

Permit-Exempt Well Use in the Spokane Valley-Rathdrum Prairie Aquifer

Focus on SVRP permit-exempt wells

Definitions

Acre-foot: One acre foot of water is equivalent to 325,851 gallons.

Instream flows: Streamflow levels adopted into rule that essentially create a water right for the stream to protect fish, wildlife, recreation, and other instream uses and values from the impacts of new water uses. Instream flows do not regulate senior water rights.

Mitigation in the SVRP Aquifer. Mitigation offsets the impact to the Spokane River of consumptive groundwater uses (those that diminish the amount of water from the source). This helps ensure that new groundwater uses will not be interrupted during times of water shortage.

Permit-exempt well: a framework for developing typically small water uses from a well without the need for a permit. (RCW 90.44.050)

Water bank: A mechanism for transferring existing water rights to new uses.

If you are unable to connect to an existing water supplier for your water needs, you may need to use a permit-exempt well. Mitigation is required for all permit-exempt water uses that began on or after Feb. 27, 2015, in the Spokane Valley–Rathdrum Prairie (SVRP) Aquifer. The SVRP Aquifer Bank has been established to provide mitigation water for smaller permit-exempt uses.

In 2015, the Dept. of Ecology (Ecology) adopted a water management rule for the Spokane River and the Spokane Valley–Rathdrum Prairie (SVRP) Aquifer (WAC 173-557). The rule affects all surface and groundwater uses started on or after Feb. 27, 2015, the effective date of the rule. At the same time, the rule for Little Spokane watershed (WAC 173-555-010) was amended to clarify how new uses of water in the area covered by both rules would be managed. (See map on last page for the aquifer’s regulated boundaries.)

The Spokane River rule established “instream flows”, stream flow levels that support a healthy river protected from future new withdrawals. This also protects existing water rights. Instream flows are essentially a water right for the river. If instream flows are not being met, this lets Ecology know there is no water available for new uses.

The rule does not affect water uses started before Feb. 27, 2015.

Public water supply or permit-exempt well?

The good news is that the majority of the region is served by existing municipal water suppliers with adequate water rights to meet future demand. If you can be served by municipal or other group water supplier, the rule will not affect you. However, if you are unable to hook-up to an existing water system “in a timely and reasonable manner” you will likely be looking to a new permit-exempt well for your water needs.

The Spokane River and the SVRP Aquifer are interconnected, so taking water from one affects the other. Any new withdrawals from the aquifer have to be stopped if flows in the river fall below the instream flow levels; the instream flows are “senior” to new uses. Therefore, to make sure you have a year-round, uninterrupted water supply, you must mitigate (offset) the impacts of your water use on the river. Ecology has

set up the SVRP Aquifer Bank to provide mitigation water *free of charge* for smaller permit-exempt groundwater uses. The mitigation water comes from a senior water right acquired and placed in trust by Ecology, with help from Washington Water Trust.

Mitigation is *required* if you are planning a new water use (began on or after February 27, 2015) and the water will be withdrawn from the SVRP Aquifer from a new or existing well.

Permit-exempt projects eligible for mitigation through the SVRP Aquifer Bank:

- Single or group domestic uses not to exceed 5,000 gallons within any given day.
- Non-commercial irrigation of up to ½ acre of lawn and garden.
- Industrial uses not to exceed 5,000 gallons within any given day.
- Stockwater not to exceed 5,000 gallons within any given day.

Remember: water uses larger than allowed under the permit exemption require a water right and will not be covered under this bank. This includes stockwater use above 5,000 gallons per day.

Process for securing mitigation water: it all starts with a building permit request

1. Apply for a building permit at the building department serving the area in which the new structure will be built (see contacts on last page). Building department staff will determine if the proposed parcel is located within the SVRP Aquifer boundary (using Ecology's official GIS map; see last page of this document). They will provide water supply options based on the location. Your next step will depend on whether there is a public water supplier for your parcel location (2A or 2B).

Note that *if any portion* of the parcel of land proposed for a permit-exempt well is located within the SVRP Aquifer, it is subject to the process outlined here.

