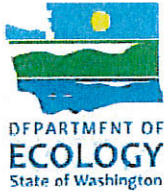
1. City of Sumner – WRIA 10
 2. City of Yelm – WRIA 11
 3. Spanaway Water District – WRIA 12
 4. City of Port Orchard – WRIA 15
 5. Bertrand Creek Watershed Improvement District – WRIA 1
- Entities to notify Ecology by July 1, 2018 of their interest (and willing to do under the Cost Reimbursement Agreement approach.
 - Ecology to furnish task force by November 15, 2018 information on conceptual mitigation plans for each pilot project
 - Joint legislative task force expires on December 31, 2019

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Conclusions

- New law allows rural growth to continue ahead of the water for water solutions
- New law primarily impacts future permit exempt wells and building permits in the 15 "pre-2000 rule" watersheds:
 - WRIAs 1, 7, 8, 9, 10, 12, 11, 13, 14, 15 and 22/23
- It lays out these interim standards that will apply until local committees develop plans to be adopted into rule:
 - Allows a maximum of 950 or 3,000 gallons per day for domestic water use, depending on the watershed.
 - Establishes a one-time \$500 fee for landowners building a home using a permit-exempt well in the affected areas.
- It retains the current maximum of 5,000 gallons per day limit for permit-exempt domestic water use in watersheds that do not have existing instream flow rules.
- It invests \$300 million over the next 15 years in projects that will help streamflows and fish.

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ESSB 6091 – Streamflow Restoration

Initial Policy Interpretations

This document reflects the Department of Ecology's current interpretations of key provisions of Engrossed Substitute Senate Bill (ESSB) 6091. It is not a comprehensive analysis of the new law, but rather an explanation of certain provisions. **We are still reviewing and analyzing the law – answers provided here are subject to future revision.** We may choose to incorporate these ideas into a formal policy or guidance document; however, we have yet to determine a timeframe for that to happen.

Updated March 20, 2018. Revisions include:

- Page 1: Adding a new section on applicability
- Page 2: Revising the topic on building permit applications
- Page 3: Revising the topic on subdivision applications
- Page 3: Revising the topic on water use restrictions
- Page 3: Revising the topic on fees
- Page 4: Revising the topic on streamflow enhancement projects
- Page 4: Revising the topic on Watershed Restoration and Enhancement Committees
- Page 5: Revising the topic on plan requirements
- Page 6: Adding a topic on scope of rulemaking

Applicability

The new law establishes clear standards for what constitutes proof of an adequate water supply when applying for a building permit or subdivision for a home relying on a new permit-exempt well. See our [online map](#) for a guide.

- **In basins with instream flow rules that do not regulate permit-exempt uses** (labeled in red, pink, and green on our map), evidence must be consistent with the new programs established in Sections 202 and 203 of the law, including requirements about a fee and water use restriction. Alternatively, building permit applicants may show other evidence of an adequate water supply that complies with RCW 90.03 and 90.44.
- **In basins with instream flow rules that explicitly regulate permit-exempt uses** (labeled in yellow on our map), evidence must be consistent with requirements set forth in the rule.
- **In the Yakima basin** (labeled in gray), we may impose additional requirements to satisfy adjudicated water rights.
- **In the Skagit basin** (also labeled in gray), additional requirements apply due to the *Swinomish* Supreme Court decision.
- **In the rest of the state** (labeled in white), a well report showing physical availability of water is sufficient proof of an adequate water supply.

In all parts of the state, a county may impose additional requirements.

How does ESSB 6091 affect Ecology's water right permitting? Our approach to water right permit decisions will not change. The bill did not modify sections of statute affecting our permitting decisions, authority, or approach except as it relates to processing permits under the "Foster Pilot" in Sections 301 and 302. We are evaluating how best to provide procedural guidance for the five identified projects.

Does the new law expand areas covered under a rule? No. The new law identifies which Water Resource Inventory Areas (WRIAs) have new regulations. In some watersheds, however, instream flow rules only cover portions of the WRIA. When that is the case, the new regulations apply to the geographical areas directly covered by a rule. The remainder of the WRIA is only subject to limits under Section 101(1)(g) and RCW 90.44.050.

The remainder of this document, with the exception of the metering pilot program, is only applicable in the 15 basins with instream flow rules that do not regulate permit-exempt uses. These basins were directly affected by the state Supreme Court's decision in Hirst: 1-Nooksack, 7-Snohomish, 8-Cedar-Sammamish, 9-Duwamish-Green, 10-Puyallup-White, 11-Nisqually, 12-Chambers-Clover, 13-Deschutes, 14-Kennedy-Goldsborough, 15-Kitsap, 22-Lower Chehalis, 23-Upper Chehalis, 49-Okanogan, 55-Little Spokane, and 59-Colville.

