

What agricultural water users need to know about water for new farms in the Quilcene-Snow watershed



Effective December 31, 2009, the Quilcene-Snow watershed has a water resources management program rule (WAC 173-517). The rule protects existing water rights, guides decisions on new water uses to stretch supplies as far as possible, and establishes instream flows to help protect streams. It applies to the Jefferson County portion of the Quilcene-Snow Water Resources Inventory Area (WRIA) 17.

For management purposes, the rule breaks the watershed into 22 areas or subbasins. Groups of subbasins with similar water conditions are managed together. The three major groupings are coastal management areas, reserve areas and the Chimacum subbasin. Refer to the map and table at the end of this document for an overview.

The Department of Ecology (Ecology) wants to encourage local farms but we must do so within a complex system of water law and water rights. To provide for today's needs and try to ensure wise use of existing water resources, the new rule provides the alternatives described in this document.

Who and what does the rule affect?

The rule protects existing legal water uses in effect prior to December 31, 2009. And if you already have a water right, are using a well, or are served by a public water supplier, the rule *does not* impact your use.

The rule provisions only affect those who apply for new water rights or start a new well use *after* the rule took effect. It also applies to any new uses from an existing well. In this situation only the new use is affected; the use that predates the rule is not.

Q: So what's the bottom line on water for new farms?

A: If your farm will require more than 5,000 gallons of groundwater per day, or any amount of surface water, you will need a water right. (For more information on water rights, see the references cited on the sidebar to the right.)

In most areas of the watershed, your **best option** is to look for land with an existing water right that has been used in the last five years.

FOR MORE INFORMATION

Ecology Quilcene-Snow webpage:

<http://www.ecy.wa.gov/program/s/wr/instream-flows/quilsnowbasin.html>

The webpage includes links to WRIA 17 publications.

Water rights:

"FAQ about Water Rights in Washington" (Ecology publication #96-1804-S&WR)
<http://www.ecy.wa.gov/biblio/961804swr.html>

"Changing or Transferring an Existing Water Right" (Ecology publication #98-1802-WR)
<http://www.ecy.wa.gov/biblio/981802wr.html>

"Assessing Your Water Right" (Ecology publication 97-1804-WR)
<http://www.ecy.wa.gov/biblio/971804wr.html>

Rainwater collection:

<http://www.ecy.wa.gov/programs/wr/hq/rwh.html>

Contact

Ecology's Southwest Regional Office
360-407-6300

Special accommodations

To ask about the availability of this document in a version for the visually impaired call the Water Resources Program at 360-407-6872.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Other possibilities for securing a water right for your new farm include:

- Change or transfer an existing water right.
- Use reserved water in Big Quilcene, Little Quilcene or Thorndyke subbasins.
- Apply for a new water right in the coastal management areas.

A **water right** is a legal authorization to use a certain amount of public water for a designated beneficial use. The water must be used with reasonable efficiency.

To get a water right in most areas of the watershed, you will need to show that your proposed water use (surface or groundwater) will not adversely affect any WRIA 17 streams that are “closed” to new withdrawals. If your water use could adversely affect a closed stream, you must mitigate. (Refer to next two questions.) If your plans include the Chimacum subbasin, be aware that water is very limited.

Q: To get a new water right, how do I show that water for farm use will not adversely affect a closed water body?

A: The landowner or applicant must prove this to Ecology’s satisfaction, through studies and technical analyses conducted by a qualified hydrogeologist or engineer. Your groundwater use cannot have an adverse effect on any of the closed surface waters listed in WAC 173-517-100(1).

Q: What is involved in mitigation?

A: Mitigation means offsetting the impacts of a proposed use of well water on surface water (lakes and streams). Typically mitigation means replacing the water you consume with water from somewhere else, but alternative approaches to mitigation are possible. You must submit a mitigation plan for approval by Ecology. The plan must show how you will offset impacts to a stream basin reach or water source. A mitigation plan can cover an individual withdrawal or a group of withdrawals in a subbasin.

A mitigation plan must show that the proposed withdrawal, with mitigation in place, will not:

- Impair existing water rights, including instream flow rights.
- Be detrimental to the public interest.
- Consume water from a closed source.

The plan must include:

- Financial assurance measures for the duration of the water use.
- An explicit statement that water provided for the purpose of mitigation cannot be used for any other purpose.
- A monitoring and reporting component, including a quality assurance/quality control plan.

For more information on mitigation, see [Ecology publication #10-11-010](#).

