



WATER for PEOPLE, FARMS & FISH

Overview of the Quilcene-Snow Water Resources Management Program (WAC 173-517)

Note: This overview summarizes the proposed rule for the Quilcene-Snow watershed. Comments on the proposed rule are accepted through July 10, 2009.

INTRODUCTION

The Quilcene-Snow watershed is facing increasing water demand for new residents and local agriculture. Streams in the watershed have chronic low flows in the late summer and early fall. Increases in water use can affect already threatened salmon and other fish and wildlife that depend on adequate water. After many years of working closely with local and state governments and this community, Ecology is proposing to adopt a rule that will help manage water to meet the current and future needs of people, farms and fish.

The proposed rule would:

- Protect existing water rights
- Protect existing well users
- Support existing agriculture
- Protect fish resources
- Allow rainwater collection
- Manage new uses of water

The proposed rule would include the whole watershed except for a small portion in Clallam County around Sequim Bay, which will be addressed in rule at a later date.

CHANGES IN RESPONSE TO PUBLIC INPUT

Since starting to revise the draft rule in 2006, Ecology has made every effort to incorporate provisions in response to input from the public, local community leaders and other interests, such as Tribes and state and federal

resource agencies. The following is a summary of significant changes made in response to public feedback, now incorporated into the proposed rule.

Water for farms. Allows expanded use of permit-exempt wells for farms in 5 subbasins, and water for potential new irrigation rights in 3 subbasins.

Future water supply. In recognition of the water supply challenges facing the watershed, the rule now allows potential new year-round water rights from the reserves in 3 subbasins. In addition, Ecology reassessed and lengthened the “open period” on the Big Quilcene River, making water potentially available for a longer time period each winter.

Chimacum ground water model. Allows expanded well use if the pending USGS ground water model identifies specific areas where water can be withdrawn without impacting stream flows.

Rainwater. Allows the collection and use of rooftop rainwater.

Conservation. The conservation standards have been made more flexible by specifying a water amount, rather than limiting the area where water is used.

Moving water between subbasins. Includes a public meeting requirement for proposed water rights that would move water between subbasins.

HOW THE PROPOSED RULE MAY AFFECT NEW WATER USERS

It's important to know that the proposed rule would only affect those who apply for new water rights or start a new well use *after* the rule is adopted. If you already have a water right, are using a well, or are served by a public water supplier, the rule won't impact your use.

Those looking for new water supplies would be required to hook-up to a public water system if available. Water is available for home builders to drill new wells, but to stretch supplies your water use would be required to follow specific conservation standards. Because of the specific water challenges in the Chimaquam subbasin, conservation standards would be stricter as local leaders work to develop alternative water supplies.

For new well users, your water use would be measured. Installing a meter provides information on actual amounts of water used. It will not be used to charge fees for water use. Ecology does not have authority to charge for water.

In major subbasins, water would be reserved for new uses. Each reserve is a finite amount of water, supplying a certain number of households and, where there is sufficient water, other purposes as well. Local communities and leaders must begin now to pursue creative storage and other water supply projects to ensure continued water availability, once all the reserve water is spoken for.

ELEMENTS OF THE PROPOSED RULE

The proposed rule includes six key elements:

- Guiding the issuance of new water rights.
- Specifying water use conservation standards for new uses throughout the entire watershed.
- Setting conditions for new water uses in designated coastal areas.
- Establishing reserves of water for new uses.
- Establishing instream flows on 13 streams.
- Closing streams and tributaries to new uses, with some exceptions.

FUTURE WATER RIGHTS

New state-issued water rights may be available under certain conditions, including:

- The use would not affect instream flows or closures.

- The potential user has submitted and received approval to offset impacts of water use.
- The use is non-consumptive (does not diminish the water in the source, such as a heat pump).
- The use is eligible for the reserved water in the Big Quilcene, Little Quilcene or Thorndyke subbasins.
- Rooftop rainwater collection would be allowed provided all the water is used on-site.

CONSERVATION STANDARDS

The conservation standards proposed for permit-exempt well use throughout WRIA 17 are intended to stretch out-of-stream supplies while protecting instream resources.



Aerial photo of Oak Bay Park

Except in the City of Port Townsend, those living in a public water system supply area are not eligible for a new permit-exempt well if they can be supplied in a timely and reasonable manner.

The conservation standards for new permit-exempt well uses in all reserves (except Chimaquam*) would:

- Apply to new individual permit-exempt well uses, typically single-family homes: Maximum of 500 gallons per day (gpd) and annual average of 350 gpd.
- Require measuring water use on all new withdrawals.
- Specify new group domestic use of 500 gpd maximum and annual average of 350 gpd per residence; combined total for all residences not to exceed 5,000 gpd.
- Allow outdoor water use.