Requirements affecting local land use decisions

Building permit applications

The new law places additional requirements on building permit applicants for new homes relying on a permit-exempt groundwater withdrawal in Hirst-affected basins. The new requirements include a fee and water use restriction. The following permit-exempt water uses are not subject to these new requirements:

- **Existing wells and water users:** The Legislature wrote the new law so that wells constructed in a Hirst-affected basin before the effective date of the act (January 19, 2018) would serve as proof of an adequate water supply for a building permit. Development proposals relying on wells constructed in these basins in compliance with RCW 18.104 before the effective date of the act are not subject to the new fees and restrictions. This is regardless of whether the well was put to beneficial use prior to January 19, 2018.
- **Domestic uses not requiring a building permit:** Only domestic uses for projects requiring new building permits are subject to the new requirements. There are no new requirements for a landowner who already has a building permit for their project.
- **Industrial and stockwatering uses:** Per our interpretation of the term "domestic use" (below), we interpret the new law to limit water use under the exemptions in RCW 90.44.050 for domestic water use and watering of a non-commercial lawn or garden. The other uses exempt from permitting (industrial use including irrigation and stockwatering) are not restricted beyond

existing legal limitations under RCW 90.44.050, and, in some cases, restrictions identified in instream flow rules adopted under RCW 90.22 or 90.54. Commercial uses, like a restaurant, typically fall under the industrial exemption, and thus are not affected by the new law.

Subdivision applications

Subdivisions. The new law requires that subdivisions comply with the water use restrictions and fees set forth in Sections 202 and 203. Specifically, local governments must ensure that the \$500 fee is collected for each new building permit for a home relying on a permit-exempt withdrawal within the subdivision and that the water use restrictions are recorded on each property title. We interpret that local governments may carry out these requirements either at the subdivision stage of permitting or when issuing the building permit. Local governments must continue to follow RCW 90.44.050 and relevant case law that provide limitations on the use of permit-exempt wells. Because the new law imposes limitations on building permits, local governments may choose to update regulations to specify these requirements on plats.

New requirements

Water use restrictions. Under the new law, applicants relying on a permit-exempt well for a new home in an affected basin may use a maximum annual average of 950 or 3,000 gallons per day (GPD) per connection for domestic use, depending on which WRIA they are located in (see our [map](#) for details). The water use restrictions remain in place until and unless we amend the applicable instream flow rule to change them.

- **Domestic use:** The Legislature did not define “domestic use” in the new law. However, they chose to specify that during a drought, we may curtail use to only 350 GPD per connection for “indoor domestic use” in selected basins. This distinction leads us to interpret that the larger quantities authorized in non-drought years (950 or 3,000 GPD, depending on which basin) include indoor and outdoor uses for a household (including watering of a lawn and noncommercial garden).
- **Maximum annual average:** The water use restrictions are based on a maximum annual average withdrawal. We interpret this to mean that a home’s water use cannot exceed 950 or 3,000 GPD as the average over the entire year. However, all new permit-exempt uses, including group domestic, are still restricted by the 5,000 GPD limit under RCW 90.44.050. As an example, a new homeowner in an affected basin could withdraw 4,000 gallons on a summer day, so long as they did not do so often enough that their annual average exceeded the 950 or 3,000 gallon limit.
- **Per connection:** The Legislature specified that the water use restrictions are “per connection.” Thus, we interpret that each home within a subdivision is limited to the maximum annual average of 950 or 3,000 GPD for domestic use. However, as mentioned above, all new permit-exempt uses, including group domestic, are limited to 5,000 GPD under RCW 90.44.050. Therefore, while a home within a subdivision may withdrawal 3,000 GPD under the new law, the entire project is still restricted to the 5,000 GPD limit for domestic use plus the irrigation of no more than one-half acre of lawn and noncommercial garden throughout the subdivision.

Fees. The law imposes a \$500 fee on all new building permits for homes relying on a permit-exempt well in an affected basin. The fee is paid to the local government at the time of applying for a subdivision

or building permit. The new fee is not required to be paid at the time a well is drilled. The new \$500 fee is separate and in addition to existing well drilling fees required under RCW 18.104. The fee remains in place until and unless we amend the applicable instream flow rule to change it.

Obligations for recording. Under Sections 202(5)(a) and 203(4)(a)(i), local governments must ensure relevant water use restrictions are recorded on the title to affected properties, which would be either limits to 950 GPD or 3,000 GPD, depending on the specific watershed. We recommend local governments use the following language: "Domestic water use at this property is subject to a water use limitation of a maximum annual average withdrawal of [three thousand or nine hundred and fifty] gallons per day, per connection, subject to the five thousand gallon per day limit in RCW 90.44.050."