Q: What about starting a small farm using less than 5,000 gallons per day (gpd)?

A: To start a small farm using the groundwater exemption (maximum of 5,000 gallons per day, gpd), how to get water varies depending on where in the watershed you propose to farm. Generally you

are required to register your use (see next question) or to mitigate (see previous question).

- **Coastal management areas:** There are no restrictions at this time. Ecology will be considering water management requirements for these areas in the future.
- **Chimacum subbasin:** There is no water available for new small farms using the groundwater exemption unless you can mitigate.
- **Donovan, Little Quilcene, Ludlow, Piddling, Spencer, Tarboo and Thorndyke subbasins:** You can use up to 500 gpd (total) for a new farm. If you want to use more than 500 gpd you must mitigate.
- **Snow Creek and Salmon Creek subbasins:** There is 3,000 gpd in the Snow Creek subbasin, and 5,000 gpd in the Salmon Creek subbasin, available for new farms using permit-exempt wells. This will likely be enough for only one farm in each subbasin. New farms in these subbasins must register their use through Ecology's Southwest Office.
- **Big Quilcene subbasin:** There is water available for new farms using permit-exempt wells. New farms in this subbasin must register their use through Ecology's Southwest Office.

The **groundwater permit exemption** (RCW 90.44.050) allows for use of small amounts of groundwater for specific uses without going through the regular permitting process ("*permit-exempt*"). While exempt from the permitting process, these withdrawals are still subject to all other state water laws.

Q: What does it mean to “register my use”? Why do I have to register?

A: To register your new farm use, complete the farm registration form available from Washington State University Jefferson County Extension (<http://jefferson.wsu.edu/>; 360-379-5610 x200) or on Ecology's webpage (<http://www.ecy.wa.gov/programs/wr/instream-flows/quilsnowbasin.html>).

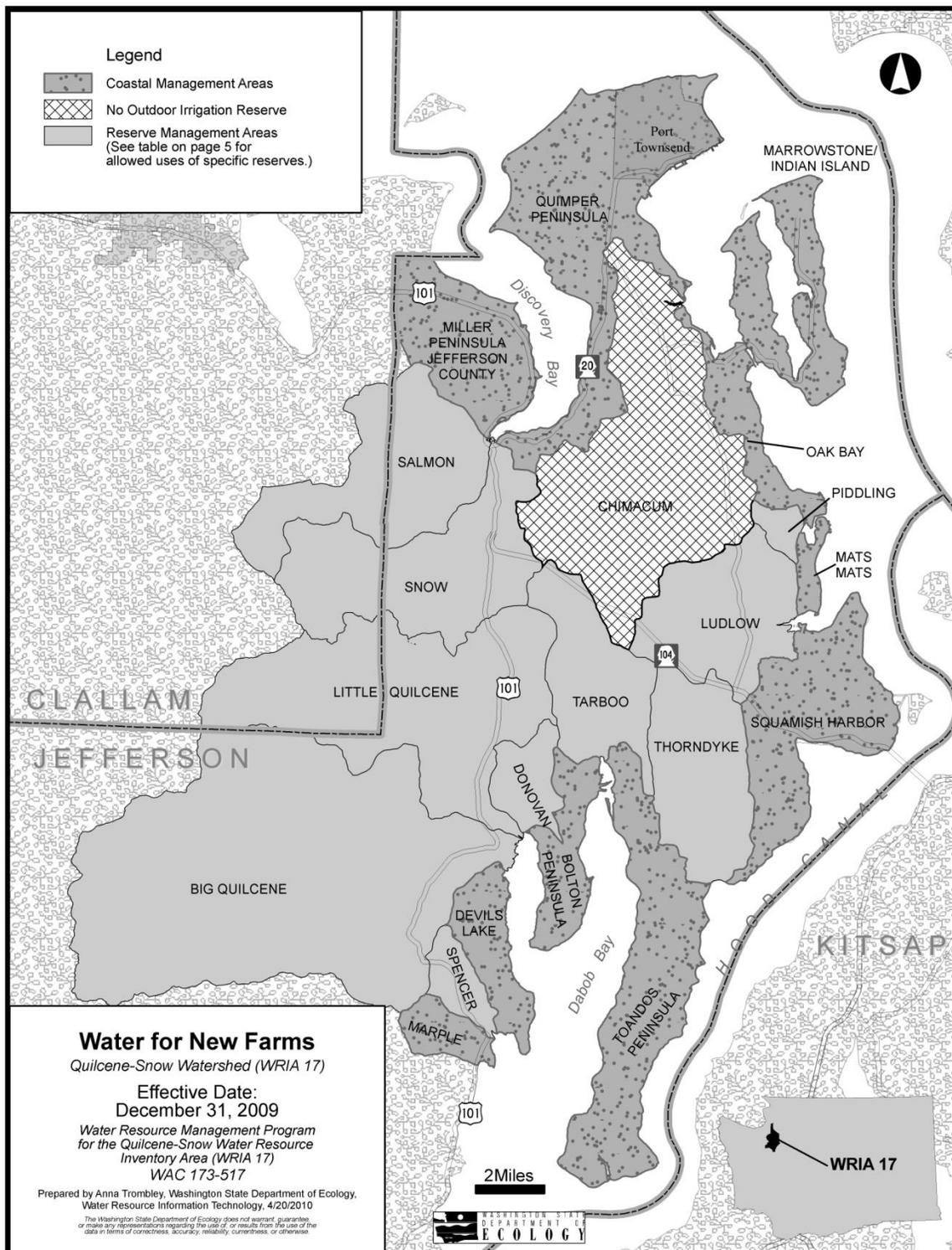
Water for new small farms in the Salmon, Snow and Big Quilcene subbasins comes from limited reserves of water. The amount for each new use is subtracted from that reserve. Registering makes it possible to keep track of how much water is left in each reserve and protects the rights of people that receive water from the reserve.