2. **A. Yes**, there is a public water supplier for your parcel location. Meet with the supplier to determine if water is available to you in "a reasonable and timely manner". (Contact Ecology at any point if there is concern about the timing of water availability.)

- If you *can* get water in a timely and reasonable manner, then you are all set! The rule will not apply to your water use.
- If you *cannot* get water in a timely and reasonable manner, a letter of explanation along with a request for mitigation water (see #3) must be provided to Ecology. If possible, the public water purveyor should write the letter of explanation; otherwise, this can be done by either you or the building dept.

B. No, there is not a public water supplier for your parcel location.

- If you propose to use a permit-exempt well, you must request a release letter for mitigation water from Ecology. See #3.

3. The *request for mitigation water letter* must include:

- applicant name, mailing address, and phone number
- project address, parcel number, and legal description
- well log (if available)
- an explanation as to why mitigation water is needed.

Send the letter to Ecology's Eastern Region Office (address under "For more information").

4. Ecology reviews mitigation requests on a case-by case-basis. If there is water in the bank and the use is appropriate, Ecology will issue a release letter to you and the building department for mitigation water. The release

letter remains valid for up to three years -- and can be renewed upon request -- as long as you have a valid building permit. The letter will state that water is reserved for this project, but will not be certificated (by receiving a Certificate of Mitigation, see #5) until the project is complete and the water has been put to use.

5. Before the building department will issue a Certificate of Occupancy (indicating that the project complies with regulations and is in suitable condition to be occupied), you must request a Certificate of Mitigation from Ecology. Send to the Eastern Region Office (address under "For more information"). The request must provide Ecology with:

- a well log (if not previously provided)
- parcel number
- evidence of a completed project
- auditor recording fees.

Ecology will then issue a Certificate of Mitigation for the identified lot. Present the Certificate of Mitigation at the building department.

- Each project is limited to a maximum of one acre-foot of water within a given year, for the four uses itemized in the text box on page 2. This restriction applies no matter how many wells are physically constructed for the project. This includes group domestic supplies for multiple homes or multi-unit residences.
- No fee is currently required for mitigation water from the SVRP Aquifer Bank. However, the Certificate of Mitigation must be recorded with the County Auditor's Office, which requires a fee set by statute.
- The Certificate of Mitigation remains until the permit-exempt well use is discontinued

or the well is abandoned. In such cases the mitigation credit automatically reverts back to the water bank. This mitigation water can then be reissued for future permit-exempt uses.