In addition, under Section 203(4)(b), local governments would need to ensure the potential for curtailment to 350 GPD during a declared drought, where applicable, is also recorded. We recommend local governments use the following language: "If a Drought Emergency Order is issued pursuant to RCW 43.83B.405, domestic water use at this property may be curtailed to no more than three hundred and fifty gallons per day per connection, for indoor use only. Notwithstanding the drought restriction to indoor use, a fire control buffer may be maintained."

Low-impact development. In basins identified in Section 203, building permit recipients are required to employ low-impact development techniques. For local governments that do not have local low-impact development standards, [guidance is available on our website](#).

Basin planning

Streamflow enhancement projects. The Legislature authorized \$300 million over 15 years to be used for restoring and enhancing streamflows statewide. Although we are to prioritize spending funds in the 15 Hirst-affected basins, the law does not limit projects to those watersheds. Work is underway to develop a transparent system for the prioritization and evaluation of proposed projects. This spring, we plan to provide detailed information about accessing funding for projects under the current legislative appropriation. In the summer, we plan to begin accepting funding proposals. Decisions on project proposals are anticipated in the fall. We have yet to determine the process for subsequent funding rounds.

Watershed planning units. For information about Section 202 watersheds, please see "Section 202 watersheds" below.

Watershed Restoration and Enhancement Committees. Under Section 203, we prepare and adopt Watershed Restoration and Enhancement Plans in collaboration with committees made up of local governments, tribes, and stakeholders. For plan development, we are committed to ensuring that the committee has access to sufficient technical support, like hydrogeologists, GIS analysts, and relevant data; we will not be expecting other committee members to provide those resources (unless they wish to provide them). Once a plan is developed, the committee may adopt the plan only with the approval

of all committee members.¹ Then, if necessary, we will amend instream flow rules to incorporate provisions of the plan. We have not yet established procedures or guidelines for finalization of plans or for subsequent evaluation and adoption.

Plan requirements. Sections 202 and 203 establish the requirements for an adopted plan. Specifically, under subsections 202(4)(b) and 203(3)(b), plans must identify projects necessary that at a minimum, offset the consumptive impact of new permit-exempt domestic water use. “While projects must replace the consumptive use from permit-exempt wells with water from another source (in-kind mitigation), they are not limited to strictly in-time, in-place mitigation. Planning groups must prioritize projects that replace the consumptive use from new domestic permit-exempt withdrawals in the same basin or tributary and during the same time that the use occurs. If this is not feasible, however, planning groups may recommend projects that are in other basins/tributaries and/or that replace water only during critical times for fish.

Prior to adoption of an updated plan, we must determine that the actions in the plan will result in a “net ecological benefit” to instream resources in the WRIA. The planning group may recommend out-of-kind projects to help achieve this standard (these projects will not count towards offsetting the consumptive use from new domestic permit-exempt withdrawals).

We will be developing criteria for determining net ecological benefit to instream resources over the next two to three months. We intend to develop an interim standard to use to evaluate early-planning basins. Once the interim standard is developed, we will engage in a more thorough public process to develop a final standard.

Definitions of water use. Sections 202 and 203 have multiple references to how plans are to offset or account for water use in the basin (Sections 202(4)(b), 202(4)(c), 203 (3)(b), 203(3)(c), 203(3)(d), 203(3)(e)). Sections 202(4)(b) and 203(3)(b) state: “At a minimum, the [plan] must include those actions that the planning units determine to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic water use.” Subsequent subsections (Sections 202(4)(c), 203(3)(c), 203(3)(d), 203(3)(e)) use slightly different verbiage. Consistent with the intent of the entire law, we interpret all six subsections to refer to the consumptive water use of new permit-exempt domestic withdrawals. This interpretation is based on principles that statutes should be read as a whole and should be interpreted to be internally consistent. Planning units may choose, and are encouraged, to identify projects in their plans that offset consumptive uses beyond domestic permit-exempt uses; however, plans are not required to include additional projects. Guidance on how planning units are to perform consumptive use analyses is provided in a [supplemental document](#).

When is Ecology required to amend instream flow rules? There are two circumstances under which we must adopt rules to incorporate plan provisions. In addition, we may adopt rules if we believe it to be necessary for another reason.

¹ If a committee fails to adopt a plan by their prescribed timeline, they are to send the draft plan to the Salmon Recovery Funding Board (SRFB) for its review. The SFRB makes recommendations and sends them to us. We will then amend the draft plan and adopt it into rule.

In WRIAs identified in Section 202:

- (a) If the updated plan recommends a change to the fee or water use restriction prescribed in the law; or
- (b) If the planning unit fails to adopt an updated watershed plan by their prescribed timeline.

In WRIAs identified in Section 203:

- (a) If the adopted plan recommends a change to the fee or water use restriction prescribed in the law; or
- (b) If the basin committee fails to adopt a plan by their prescribed timeline. In this case, the draft plan goes to the Salmon Recovery Funding Board; they make recommendations, then we amend and adopt the plan. We must then adopt the plan into rule.

