

Frequently Asked Questions: Skagit River Basin Mitigation Program



Photo by Kirk & Barb Nelson, <https://flic.kr/p/qiaP9Y>

Visit our Skagit River Basin Mitigation Program webpage: <https://ecology.wa.gov/Water-Shorelines/Water-supply/Protecting-stream-flows/Instream-flow-implementation/Skagit-River-basin/Water-supply/Mitigation-program>

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Background

The Skagit River Basin Mitigation Program offers a limited quantity of mitigation water to landowners with parcels located within a designated mitigation zone. This Mitigation Program is made possible by a 2020 purchase of water from Seattle City Light, in the Upper Skagit watershed. The water will be used to offset new impacts to the Skagit River from certain new domestic groundwater uses.

The Mitigation Program also removed legal uncertainty for many landowners in Skagit and Snohomish counties affected by a 2013 state Supreme Court ruling. We prioritized providing a legal right to water for landowners who did not have a legal water source for nearly seven years.

The Mitigation Program is making the remaining water available for limited new domestic uses from wells within the defined mitigation zone in Skagit County on a first-come, first-served basis. We will work directly with landowners in the mitigation zone to provide documentation of a legal water source, which is needed before applying for county building permits.

Frequently Asked Questions

What is the Skagit River Basin Mitigation Program?

The Skagit River Basin Mitigation Program is made possible by a 2020 purchase of water from Seattle City Light that provides a continuous release of water to the Skagit River from the Gorge Reservoir for purposes of instream flow augmentation and mitigation efforts. The Program guarantees a legal source of water supply for the several hundred Skagit River Basin homes and businesses that were affected by the 2013 *Swinomish v. Ecology* Supreme Court decision. The Program also provides a legal water source for new homes within the mitigation zone, along the Skagit River. We are now accepting applications for mitigation water from new users.

Who will benefit from this mitigation program?

This mitigation program has already benefited several hundred existing homes within the Skagit River Basin affected by the 2013 Supreme Court ruling. Ecology provided documentation to these existing users in March 2020.

Now, landowners with undeveloped lots in the mitigation zone may apply to Ecology for a mitigated water supply for new domestic well use.

How do eligible landowners apply for mitigation water?

Eligible landowners can apply for mitigation water through Ecology's website. After completing the form ([ECY 070-647](https://apps.ecology.wa.gov/publications/summarypages/ecy070647.html))¹, applicants should follow the instructions on the form to submit it. Ecology will accept and process applications on a first-come, first-served basis.

How many new users can benefit from this mitigation program?

Ecology estimates that up to 900 new parcels could benefit from this new program. Ecology believes there is likely more water available than there is demand over the next 20 years.



What is the mitigation zone?

The mitigation zone defines an area along the middle Skagit River where eligible landowners may apply to Ecology for a Proof of Mitigated Water Supply document. The zone is based on modeled groundwater interactions between the Skagit River, where mitigation water is being released, and adjacent river deposits. Properties that are near major tributaries are unable to benefit from this mitigation program because water withdrawn from wells in these areas would affect tributaries and not the Skagit River, where the mitigation water is being conveyed.

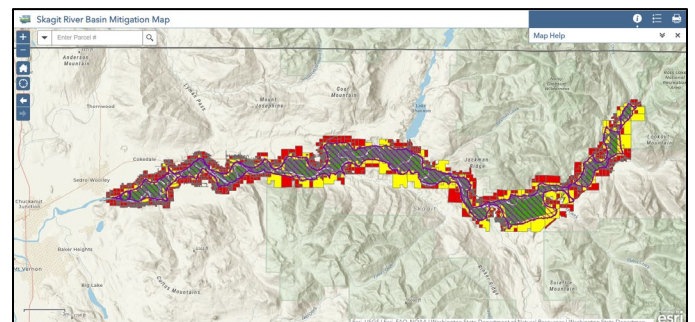


Figure. The online interactive map shows whether property is in the designated mitigation zone.

I want to build a home in the mitigation zone. How will I prove that I have a legal water source?

Among other local requirements, counties must make a water availability determination as part of building permit issuance. To support this local decision, Ecology will issue a "Proof of Mitigated Water Supply" document to eligible new users in the mitigation zone. This document confirms legal

¹ <https://apps.ecology.wa.gov/publications/summarypages/ecy070647.html>

water availability for a single domestic unit and outlines the limits therein. Landowners must submit this document along with other requirements to the County. To be valid, the document must be recorded with the title and is non-transferrable.

How do I know if I am eligible for this mitigation program?

Landowners can use the interactive map on Ecology's [website](#).² Landowners with parcels fully in the mitigation zone will find their parcels labeled green, and are eligible for a mitigated water right. Landowners with parcels partially in the mitigation zone will find their parcels labeled yellow, and may be able to benefit from the program if they can drill their well in the mitigation zone. Landowners with parcels outside the mitigation zone will find their parcels labeled red or will receive a "no result" response and cannot benefit from the program.

💰 What is the cost of the mitigation water?

The mitigation water is free to eligible new and existing water users. Ecology purchased this mitigation water with a legislative appropriation that directed Ecology to find water supply solutions in the Skagit watershed. This mitigation plan is a product of this funding source.

How much water will be allocated per home?

Each new home will be allowed an annualized average of 318 gallons per day for indoor and outdoor domestic use. This allocation assumes an average indoor use of 175 gallons per day and irrigation of 0.13 acres (approximately 75 feet by 75 feet) of lawn.

Is metering required?

Yes. All new building permit applicants who receive mitigation water from this Program will be required to install a remote read metering system. Ecology will collect and manage this data.

Are there things I should know about the mitigation program?

In addition to the water allocation limitations and metering requirements, it's important to know the following when applying for a proof of mitigated water supply document:

- Mitigation is only available for domestic purposes.
- The proof of mitigated water supply document is appurtenant to the original property and is non-transferable.
- The new well must be located in the mitigation zone. For parcels straddling the boundary of the mitigation zone, the well must be located within the mitigation zone.
- Individuals currently connected to a water system are not eligible for mitigation.
- This program does not support the establishment of Group A water systems, which require state-issued water rights.

Other local regulations may exist that limit building on your property (e.g., setback requirements, limitations on development within the floodway, requirements to hook-up to an available public water supply). A proof of mitigated water supply does not guarantee approval at the county level. This document is solely a recognition of legal water availability.

² <https://ecology.wa.gov/Water-Shorelines/Water-supply/Protecting-stream-flows/Instream-flow-implementation/Skagit-River-basin/Water-supply/Mitigation-program>