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



Big Quilcene River

RESERVES OF WATER FOR NEW USES

Water reserves 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 to be set in this rule.

Reserves usually have conditions of use that must be met to access them.

The proposed rule would create small, limited reserves of water for each stream subbasin with an associated instream flow. (See the reserve management areas on map, page 5.) The reserves vary considerably in size, depending on the size of the stream. The reserve amounts were determined by careful data review, weighing requirements for fish habitat and the needs of a growing population.

The reserves would continue to make water available for new uses in each subbasin. However, when the reserves are fully allocated, that is, all the water has been “spoken for,” new water management guidelines will take effect. New users would then need to offset the impacts of their water use or rely on alternative sources of water.



Spawned Salmon

Ecology is committed to working with local officials to develop alternative water supplies before the reserves are exhausted.

Water from the reserves would not be affected by instream flow levels or closures. However, uses would still be subject to state laws: for example, uses cannot impair existing legal water users. In addition, the conservation standards described previously would apply to new permit-exempt ground water uses from the reserves.

The reserves in the Big Quilcene, Little Quilcene and Thorndyke subbasins are larger and water rights would be allowed from these reserves.

***Chimacum Creek Subbasin – No outdoor irrigation conservation standard**

Water availability is especially challenging in the Chimacum subbasin because of population growth, a large unused water right, and the community’s investment in restoration and preservation of fish habitat. Therefore, reserve water use from Chimacum subbasin cannot be used for outdoor irrigation. New permit-exempt well users may be able to use water outdoors when an alternative water supply is available. Ecology is committed to working with local officials as they develop strategies to provide water for new uses, including agriculture.

DESIGNATED COASTAL MANAGEMENT AREAS

Designated coastal management areas are areas where permit-exempt well use would be managed through the conservation standards to protect surface water resources and existing water rights, and to minimize the potential for seawater intrusion.

In areas bordering salt water (refer to map, page 5), there are many small independent streams and drainages. These areas would be protected by managing ground water through the use of the *conservation standards* (see left).

In the Miller and Quimper Peninsula management areas, an expanded permit-exempt well use of up to 5,000 gpd would be allowed for commercial agriculture, with some conditions.

Permit-exempt well uses in a designated coastal management area are not subject to closures.

In addition, expanded permit-exempt well use would be allowed for commercial agriculture in the Big Quilcene subbasin and a limited number of farms in the Salmon and Snow subbasins.

These last two provisions are important changes to the proposed rule text recently made in response to public input.

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 that will 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 would set instream flows for 13 larger streams in WRIA 17. For each of these streams the rule would specify instream flow amounts for specific times throughout the year, following seasonal variations. Instream flows are set at amounts that will protect instream resources, as required by state law. Setting instream flows helps protect streams by limiting new withdrawals. It does not put water back into streams.

It is not practical to set flows on very small streams, so the rule would rely on the *conservation standards* to protect them.

