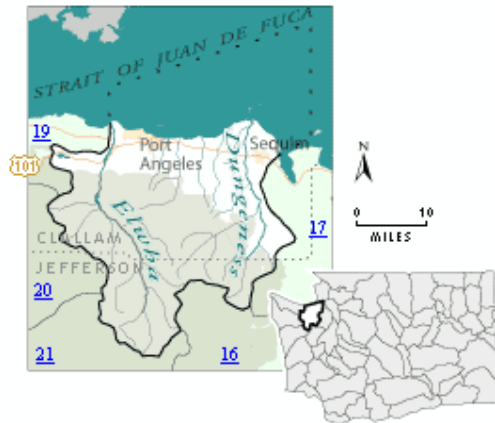


## Overview of the Dungeness Water Resources Management Rule (WAC 173-518)

### Introduction

The Dungeness watershed has many demands on its water, including a growing population and habitat needs for threatened salmon and other fish. Streams in the watershed have chronic low flows in late summer and early fall. Much of the water is already legally “spoken for.”

After several years of working closely with the community, tribes, and local and state governments, the Department of Ecology has drafted the Dungeness water resource management rule. The proposed rule includes many recommendations from the 2005 Elwha-Dungeness Watershed Plan. Ecology’s intent is to set up a framework to manage water to address the current and future needs of people, farms, and fish.



### Objectives of the proposed rule would:

- Protect existing water rights.
- Protect existing well users.
- Manage new sources of water.
- Protect fish resources.
- Protect stream flows.

The proposed rule applies to the Dungeness watershed, from Bell Creek on Sequim Bay to the Bagley Creek sub-basin. Ecology will adopt a water management rule for the Elwha-Morse area sometime in the future.

### MORE INFORMATION



### WATER RESOURCES MANAGEMENT RULES

A water resource management rule sets the framework for making water resource decisions in a particular basin.

### Elwha-Dungeness–WRIA 18

State resource agencies frequently use a system of 62 "Water Resource Inventory Areas" or "WRIAs" to refer to the state's major watersheds. The Elwha-Dungeness is referred to as WRIA 18.

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### Special accommodations

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## How the proposed rule may affect new water users

It is important to understand that the proposed rule will only affect those who develop new projects after the rule takes effect. If you are served by a public water supplier or already have a water right, including an existing permit-exempt well use, the rule will not impact your current water use. People looking for new water supplies will be required to connect to a public water system, if available. Water will be available for new homes needing small wells, subject to conditions of use.

Low summer flows combined with growth means water supplies need to be carefully managed. During the summer and fall low-flow months, users will be required to “mitigate,” or offset their water use. This may be through a newly-created water exchange, or by an Ecology-approved mitigation plan proposed by a group or individual.

New water uses need to be measured. Metering provides data on actual amounts of water used. Ecology will use this information to ensure that the mitigation program is both fair and effective.

## Elements of the proposed rule

### The proposed rule includes these key elements:

- Providing a mechanism to ensure year-round water supply (mitigation plus reserves).
- Establishing a framework for mitigation to offset the impact of new uses.
- Establishing instream flow levels on the Dungeness, its tributaries, and small independent streams.
- Setting a framework for issuing future new water rights.
- Allocating water from high winter flows for possible storage or restoration projects.
- Closing streams and tributaries to new uses.

## Future water rights

### New water uses will be allowed when:

- Mitigation is obtained either through a water exchange, or by approval of an individual mitigation plan.
- The use meets the legal definition of non-consumptive (i.e., the use does not diminish the water in the source, such as a heat pump).
- Water is taken only during winter high flows on the Dungeness Mainstem for storage and restoration projects.

## Mitigation

*Mitigation is a tool to offset potential impacts of water use. A water exchange is one mechanism for buying or leasing existing water rights and making mitigation credits available for purchase by other users. Another mechanism is an individual group plan developed by a project proponent and approved by Ecology.*

The proposed rule provides a framework for mitigation and a means to establish a water exchange.

### 1. Water Exchange

New water users will purchase credits, which will offset the effects of new withdrawals especially during the critical flow periods. New uses mitigated through the exchange could be available for both in-house use and outdoor irrigation.