Scope of rulemaking. The new law requires that we update instream flow rules to incorporate plan recommendations, either when the planning unit fails to adopt the plan by their prescribed timeline, or when the plan recommends changes to the water use restriction or fee. We interpret that when amending a rule, we may take a targeted approach and only update specific provisions addressed in the adopted plan (like water use restriction and fee). As there are no requirements in the new law that we broadly review existing instream flow rules, we do not interpret that we must reevaluate parts of the rule that are not addressed in the plan, such as instream flow levels or stream closures, though we retain the authority to do so if needed. If planning units recommend changes to instream flow levels or other recommendations outside the scope of the fee and water use restriction, we will evaluate this recommendation during the plan development process and, if necessary, during rulemaking.

Requirements under the State Environmental Policy Act (SEPA). SEPA review will be necessary for the adoption of updated watershed plans and watershed restoration and enhancement plans under ESSB 6091. Counties and planning units should conduct a non-project SEPA analysis for each adopted plan prior to plan adoption. At the beginning of the SEPA process, counties may assess whether an Environmental Impact Statement (EIS) is necessary using the environmental checklist. Note that we will not do an additional statewide programmatic EIS for the new requirements under ESSB 6091, as was done in 2003 for watershed planning under RCW 90.82. When doing the SEPA review, counties and planning units may draw upon existing SEPA documents, such as the 2003 programmatic EIS and other supporting resources, including the technical studies completed in the watershed planning process. Once a SEPA analysis is completed, counties and the planning units may or may not also need to complete SEPA on individual projects, depending how projects conform under the criteria provided in RCW 89.08.460.

Section 202 watersheds

Watershed planning terminology. Section 201(2) clarifies that the term “lead agency” has the same meaning as defined in RCW 90.82.060. Under RCW 90.82, a lead agency is the entity that coordinates staff support and receives grants.

ESSB 6091 also uses the terms “initiating government” and “planning unit,” however, these terms are not clarified or defined in ESSB 6091. We interpret these terms to also have the same meaning as described in RCW 90.82.060.

Under RCW 98.82.060, initiating governments include:

- All counties within the WRIA(s);
- The largest city or town within the WRIA (or each WRIA in the case of multi-WRIA watershed planning) unless the WRIA does not contain a city or town;
- The water supply utility obtaining the largest quantity of water from the WRIA (or each WRIA); and
- Tribes, if they accepted the invitation to participate in watershed planning.

The composition of the planning units under RCW 90.82 were determined by the initiating governments and were to provide for a wide range of water resource interests (RCW 90.82.060 (5) and (6)).

Watershed planning units. In WRIAs where planning units created under RCW 90.82 are still active, we will work with those existing groups. In WRIAs where planning units created under RCW 90.82 are no longer active, we will work with initiating governments to reestablish planning units that include the range of representation in the original planning unit to the extent practicable. We do not intend to follow the process in RCW 90.82.060(6) to reestablish a planning unit for the purpose of implementing ESSB 6091.

Tribal participation. Under Section 202(3), the lead agency is required to extend an invitation to each federally recognized tribe with a usual and accustomed fishing area within the WRIA to participate as part of the planning unit. It is the tribes' choice whether to participate and the extent of their participation; however, we expect the planning process to move forward regardless of tribal participation. We will communicate directly with lead agencies regarding inviting tribal participation under the new law. We also commit to government-to-government communication with tribes throughout implementation of the new law.

Review of existing watershed plans. Under Section 202(2), Ecology shall work with the initiating governments and the planning units described in RCW 90.82 to review existing watershed plans.

We interpret the review of existing watershed plans as a procedural step to help inform the participants in the planning process in their endeavor to update the watershed plan as directed under Section 202(4)(a). We do not interpret the new law to necessitate a comprehensive review of the entire watershed plan. As stated in Section 202(4)(a) the purpose of the review is to identify:

- The potential impacts of exempt well use;
- Evidence-based conservation measures; and
- Projects to improve watershed health.

Updating watershed plans. Section 202(4)(a) of the new law calls for initiating governments, in collaboration with the planning unit, to update the watershed plan to include recommendations for projects and actions that will measure, protect, and enhance instream resources and improve watershed functions that support the recovery of threatened and endangered salmonids. Additional language in sections 202(4)(c), (5), and (7) refers to adoption or approval of the updated watershed plan.

We interpret the requirement to update the watershed plan to be limited to the objectives of the new legislation; a complete update of all the elements of the original watershed plan is not required.

We do not interpret the language in ESSB 6091 calling for the adoption or approval of the updated watershed plan as a requirement to follow the watershed management plan approval procedures in RCW 90.82.130. The initiating governments and planning unit may decide how to approve the update plan. They may choose to follow the procedures in RCW 90.82.130.