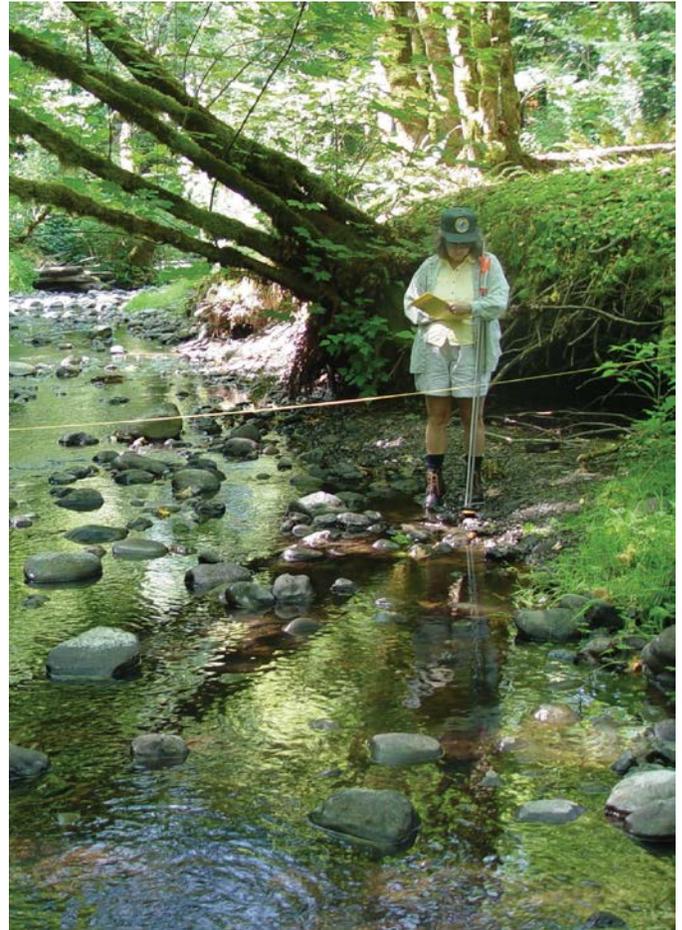
CLOSURES AND EXCEPTIONS TO THE CLOSURES

“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 an instream flow/water management rule, Ecology must consider both long-term and short-term water management needs. Ecology and the state Department of Fish and Wildlife find that past and current flow levels are critically low at many times of year.

Therefore, all streams must be closed to new withdrawals to protect the resource from further depletion.

The rule would close all WRIA 17 streams to new withdrawals (including permit-exempt wells). The rule would also close all ground water that feeds the closed streams.

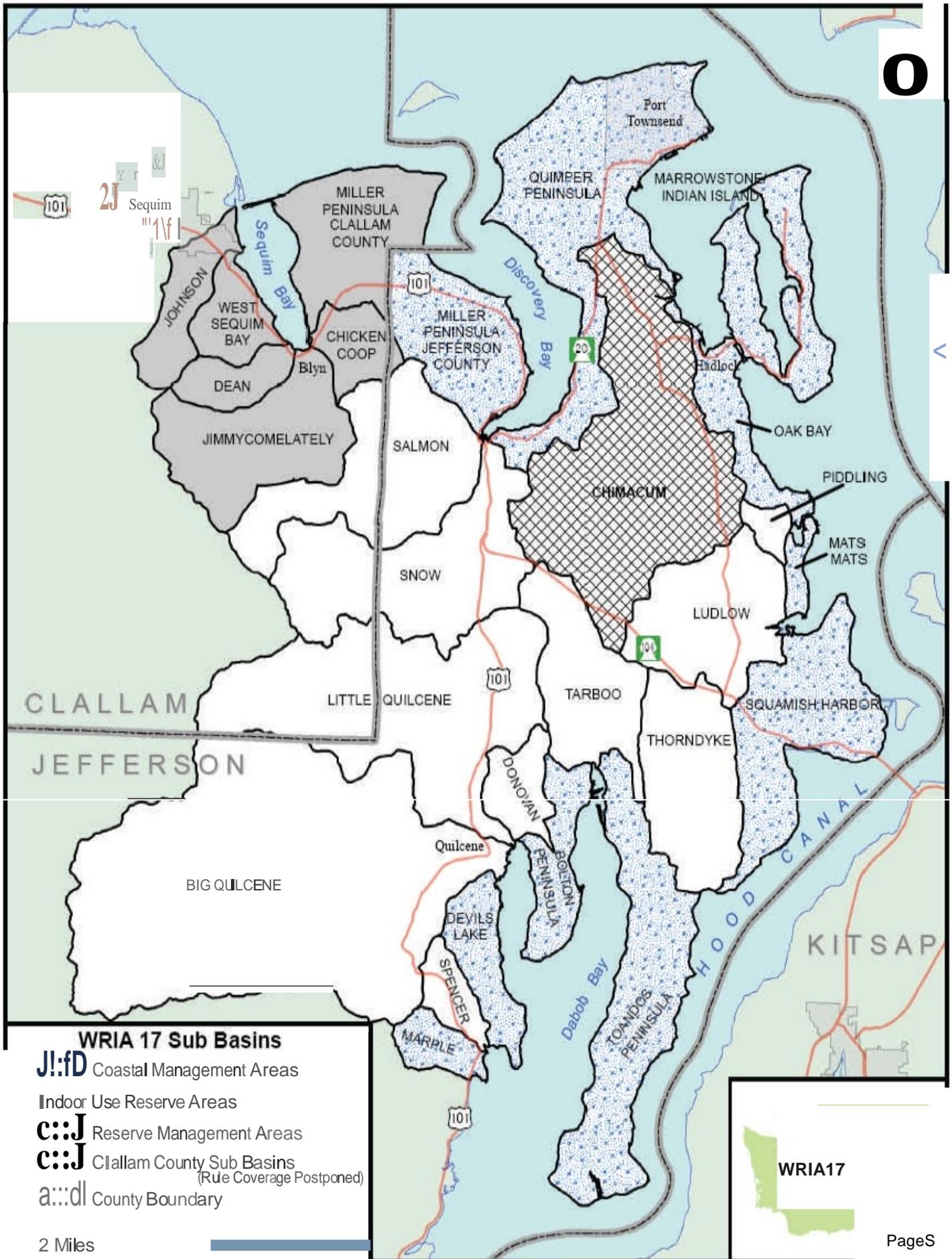


Biologist taking stream measurements

Ecology has limited authority to make some water available for new uses. These exceptions to the closures (below) are available as new sources of water are being developed.