When the water in the reserve has been fully distributed, new users will need to offset the impacts of their water use or rely on alternative sources of water.

Q: Are there other possible options for water for new farms?

A: Additional options include:

- **Collect rainwater from your rooftop.** A new state policy allows for the use of rooftop rainwater. There are certain conditions of use, including that the rainwater must be collected from the roof of a building constructed for another primary purpose (such as a house or barn). See Ecology's rainwater collection webpage for more information (on sidebar on page one).
- **Store winter water:** In the Chimacum and Big Quilcene subbasins, winter water is available for new water rights. If you can store water, you can apply to Ecology for a water right and use it for irrigation during the growing season.



Water for New Farms Allowed in Reserve Management Areas

Quilcene-Snow (WRIA 17)

WAC 173-517 Effective December 31, 2009

Reserve Management Area Water Source (including tributaries)	Allowed Agricultural Uses of Reserve* <i>gpd= gallons per day</i>
Big Quilcene	<ul style="list-style-type: none"> • Water available for new farms using permit-exempt wells. New farms must register their use. • You may apply for a water right.
Chimacum	<ul style="list-style-type: none"> • No water for new small farms using the groundwater permit exemption unless you can mitigate.
Donovan	<ul style="list-style-type: none"> • Up to 500 gpd (total) for a new farm. To use more than 500 gpd you must mitigate.
Little Quilcene (includes Leland and Howe creeks)	<ul style="list-style-type: none"> • Up to 500 gpd (total) for a new farm. To use more than 500 gpd you must mitigate. • You may apply for a water right.
Ludlow	<ul style="list-style-type: none"> • Up to 500 gpd (total) for a new farm. To use more than 500 gpd you must mitigate.
Pidling	<ul style="list-style-type: none"> • Up to 500 gpd (total) for a new farm. To use more than 500 gpd you must mitigate.
Salmon	<ul style="list-style-type: none"> • 5,000 gpd available for new farms (likely only enough for one farm). New farms must register their use.
Snow	<ul style="list-style-type: none"> • 3,000 gpd available for new farms (likely only enough for one farm). New farms must register their use.
Spencer	<ul style="list-style-type: none"> • Up to 500 gpd (total) for a new farm. To use more than 500 gpd you must mitigate.
Tarboo	<ul style="list-style-type: none"> • Up to 500 gpd (total) for a new farm. To use more than 500 gpd you must mitigate.
Thorndyke	<ul style="list-style-type: none"> • Up to 500 gpd (total) for a new farm. To use more than 500 gpd you must mitigate. • You may apply for a water right.

*This table lists the types of allowed uses. See the text of the rule for specific requirements.

The **groundwater permit exemption** (RCW 90.44.050) allows for use of small amounts of groundwater for specific uses without going through the regular permitting process (“permit-exempt”). While exempt from the permitting process, these withdrawals are still subject to all other state water laws. Up to 5,000 gpd is allowed for agriculture.

Note: In Coastal Management Areas, there are no restrictions on water availability at this time.