

# DRAFT INSTRUCTIONS: How to File a Court Claim

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- All direct water users in Water Resource Inventory Area (WRIA) 1 must file a Court Claim. “Direct water users” are those who source their own water from surface or groundwater.
  - There are two claim forms: The **Small Use Court Claim Form** for single homes on wells, and the **Full-Length Court Claim Form** for all other water uses.
  - These instructions are available online at (link).
  - Assistance is available by phone at 1-360-255-4406.
  - Assistance is available by email at [wradjudications@ecy.wa.gov](mailto:wradjudications@ecy.wa.gov).
  - Your claim is due on \_\_\_\_\_ (date set by Court, not less than one year after service: RCW 90.03.120(2)).

If you have difficulty understanding English or have a disability, free language assistance or other aids and services are available upon request. Please call 360-255-4406 or email [WRadjudications@ecy.wa.gov](mailto:WRadjudications@ecy.wa.gov).

Si tiene dificultades para entender la lengua inglesa o presenta una discapacidad, puede solicitar asistencia lingüística y otros tipos de ayuda y servicios sin coste alguno. Llame al siguiente número de teléfono 360-255-4406 o envíe un correo electrónico a [WRadjudications@ecy.wa.gov](mailto:WRadjudications@ecy.wa.gov).

Если у вас есть трудности с пониманием английского языка или у вас инвалидность, по запросу предоставляется бесплатная языковая помощь или другие вспомогательные средства и услуги. Пожалуйста позвоните по телефону 360-255-4406 или напишите на электронную почту [WRadjudications@ecy.wa.gov](mailto:WRadjudications@ecy.wa.gov).

ਜੇਕਰ ਤੁਹਾਨੂੰ ਅੰਗਰੇਜ਼ੀ ਸਮਝਣ ਵਿੱਚ ਔਖਿਆਈ ਹੁੰਦੀ ਹੈ ਜਾਂ ਫਿਰ ਤੁਸੀਂ ਅਪਾਹਜ ਹੋ, ਤਾਂ ਅਪੀਲ 'ਤੇ ਮੁਫਤ ਭਾਸ਼ਾ ਸਹਾਇਤਾ ਜਾਂ ਹੋਰ ਸਹਾਇਤਾਵਾਂ ਅਤੇ ਸੇਵਾਵਾਂ ਉਪਲੱਬਧ ਹਨ। ਕਿਰਪਾ ਕਰ ਕੇ ਕਾਲ ਕਰੋ 360-255-4406 ਜਾਂ ਈਮੇਲ [WRadjudications@ecy.wa.gov](mailto:WRadjudications@ecy.wa.gov)।

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**These instructions are not intended as legal advice and do not modify definitions or requirements adopted by statute or rule.**

## Who needs to file a court claim?

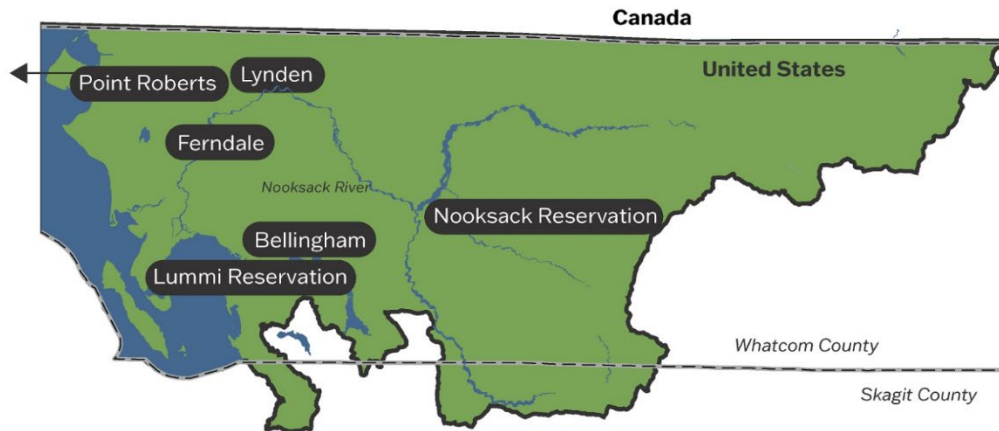
All direct water users in Water Resource Inventory Area (WRIA) 1 need to file a court claim to verify their legal right to use water. See the map on the next page for an outline of WRIA 1.