Metering

Metering pilot program. The new law directs us to initiate a metering pilot program in the Dungeness Basin and in Kittitas County (Section 204). We are working with the entities that are implementing existing programs (the Washington Water Trust in the Dungeness Basin and with Kittitas County) to implement this section. We are developing a process to purchase and provide meters. We anticipate paying for new meters once we have this process in place; we do not intend to reimburse homeowners who bought meters before we launch the new process. Landowners wanting to build immediately using a permit-exempt well in these basins may purchase their own meter through the existing program, or wait until we have our new process in place to obtain a meter free of charge.

Contacts

Our regional managers (see [map](#) to find your local office) can answer implementation and basin-specific questions:

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ESSB 6091

Recommendations for Water Use Estimates

This document provides the Department of Ecology's recommendations for estimating water use by permit-exempt domestic wells in compliance with the provisions in Engrossed Substitute Senate Bill (ESSB) 6091. The methods described are not rigid requirements, and planning units and watershed restoration and enhancement committees can modify these methods based on credible, location-specific information with Ecology concurrence. Ultimately, restoration plans and plan updates will be judged by two tests: that the total quantity of water consumed by permit-exempt domestic wells is offset, and that a "net ecological benefit" is provided over the subsequent 20 years. Any methods used must be sufficient to allow Ecology to make that determination.

General approach

Permit-exempt domestic wells may be used to supply houses, and in some cases other Equivalent Residential Units (ERUs) such as small apartments. For the purposes of this document, the terms "house" or "home" refer to any permit-exempt domestic groundwater use, including other ERUs.

Interpretation of Law Requirements

Sections 202 and 203 of ESSB 6091 contain several provisions regarding how watershed restoration and enhancement plans and updated watershed plans are to offset or account for projected water use. Specifically, sections 202(4)(b) and 203 (3)(b) state,

At a minimum, the [watershed] plan must include those actions that the planning units determine to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic water use. The highest priority recommendations must include replacing the quantity of consumptive water use during the same time as the impact and in the same basin or tributary. Lower priority projects include projects not in the same basin or tributary and projects that replace consumptive water supply impacts only during critical flow periods.

Timeframe: To evaluate and offset potential consumptive impacts from permit-exempt domestic wells, a timeframe over which new domestic use will be considered must be designated. Since a "subsequent twenty years" is referenced throughout other sections of ESSB 6091 (such as sections 202(4)(c), 203 (3)(c), 203(3)(d), and 203(3)(e)), Ecology interprets the timeframe for 202(4)(b) and 203 (3)(b) to be the next twenty years.

Scope of "water use": Ecology interprets all projected water use referenced in sections 202(4)(c), 203(3)(c), 203(3)(d), and 203(3)(e) to refer to only consumptive permit-exempt domestic groundwater water use (as opposed to water use associated with municipalities, for example). Ecology's [Initial Policy Interpretations](#) document provides additional explanation.

Consumptive use: Water Resources Program Policy 1020 (1991) states, "Consumptive water use causes diminishment of the source at the point of appropriation," and that, "Diminishment is defined as to make smaller or less in quantity, quality, rate of flow, or availability." This guidance document is focused on estimating only quantity diminishment, so for the purposes described here, consumptive water use is

considered water that is evaporated, transpired, consumed by humans, or otherwise removed from an immediate water environment due to the use of permit-exempt domestic wells.

Subbasins: ESSB 6091 is written in the context of Water Resources Inventory Area (WRIA)-wide mitigation, so Ecology interprets the words “same basin or tributary” to refer to subareas or subbasins as opposed to entire WRIAs. For the purposes of this document, the term “subbasin” is equivalent to the words “same basin or tributary” as used in sections 202(4)(b) and 203 (3)(b). Planning groups must delineate subbasins within WRIAs, and these subbasins must be suitably sized to allow meaningful determinations of whether mitigation is in-time and in-place in the context of highest priority and lower priority projects, without being so small that they are unwieldy (e.g. a WRIA might be divided into eight subbasins). In some instances, subbasins may not correspond exactly with hydrologic basin delineations (i.e. watershed divides).

Estimating the Number of Future Permit-Exempt Domestic Wells

Plans and plan updates must describe the consumptive use of permit-exempt domestic wells over the next 20 years. There are numerous ways to make such predictions for WRIAs or subbasins. The first two methods described below rely on building permit data and population data, and both of these tend to provide fairly robust results. Ideally, both of these methods will be applied or some hybrid of the two, and the results compared. The third method mentioned is an analysis of Ecology’s well log data, however, results relying on those data tend to be less reliable.

One method for predicting future permit-exempt domestic wells involves conducting a Geographic Information System (GIS) analysis of county building permits, zoning, and parcel information. Once these data have been segregated into WRIAs or subbasins, single-family building permit data can be evaluated to determine the number of building permits issued over some previous time period (e.g. the past 10 years). Those results can then be used to project permit-exempt domestic wells over the subsequent 20-year period, based on assumptions regarding how many of those building permits translate into permit-exempt domestic wells, zoning restrictions, information on undeveloped parcels, etc.