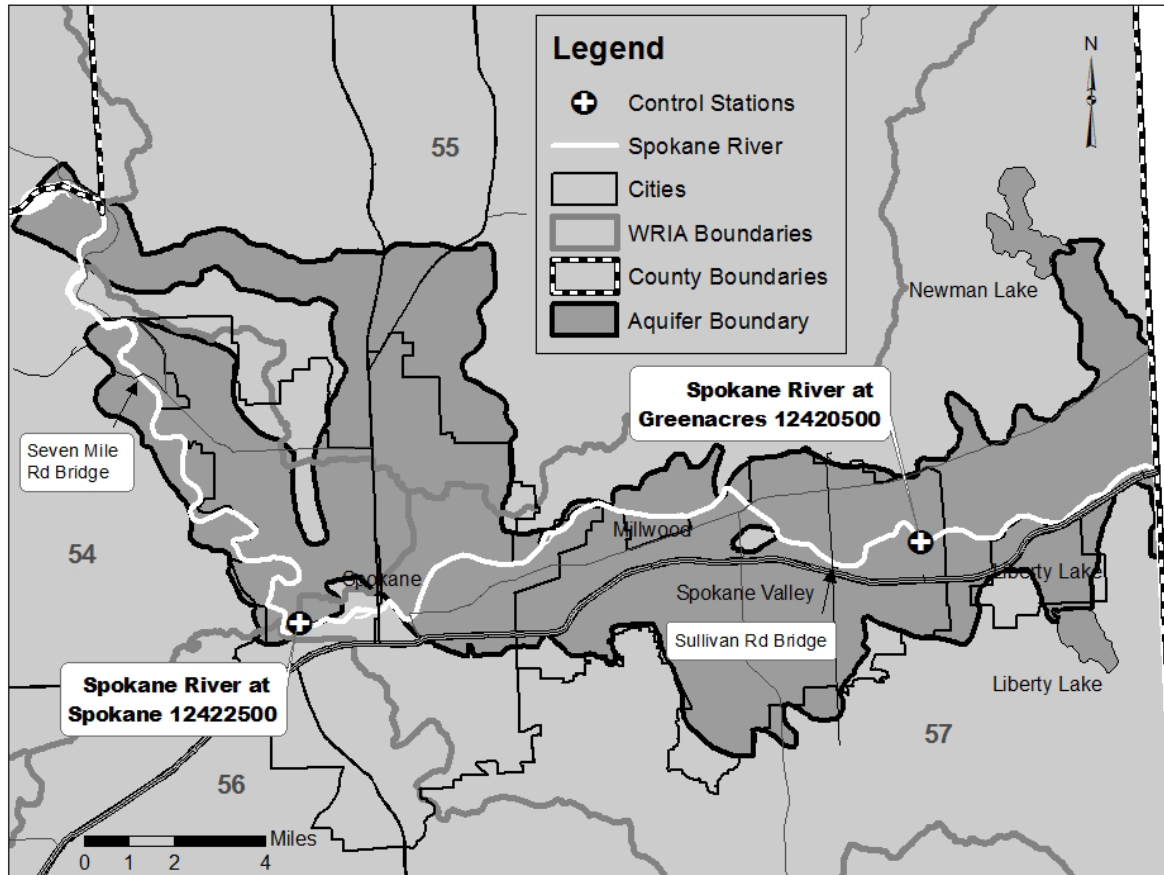
A few other things you should know on restrictions, flow meters, well construction

- Water rights in the SVRP Aquifer Bank are held in trust and will provide water for permit-exempt well withdrawals from the SVRP Aquifer as defined by rule, within the State of Washington.
- Generally, this mitigation bank is for permit-exempt uses of a single home, from a private well. It cannot be used for the developing all or part of a housing subdivision, unlimited stockwater, or other large water use that otherwise require a water right.
- Exempt uses mitigated with water from this bank cannot be consolidated into existing municipal water rights or other domestic supplies. The mitigation water cannot be transferred.
- No flow meter or measuring device is currently required. Although unlikely, Ecology may require an approved measuring device be installed and maintained for each of the sources authorized by your Certificate of Mitigation.
- All wells constructed in the state must meet the construction requirements of WAC 173-160 and RCW 18.104, and must be decommissioned when no longer in use.

SVRP Aquifer Boundaries

The aquifer boundaries are defined under [WAC 173-557](https://app.leg.wa.gov/wac/default.aspx?cite=173-557)¹ and amended [WAC 173-555](https://app.leg.wa.gov/wac/default.aspx?cite=173-555)². They are also defined in U.S. Geological Survey Scientific Investigations Report 2007-5041. City and County building and planning departments have copies of the map available for review.

Map of SVRP Aquifer Boundaries



For more information

- [Spokane River – Rathdrum Prairie Aquifer rule](https://ecology.wa.gov/water-shorelines/water-supply/protecting-stream-flows/instream-flow-implementation/spokane-river-basin-rule): <https://ecology.wa.gov/water-shorelines/water-supply/protecting-stream-flows/instream-flow-implementation/spokane-river-basin-rule>.
- [Water rights - Washington State Department of Ecology](https://ecology.wa.gov/water-shorelines/water-supply/water-rights): <https://ecology.wa.gov/water-shorelines/water-supply/water-rights>



Eastern Region

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509-329-3400



To request an ADA accommodation, contact Ecology by phone at 360-407-6872 or email at WRpubs@ecy.wa.gov, or visit <https://ecology.wa.gov/accessibility>. For Relay Service or TTY call 711 or 877-833-6341.

¹ <https://app.leg.wa.gov/wac/default.aspx?cite=173-557&full=true>

² <https://app.leg.wa.gov/wac/default.aspx?cite=173-555&full=true>