“Direct water users” are those who source their own water from surface or groundwater.

If you are unsure about whether your property is located in WRIA 1, you may check using the following [State Wide WRIA Finder](#).

**If you only use water as a customer of a water service, you do not need to file a court claim for that use.** You only need to file a claim for water that you or your organization (like a business) source from a well or river.

## WRIA 1 (Nooksack)



### Which court claim form do I use?

There are two different forms you might choose from. If you get your water from a single permit-exempt well, you may be eligible to use the **Small Use Court Claim Form**. To qualify for the Small Use Court Claim form, **all** the following must apply to you:

- Your claim is for in-home domestic use.
- The home uses groundwater from a well.
- Your daily maximum water use for in-home purposes is 500 gallons or less per day.
- Your outdoor watering (noncommercial lawn and garden) is  $\frac{1}{2}$  of an acre or less. (One-half acre is equal to 21,780 square feet.)

If multiple homes on different parcels use a single permit-exempt well, each homeowner must file a **Small Use Court Claim Form** or file a court claim form together as a group water system.

Use the **Full-Length Court Claim Form** for all other uses that don't qualify for the Small Use Court Claim form.

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## Instructions for Completing a Court Claim Form

### Who is the Claimant?

Everyone claiming the right to directly use water in WRIA one needs to fill out a form.

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- If you are the sole owner of property where water is diverted (from a pump or well) and used, fill out the form as Claimant 1.
- If you share ownership of this property with others, you should fill out a Court Claim form together. Each of you need to sign as separate claimants (Claimant 1, Claimant 2, and more if needed).
- If water is diverted (from a pump or well) at a different location than where it is used, the owners of all parcels involved need to sign as separate claimants (Claimant 1, Claimant 2, and more if needed).

### **What if I'm filing this claim for a business or entity?**

If this water is claimed by a municipality, business, corporation, partnership, LLC, LLP, or other corporate form or nonprofit, or Group A or Group B water system, enter the legal name of the organization as **Claimant 1**.

An authorized representative of the organization must sign the Court Claim at the end and write in their title.

### **What if I am not the sole owner of this property?**

If the property is owned by more than one person or organization, they should each sign the Court Claim form. List additional claimants if the property is jointly owned. Examples include:

- Both partners in a marriage or a legal domestic partnership should sign as separate claimants.
- Multiple owners of the same property who are not organized in a nonprofit, legal partnership, or other association should sign as separate claimants.

If this applies to you, one individual will file as the **Claimant 1**, the second as **Claimant 2**, and all other claimants will file as Additional Claimants. If there are more than two claimants, attach additional pages to submit their names and all other requested claimant information.

## **LEGAL BASIS FOR CLAIMING WATER USE**

### **FOR SMALL USE COURT CLAIM FORM ONLY**

#### **What is Domestic Use?**

Domestic use is water associated with human health and welfare needs, such as drinking, cooking, sanitary purposes, and other incidental household uses.

Domestic use includes some animals associated with the residence, such as household pets. If you use more than 500 gallons per day (GPD) for animals at your home, please use the **Full-Length Court Claim Form** to describe this use.

Domestic includes outdoor watering or irrigation for a personal lawn, garden, or landscaping. The **Small Use Court Claim Form** is for uses of up to ½ of an acre (21,780 square feet) per day at the time of highest use, in addition to the 500 GPD maximum indoor use.

The Small Use Court Claim form is intended to simplify the procedure for water users who have a single home on a well (see [RCW 90.03.160\(3\)](#)). It does not change the groundwater permit exemption (see [RCW 90.44.050](#)). If you use more than 500 GPD, or if you water more than 1/2 of an acre, you may still be entitled to the groundwater permit exemption. Please explain your use using the **Full-Length Court Claim Form**, which requires answering a few more questions about your water use.

### **Do I use 500 GPD or less at my home?**

If you use 500 GPD or less of groundwater at your home, use the Small Use Court Claim Form to ask the court to certificate your use at “500 GPD or less” for future use. You may determine your water use by directly measuring your water use or by estimating. The Department of Ecology follows the EPA guideline of 60 GPD per person for use in a home.