Another method of predicting future permit-exempt domestic wells relies on population data. The Washington State Office of Financial Management (OFM) website provides estimates of past and current populations by WRIA, and projected future household populations on a county basis. One way to predict future populations is to look at populations for two different years (e.g. 2007 and 2017), then use that rate of increase to predict future populations. Upon request, OFM can also prepare 2000-2017 small area estimates. Therefore planning groups can provide OFM GIS shapefiles for their subbasins, then a similar method can be used to predict future populations for individual subbasins. An alternate method of using the OFM data is to use current populations for a given subbasin or WRIA as a base, then increase that number based on county population projections. This latter method requires subjectivity, however, since all of the WRIAs span two or more counties, and this method requires looking at projections for multiple counties, then inferring a reasonable assumptions for each subbasin or WRIA.

- OFM population by WRIA 2000 through 2017 is available at: <https://www.ofm.wa.gov/washington-data-research/population-demographics/population-estimates/small-area-estimates-program>
- OFM projected growth rate by county 2010–2050 by one-year intervals is available at: https://ofm.wa.gov/sites/default/files/public/dataresearch/pop/GMA/projections17/gma_2017_1yr_2050.xlsx

Once future WRIA populations have been estimated, those populations that will be served by community water systems and municipalities must be removed. This can be done relying on available information on the distribution/growth rate patterns of populations served by water systems. Finally, future populations that will be served by permit-exempt domestic wells can be divided by the average number of people per household currently (U.S. Census Bureau Quick Facts) to estimate the number of future permit-exempt domestic wells.

A third potential method relies on spatial data for well reports (logs) available from Ecology (<https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/GIS-data>). Wells in this data set with a "W" in the Well type field correspond with water supply wells. Those data can be analyzed using GIS to determine the number of recorded water supply wells for two past years (e.g. 2007 and 2017), then those data can be used to predict the rate of well increase into the future. However, the reliability of estimates for future wells using this method will likely be less reliable.

Total Water Use versus Consumptive Water Use

Estimates of water use by future permit-exempt domestic wells must account for the portion of water that is consumptively used. To do this, water use estimates should be divided into indoor and outdoor water use, then those estimates adjusted to account the portion of water that will return to the hydrologic system.

In general, most houses on permit-exempt domestic wells are connected to individual septic systems. For those houses, indoor water that is discharged via septic system mostly returns to the groundwater system, and the water used outdoors is mainly lost to evapotranspiration. The percentage of water consumed (lost to the atmosphere) during these processes is a function of climate, soil type, aspect, etc., and varies across the state.

A reasonable assumption for much of Washington is that about 10 percent of indoor domestic water use is consumed, and about 80 percent of outdoor domestic water use is consumed (Culhane and Nazy, 2015). A consumptive use rate of 10 percent for indoor domestic use is in keeping with recent groundwater models constructed by the U.S. Geological Survey (USGS) for the Kitsap peninsula (Frans and Olsen, 2016) and the Chamokane Creek basin (Ely and Kahle, 2012). However, the USGS has used various percentages for outdoor consumptive use. For the Kitsap peninsula model, the consumptive use rate for outdoor use was assumed to be 90 percent. By contrast, USGS reports for the Chambers-Clover watershed in Pierce County (Johnson et al., 2011) and the Spokane Valley-Rathdrum Prairie Aquifer (Hsieh et al., 2007) assumed landscape irrigation efficiency of 60 percent.

If houses are connected to sewer systems that discharge water outside of or near the mouth of a watershed, it can be assumed that 100 percent of the indoor water use consumptive.

Watershed planning groups can use assumptions other than 10 percent and 80 percent for indoor and outdoor water consumption, respectively, if justification is provided. However, ultimately, Ecology will need to use these results to determine whether the total quantity of water consumed by permit-exempt domestic wells will be matched, and whether a "net ecological benefit" will be provided over the next 20 years. Therefore, substitutions of different percentages need to have Ecology concurrence.

Performing Consumptive Water Use Analyses

ESSB 6091 requires offsetting the quantity of water consumptively used by future domestic permit-exempt wells during the subsequent 20-year period somewhere within the WRIA. Within this requirement, the law establishes higher and lower priority projects to provide this offset. The discussion below begins with basin-wide or lower priority projects analyses, since the method described constitutes the base level of analysis. Next, consumptive water use analyses for higher priority projects are discussed, and more information is provided regarding basin-wide calculations.

In reality, there does not need to be a strict dichotomy between lower and higher priority projects as described in 202(4)(b) and 203 (3)(b), and some projects may fall in between. For example, acquisition of a water right that addresses consumption in the same subbasin may be deemed a “medium” priority, since while it provides offsets in the same subbasin, it also mitigates for impacts only during critical times. In that instance, analyses as described for both low priority and high priority projects would be necessary in order for Ecology to have adequate information to determine whether there will be a “net ecological benefit.”