### 2. Individual Mitigation Plan

Users may meet their “mitigation obligation” based on the amount of water they expect to use by proposing their own mitigation plan. The plan would need to be approved by Ecology.

## Reservations of water for new uses and maximum depletion amounts

*Water reservations are finite amounts of water set aside for specific new uses. These uses may continue even when stream flows fall below the instream flow levels set by rule.*

*Maximum depletion amounts limit the impact on stream flows from new withdrawals to provide flexibility in the mitigation program while still protecting streams. This allows a water right from one stream to be used to mitigate or offset a groundwater use that may have a small impact on several streams.*

The proposed rule creates small reservations for new domestic water use in each sub-basin with an instream flow. The reservations vary, depending on the size of the stream. Ecology determined the reservation amounts by careful review of data, and weighing both the needs of fish habitat, and of a growing population. Users of the reservation will still be required to mitigate for indoor and outdoor uses.

Ecology will track water use from the reservations using metering data. When the reservations are fully allocated, they must be replenished with mitigation water before further uses are allowed.

*In the state Groundwater Code, the “groundwater permit exemption” (RCW 90.44.050) allows for certain amounts and uses of groundwater without obtaining a permit from Ecology. While exempt from the permitting process, these withdrawals are still subject to all other state water laws.*

*Once this instream flow rule is adopted, new permit-exempt wells will need to comply with mitigation and metering requirements.*

## Instream flows

*The term “stream flow” is used to describe the actual amount of water flowing in a stream or river. “Instream flow” refers to stream flow amounts set in a rule to protect and preserve instream resources and uses, including wildlife, fish, recreation, navigation, aesthetics, water quality and livestock watering.*

An instream flow rule establishes a water right for a stream. The proposed rule sets instream flows for the mainstem Dungeness, its tributaries, and eight independent streams at the levels recommended in the Elwha-Dungeness Watershed Plan. For each of the nine streams, the rule lists instream flow levels for specific times throughout the year, following seasonal variations (refer to map, page 5).

Instream flows are set at levels that will protect instream resources while future uses are being established, as required by state law. Setting instream flows helps protect streams and existing water rights by limiting new withdrawals. Setting instream flows does not put water back into streams.

## Closures and Mitigation

*“Closure” refers to closing a specified water body to new uses. Closures protect streams, as well as existing water users, from being affected by new water users.*

In crafting the Dungeness instream flow and water management rule, Ecology considered both long-term and short-term water management needs. Ecology and the state Department of Fish and Wildlife found that flow levels in the Dungeness River mainstem are critically low during the late summer months and year-round in the independent streams. Withdrawals for summer irrigation of lawns and gardens often most affect streams during critical periods of low-flow.

For these reasons:

- The Dungeness River Mainstem and tributaries will be seasonally closed from July 15 to November 15 to new withdrawals.
- The independent streams will be closed year-round.
- New withdrawals of groundwater, including permit-exempt well use, will require mitigation.