## **FOR FULL-LENGTH COURT CLAIM FORM ONLY**

### **How do I know the legal basis of my water use?**

To complete the Full-Length Court Claim Form, you need to know whether you have a water right document. You can find your water right document by navigating to the Department of Ecology website (<https://ecology.wa.gov>) and follow these steps:

1. In the page header, click on Water and Shorelines.
2. Under the sections labeled “Water Supply,” click on “Water rights.”
3. On the “Water rights” page, scroll down to the green pane titled, “I want to...” Select the first option: “Find a water right using the Water Rights Search.”
4. Once the page opens, click the hyperlink at the top of the page labeled, “Water Rights Search.” This will open a new page, leading you to Ecology’s Water Rights Search System (WRTS).
5. On the left-side panel, select “Map Search” and fill in the fields to the best of your ability.

You also may obtain water right information by calling 1-360-255-4406 or emailing [wradjudications@ecy.wa.gov](mailto:wradjudications@ecy.wa.gov). One water right may include several different documents (such as an application, permit, and certificate, or claims registry claim) with the same number. You only need to enter the number one time on each water right court claim form. Assistance is available if you have questions.

If you claim the right to use water under a permit application, please identify the application by number. Please note that a permit application alone is not a water right.

If your water use has **multiple water rights with different numbers**, you will need to submit separate Full-Length Court Claims Forms for each right to ensure future use of all legally allowed water under all water rights.

## What if I do not have a water right document?

While most new water uses in Washington require a permit before water use is allowed, some small uses of groundwater are allowed without a permit. These are known as “permit-exempt” withdrawals. The legal permit exemption allows for these four purposes:

- Domestic water use, up to 5,000 GPD
- Irrigation of a lawn or non-commercial garden ½ an acre or less in size.
- Industrial use of water, including some commercial farming, up to 5,000 GPD
- Stock water (water for direct livestock use)

## What if I do not qualify for the permit exemption?

If you do not have a water right document and do not qualify for a permit exemption, you can still ask the court to consider your water use in the adjudication. You will need to indicate “other” on the form and present your evidence and reasoning to the court. Ecology may object to Court Claims that do not have a legal water right document and do not qualify for a permit exemption.

## HISTORY OF WATER USE

### Date of First Use on the Small Use Court Claim Form

The **Small Use Court Claim** form is for homes. If you know when a home was first built on this well, enter that date. If you do not know, the date may be available from County Assessor records.

Whatcom County records are available here:

<https://www.arcgis.com/apps/webappviewer/index.html?id=f2f8eaa500b04f54948c680bb280129f>

\*\*Dates are available under “Improvement/building” on “year built.”

Skagit County records are available here:

[Property Search \(skagitcounty.net\)](https://www.skagitcounty.net/PropertySearch/)

### Date of First Use on the Full-Length Court Claim Form

- If you have a water right certificate, the certificate, or a proof of appropriation (an earlier document) likely lists the date water was put to beneficial use.
- The date of construction may be before you bought the property.
- If you have a well log, the log will list the date the well was drilled.

## **SOURCE INFORMATION**

### **How do I know the source of my water?**

Generally, your water right document will specify your source of water.

If you use a well to access water, then you are using groundwater.

Per RCW 90.44.035, “Groundwaters” are defined as, “all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of this state (Washington), whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.”

If you divert or collect water from a river, stream, creek, lake, spring, or reservoir, then you are using surface water.

### **Where can I find information about my well?**

Many drillers’ well logs are recorded in the Department of Ecology well log database. If your well is recorded, this will provide you with important information to complete your claim. If your well is not recorded, you still need to file an adjudication court claim with as much information as you have.

You may use the following link to find information about your well:

<http://ecology.wa.gov/water-shorelines/water-supply/wells>

You can also find information on your well by using the following steps:

1. Navigate to the Department of Ecology website (<https://ecology.wa.gov>).
2. In the page header, click on “Water and Shorelines.”
3. Under the section labeled “Water Supply,” click on “Wells.”
4. From the “Wells” page, you can find information on well logs, building and testing wells, and other valuable resources.
5. If you have questions or are unable to use the website, please call Ecology’s Northwest Well Construction Coordinator at 260-594-0195.

### **Do I need to have a water meter?**

A water meter is the most accurate way to know how much water you use. Ecology requires meters for many water right holders, but not all of them. If you are not currently required to have a water meter, you do not need a meter to measure your use for the Court Claims form in adjudication. Metering may be required in the future to ensure that water users do not use more than their legal authorization.