1. Basin-wide and Lower Priority Project Analyses – Sections 202(4)(b) and 203 (3)(b)

The law requires that somewhere within the WRIA watershed plans offset the WRIA-wide annual consumptive domestic water supply uses that will occur over the subsequent 20-year period. The law also requires that lower priority projects—those that do not occur in the same basin or tributary—replace consumptive domestic water supply uses somewhere within the WRIA during critical flow periods over the subsequent 20-year period. To evaluate whether these requirements will be met, it is necessary to estimate the total annual consumptive quantity of future permit-exempt domestic withdrawals. These annual quantities can be estimated by looking at the anticipated increases in population and/or permit-exempt domestic wells, then making a series of assumptions regarding indoor and outdoor consumptive water use. The following describes steps to produce those estimates.

A. Consumption due to Indoor Water Use

To estimate the impacts of indoor water use, the population to be served by future permit-exempt domestic wells can be multiplied by assumed water use per person. A reasonable assumption of 70 gallons per day (gpd) per capita stems from an American Water Works Association Research Foundation (AWWA) study (Mayer and DeOreo, 1999). During that study, end uses of water were physically measured in 100 single-family homes (selected to be statistically representative of single family homes) in 12 municipal areas including Seattle. Based on those data, average total indoor per capita water use was estimated to be 72.5 gpd without conservation and 49.6 gpd with conservation. The lowest average indoor per capita water use was 57.1 gpd for Seattle.

To produce a result in acre feet per year (AF/YR), estimated daily water use can be multiplied by 365 days per year, then converted to units of AF/YR, then multiplied by an assumed amount of water use that is consumptive. Different assumptions apply to homes connected to sewer systems versus those on septic systems. If homes are connected to sewer systems that discharge water outside of or near the mouth of a watershed, the assumption is that indoor water use is 100 percent consumptive. If homes are connected to septic systems, the estimated total annual water use for permit-exempt domestic wells can be multiplied by an assumed consumptive use factor, such as 10 percent, since most of this water will return to the ground via septic systems.

B. Consumption due to Outdoor Water Use

Under RCW 90.44.050, there is a maximum limit of one-half acre for outdoor watering associated with permit-exempt domestic wells. However, the average outdoor water use area in any given area may be less. One method of estimating future outdoor water use is based on an estimate of the average outdoor watering area for existing homes on permit-exempt domestic wells. Such analyses can be conducted using GIS and satellite imagery, and can be rigorous or as simple as scanning images to get a qualitative sense of the outdoor lawn/garden areas associated with existing homes. If planning units or watershed restoration and enhancement committees choose not to perform this level of analysis, an alternative would be to simply assume one-half acre of outdoor watering area associated with future permit-exempt domestic wells.

Once an outdoor water use area has been selected, future permit-exempt domestic outdoor water use can be estimated using an assumed crop type (e.g. pasture/turf grass) and relying on crop use estimates for nearby station(s), such as those available in Appendix A in the Washington Irrigation Guide (WAIG) (U.S. Department of Agriculture, 1997). This number can then be multiplied by an assumed consumptive use factor, such as 80 percent, to estimate the amount of water per house consumptively used outdoors.

Use of Other Data

In some instances, additional location-specific information may exist to supplement or replace portions of the method. One example would be actual water use data for small- to medium-sized water systems within a county. Depending on the nature and distribution of such data, extrapolations might be used to either verify or modify the above estimates. However, one caution is that water system estimates may be low if users pay fees that include built in incentives to conserve water.

In all instances, any significant variances from the above methods need to be well documented with reasons why the changes are justified.

Method Example

Assuming the methods described in 1A and 1B are used, an estimate of the consumptive water use for future permit-exempt domestic withdrawals might look like the following:

Household Consumptive Indoor Water Use (HCIWU):

Depending on the methods used to predict the number of future permit-exempt domestic wells (see page 2), the population using wells may already have been determined. If an estimate of the number of future permit-exempt domestic wells relied on county building permit data or Ecology's water-well report spatial data, that number of wells can be multiplied by an average number of people per household to estimate increased population. Estimates of average household numbers are available from the U.S. Census Bureau or OFM, however, some inference will be required to convert these from a county to a WRIA basis.