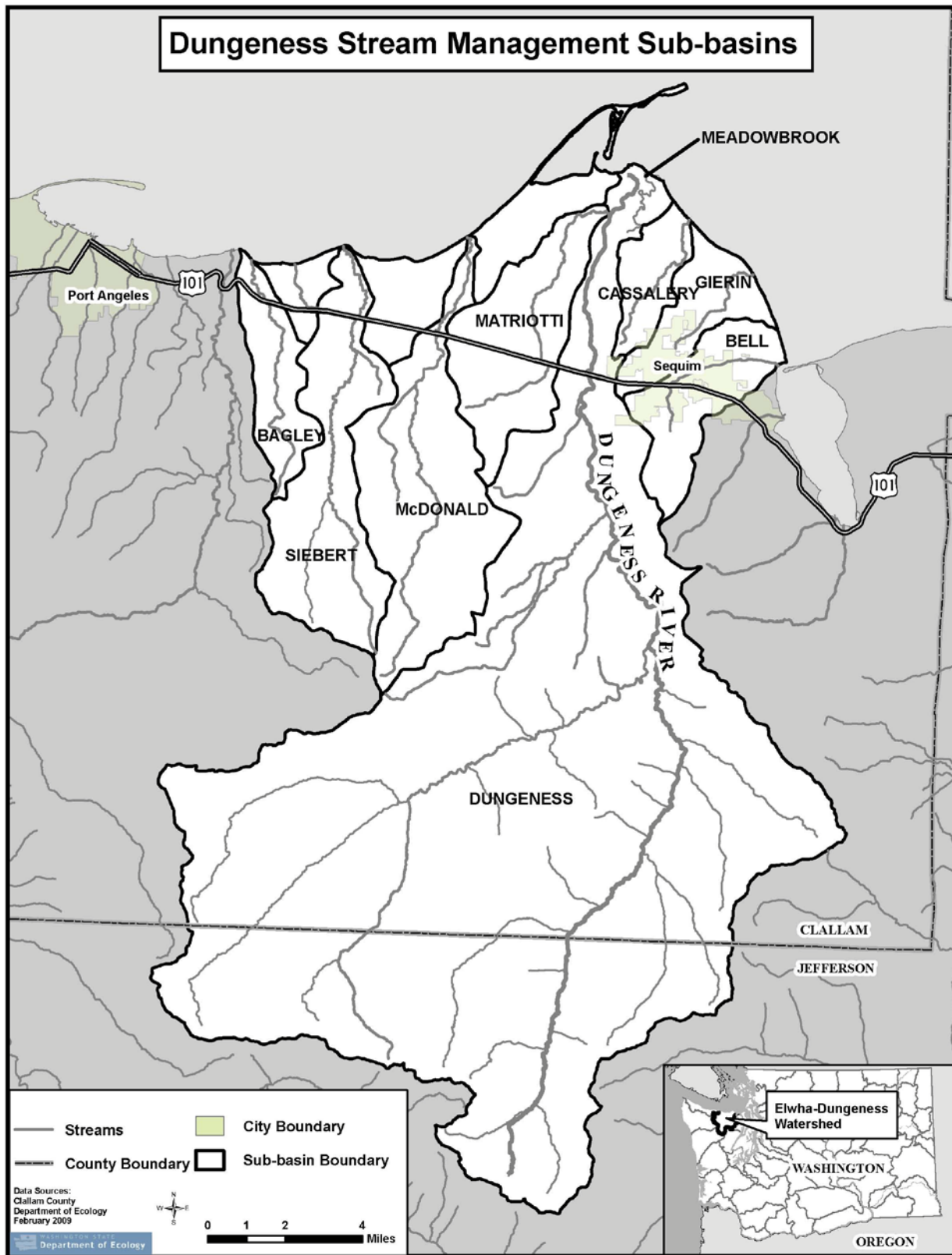
## Background

*The Elwha-Dungeness Water Resource Inventory Area (WRIA) 18 is located in the northern area of the Olympia Peninsula, entirely in Clallam County. Ecology has opted to delay the Elwha portion of the rule until a later date when the Elwha River dams have been removed and stream flow studies can be performed.*

*The locally-led Elwha-Dungeness planning unit drafted the Elwha-Dungeness Watershed plan, and it was adopted by the county in 2005. The plan included flow recommendations.*

*Water management in this watershed is complex for many reasons:*

- *During the spring and early summer months, the Dungeness Mainstem is fed by snowmelt, causing some of its highest flows, while many of the other streams are rain-fed and therefore see their lowest flows during these same months.*
- *Streams are fed by groundwater during the dry summer months.*
- *Precipitation varies significantly throughout the watershed due to the “rain shadow effect” produced by the Olympic Mountains.*
- *There are several independent streams. Many of the streams are relatively small, and cannot tolerate large or numerous withdrawals.*



**Next steps: proposed timeline for rule adoption**

- Summer 2010 ⇒ File proposed rule & associated documents (CR-102).  
Formal comment period begins, public hearing is held.
- Summer and Fall 2010 ⇒ Ecology considers and responds to comments.
- Winter 2010 ⇒ Adopt rule. Rule takes effect 31 days after filing.

Check Ecology’s webpage for updates on this timeline:

<http://www.ecy.wa.gov/programs/wr/instream-flows/dungeness.html>