Metering information can be found by following this link: <https://ecology.wa.gov/water-metering>

## WATER USE

### Full-Length Court Claim Form Only

You are entitled to an adjudicated water right of the amount of water you have continuously, legally used over time.

This measure (size) of your water right is determined by the legal beneficial use: Where, how much and when it has been used.

### General Water Use

For the purposes of this adjudication, identify the purpose of water use first and then list the quantity of water used for that purpose. Please use the following definitions to determine your water use.

- **Current use:** The quantity of water used at the time of filing or within the last season of full use.
- **Highest use:** The most water ever used under this water right. If you have a *water right certificate* or *proof of appropriation* for this use, the quantity listed here is usually the highest amount of water ever used. You may not be entitled to an adjudicated right for your highest water use. Ecology may find, upon later review of your water right, that some of the water has been relinquished (lost) through more than five years of nonuse. Whether or not you believe your right has been relinquished for nonuse, please include the highest use on the form here.
- **Claimed use:** This is the amount of water you are asking the Court to adjudicate. This could be your current use, your highest use, or a number in between.
- **Annual Quantity (Qa):** How much water is used per year, expressed in acre-feet per year (afy).
- **Instantaneous quantity (Qi):** How much water is used at one time, in gallons per minute (gpm) or cubic feet per second (cfs).

### Water use for Group Residential

If you live in an area in which multiple homes operate under a single water right, including a Group B water system, your group may have options for completing a Full-Length Court Claim Form.

- A representative of the water system, such as a manager, completes the form on behalf of the group. This will usually be the best approach for larger groups and may be required by group bylaws or other agreements.
- All members sign the same form as separate Claimants. This approach might work best for smaller groups.

### Water use for Irrigation

Irrigation is water made available for agricultural purposes.

To get the most accurate water usage quantities, Ecology recommends metering your water for large uses. Estimating water use is allowed; however, it does not provide the highest level of accuracy. If you choose to estimate your irrigation water use, you must consider the following conditions:

- The size of the area irrigated in acres.
- The type of crops grown, and the water duty of crops irrigated in your area. Different crops require different amounts of water.
- The season of irrigation (how many weeks of the year).
- The efficiency of your irrigation system. Less water is used by highly efficient systems, such as drip irrigation. More water is used by inefficient systems.

Technical assistance will be available to assist with water use estimates.

### **Water for Stock Watering**

Stock watering is drinking water for livestock, such as cattle. It does not include water to irrigate crops for livestock consumption. If you grow crops for livestock consumption, add that water use under “irrigation” as described above.

If you do not meter your water, the easiest way to estimate quantities is by multiplying per animal (head) of livestock by the daily water use per animal. The following chart estimates daily water use for livestock.

<b>Animal</b>	<b>Water Use (GPD)</b>
Cattle, Horse, Mule, Steer	12
Dairy Cow	35
Goat, Sheep, Alpaca	2
Pig/Hog	4
Turkey (per 100)	14
Other poultry/fowl (per 100)	7

### **Water use for Municipalities**

If you manage water use for a municipality, please contact Ecology for special instructions. You may call 360-255-4406 or email Ecology at [WRAdjudications@ecy.wa.gov](mailto:WRAdjudications@ecy.wa.gov).



## **COMPLETING THE FORM**

### **How do I sign the Court Claim form?**

All Court Claimants (entered as Claimant 1, Claimant 2, and more if necessary) need to sign the form. If you submit a court claim for an organization, such as a business or group water system, sign your name and enter your title on the line for “title.”

Your signature is verified on oath. Your Court Claim form is under penalty of perjury. The Court Claim form does not need to be notarized.

### **Filing this form**

To file this form, you must:

- Provide a signed original claim form to Whatcom County Superior Court. You can either hand-deliver, mail, or submit the form online following court instructions.
- Ecology will maintain copies of all claims filed, but you may keep a copy for your personal records.

### **What happens after I submit this form?**

You will have until \_\_\_\_\_ (no less than one year from the date of receipt) to file this form with the Whatcom County Superior Court. If you find evidence later changing your answers to this form, you may amend the form within three years.

After the submission deadline, the Department of Ecology will review your court claims form. Each month, Ecology will produce a publicized list of all court claims received by the court. Later, Ecology will approve, modify, or deny your claim. The Whatcom County Superior Court will determine if you qualify for an adjudicated certificate.