For the example here, it will be assumed that there are 2.5 people per household. Given that assumption, and assuming that only 10 percent of indoor water use is consumptive, an example of a consumptive indoor water use per house calculation in acre-feet per year (AF/YR) would be:

$$\text{HCIWU} = 70 \text{ gpd} \times 2.5 \text{ people per house} \times 365 \text{ days} \times 0.00000307 \text{ AF/gal.} \times 10\% \text{ cons. use} = 0.02 \text{ AF/YR}$$

Household Consumptive Outdoor Water Use (HCOWU):

To estimate consumptive outdoor water use per household, domestic lawn/garden irrigation requirements can be estimated using information for a nearby station found in Appendix A of the Washington Irrigation Guide (WAIG) (U.S. Department of Agriculture, 1997). For a hypothetical pasture/turf grass example, the WAIG monthly net irrigation requirements (inches) might look something like:

	May	June	July	August	September
Irrig. requirements (in.)	0.63	2.72	4.11	2.75	0.90

At this point, an average outdoor watering area needs to be included in the calculations. Here, for example purposes, 0.4 acres of outdoor watering area will be assumed. The conversion of inches per month to cubic feet per month therefore requires multiplying by:

$$\text{Irrig. Requirements (in.)} = 0.4 \text{ acres} \times 43,560 \text{ sq ft/acre} \times 1 \text{ ft}/12 \text{ in} \times 7.48 \text{ gal./cubic foot} = 10,861 \text{ gal.}$$

For this example, the calculations would look like:

	May	June	July	August	Sept.	Total
Irrig. requirements (in.)	0.63	2.72	4.11	2.75	0.90	11.11
Irrig. requirements assuming 0.4 acres (gal.)	6,842	29,542	44,639	29,868	9,775	120,666

Therefore, assuming the consumptive loss associated with outdoor water use is 80 percent, the estimated total consumptive outdoor water use per house during the irrigation season would be:

$$\text{HCOWU} = 120,666 \text{ gallons} \times 0.00000307 \text{ AF/gal.} \times 80\% \text{ consumptive use} = 0.3 \text{ AF}$$

Basin-wide Household Consumptive Water (BHCWU):

Consumptive water use by future permit-exempt domestic wells for a WRIA or subbasin can then be estimated by:

$$\text{BHCWU} = \text{number of houses served by permit-exempt domestic wells} \times (\text{HCIWU} + \text{HCOWU})$$

2. Highest Priority Projects – Sections 202(4)(b) and 203 (3)(b)

ESSB 6091 states that the highest priority recommendations must replace the estimated 20-year quantity of consumptive domestic water use in-time and in the same basin or tributary. Estimating the timing of groundwater impacts on streams can be complicated due to potential lags between when wells are pumped and when pumping impacts propagate to rivers or streams. If a shallow well pumps an unconfined aquifer directly adjacent to a stream, the effects of pumping can be almost instantaneous. However, if a well pumps a confined aquifer some distance from a stream, smaller effects can occur down gradient and over much longer periods.

In order to analyze timing of the effects of groundwater pumping, the hydrogeology and locations of wells must be taken into account. In addition, the timing and magnitude of pumping may need consideration. However, unless a well is completed in bank storage right next to a stream, pumping

groundwater at 50 gallons per minute (gpm) for one hour per day (say, for lawn watering) may have approximately the same effect as pumping a well at 5 gpm for 10 hours per day.

In all situations, the place to start the analysis will be to construct a conceptual groundwater model that factors in the hydrogeology, geographic distribution, and depths of the wells. In water resources terms, conceptual groundwater models generally include spatial delineations of recharge and discharge areas, identification of pathways from unsaturated zones through saturated zones to groundwater receptors, and analyses and estimates of time scales of flow and effects of groundwater pumping. A conceptual groundwater model can provide a basic framework with which to evaluate different types of groundwater pumping.

In some instances, the next level of analysis could involve applying a simple analytical model such as USGS STRMDEPL08 (Reeves, 2008), which is capable of estimating streamflow depletion by a nearby pumping well. However, since analytical models cannot deal with many spatially distributed wells simultaneously, at best the results of a limited number of analytical model runs could be used to refine a the conceptual model. If a numerical groundwater model (e.g. USGS MODFLOW) is available, this can be used to provide much more reliable estimates. However, such models are expensive and require significant time to develop and use.

No matter what level of hydrogeologic analysis is performed, for high priority projects some technical basis must be provided to determine whether a project will replace consumptive water use during the same time as the groundwater pumping impacts within that basin or tributary. In addition to the analyses described in this section, analyses associated with highest priority projects also need to include the same sorts of consumptive water use estimates as described in Item 1 above.

3. WRIA-Wide Calculations – Sections 202(4)(c), 203(3)(c), 203(3)(d), and 203(3)(e)

Ecology interprets all projected water use referenced in sections 202(4)(c), 203(3)(c), 203(3)(d), and 203(3)(e), to refer to only consumptive permit-exempt domestic groundwater water use (as opposed to water use associated with municipalities, for example). Ecology's [Initial Policy Interpretations](#) document provides additional explanation. To make determinations prescribed in the law that meet these requirements, the total consumptive permit-exempt domestic groundwater use for the entire WRIA must be projected over the subsequent 20-year period.

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