Exceptions to the closures include:

- Seasonal withdrawals would be possible on the Big Quilcene River and Chimacum Creek during high flow months only. These new, seasonal water rights would be “junior” to the instream flows. Users would be required to interrupt their withdrawal when stream flows fall below the instream flow levels.
- Reserves of water would be available on each stream with an instream flow. (See map and table, pages 5 and 6.)
- In designated coastal areas, new ground water uses would be allowed with certain restrictions. (See map and table, pages 5 and 6.)



WRIA 17 Sub Basins

- Coastal Management Areas
- Indoor Use Reserve Areas
- Reserve Management Areas
- Clallam County Sub Basins (Rule Coverage Postponed)
- County Boundary

2 Miles



RESERVES AND CONDITIONS OF USE WRIA 17 INSTREAM FLOW AND WATER MANAGEMENT RULE

This table shows the amount of water that would be available for new uses from each stream subbasin or coastal management area. New permit-exempt well use would not be allowed if a user can hook up to a public water system.

gpd = gallons per day

Stream Subbasin or Coastal Management Area	Reserve amount	Estimated new homes through year 2025 and other allowed uses above conservation standards**	Number of homes the reserve could supply if only used for housing.
Big Quilcene River	200,400 gpd	25 - Approximately 193,000 gpd available for possible water right permits and exempt wells for commercial agriculture	800
Chimacum Creek	1,940 gpd No outdoor irrigation	149	149
Donovan Creek	2,326 gpd	9	9
Little Quilcene River, Leland and Howe Creeks	38,800 gpd	57 - Approximately 23,000 gpd available for possible water right permits	155
Ludlow Creek	7,830 gpd.	29	31
Piddling Creek	1,845 gpd	7	7
Salmon Creek	9,050 gpd	3 - Up to 5,000 gpd available for exempt wells for commercial agriculture	36
Snow Creek	4,140 gpd	3 - Up to 3,000 gpd available for exempt wells for commercial agriculture	16
Spencer Creek	2,200 gpd	0	8
Tarboo Creek	7110 gpd	25	28
Thorndyke Creek	31,670 gpd	24 - Approximately 25,000 gpd available for possible water right permits	126
Miller Peninsula (Jefferson County) and Quimper Peninsulas, and Oak Bay	N/A	223 - 5,000 gpd for commercial agriculture allowed at certain withdrawal locations	Not limited by a reserve quantity
Mats Mats Bay, Squamish Harbor, Toandos Peninsula, Bolton Peninsula, Devils Lake, Marple, Marrowstone and other islands	N/A	320	Not limited by a reserve quantity

****Conservation Standards** for permit-exempt well use:

- Must use public water supply if available.
- Single residence or industrial user: 500 gpd maximum, 350 gpd annual average use.
- Group domestic: 500 gpd maximum and 350 gpd annual average use for each residence; 5,000 gpd total group maximum.
- Water meters required.

NEXT STEPS: PROPOSED TIMELINE FOR RULE ADOPTION

- June 25, 2009 @ Public hearing to accept testimony on the proposed rule.
July 10, 2009 @ Comment period on proposed rule closes at 5:00 pm.
Fall 2009 @ Adopt rule. Rule becomes effective 31 days after filing.

HOW TO SUBMIT YOUR COMMENTS

The comment period on the proposed rule ends **July 10, 2009**. Comments must be received by **5:00 pm**.

You can give us your official comments in any of the following ways:

1. Testify at the public hearing.
2. Use Ecology on-line comment form at www.ecy.wa.gov/programs/wr/instream-flows/quilsnowbasin.html
3. Email comments to Ann Wessel at awes461@ecy.wa.gov
4. Fax comments to (360) 407-6574, Attention: Ann Wessel
5. Mail written comments to:
Dept. of Ecology
Water Resources Program
Attn: Ann Wessel
PO Box 47600
Olympia WA 98504-7600

Check Ecology's webpage for the text of the proposed rule and more information about the proposal: www.ecy.wa.gov/programs/wr/instream-flows/quilsnowbasin.html

FOR MORE INFORMATION CONTACT

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