

## Permit-Exempt Well Use in the Spokane Valley–Rathdrum Prairie Aquifer

If you are not able to connect to an existing water supplier for your water needs, you may need to use a permit-exempt well. Mitigation is required for all permit-exempt water uses started on or after Feb. 27, 2015 in the Spokane Valley–Rathdrum Prairie (SVRP) Aquifer. The SVRP Aquifer Bank has been established to provide mitigation water.

In February 2015, the Dept. of Ecology (Ecology) adopted a water management rule for the Spokane River and the Spokane Valley–Rathdrum Prairie (SVRP) Aquifer ([WAC 173-557](#)). The rule affects all surface and groundwater uses started on or after Feb. 27, 2015, the effective date of the rule. At the same time, the rule for Little Spokane watershed ([WAC 173-555-010](#)) was amended to clarify how new uses of water in the area covered by both rules would be managed. (See map on last page for the aquifer’s regulated boundaries.)

The Spokane River rule established “instream flows”, stream flow levels that support a healthy river and protect it from **future withdrawals**. This also protects existing water rights. Instream flows are essentially a water right for the river. If instream flows are not being met, this lets Ecology know there is no water available for new uses.

Water uses started **before** Feb. 27, 2015 are **not** affected by this rule.

### Public water supply or permit-exempt well?

The good news is that the majority of the region is served by existing municipal water suppliers with adequate water rights to meet future demand. If you can be served by municipal or other group water supplier, the rule will not affect you. However, if you are not able to hook-up to an existing water system “in a timely and reasonable manner” you will likely be looking to a new permit-exempt well for your water needs.

The Spokane River and the SVRP Aquifer are interconnected, so taking water out from one affects the other. Any new withdrawals

### Definitions

**Acre-foot:** One acre foot of water is equivalent to 325,851 gallons.

**Instream flows:** Stream flow levels adopted into an administrative rule that essentially create a water right for the stream to protect fish, wildlife, stock watering, recreation, and other instream uses and values. Instream flows are a regulatory threshold, and do not require any specific flow to be maintained.

**Mitigation in the SVRP Aquifer.** Mitigation offsets the impact to the Spokane River of consumptive groundwater uses (those that diminish the amount of water from the source), by leaving water in the river. This helps ensure that new groundwater uses will not be interrupted during times of water shortage.

**Permit-exempt well:** a framework for developing typically small water uses from a well without the need for a permit. (RCW 90.44.050)

**Water bank:** A mechanism for transferring existing water rights to new uses.

### Special accommodations

If you need this document in a format 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.

from the aquifer have to be stopped if flows in the river fall below the instream flow levels; the instream flows are “senior” to new uses. Therefore, to make sure you have a year-round, uninterrupted water supply, you must mitigate (offset) the impacts of your water use on the river. Ecology has set up the SVRP Aquifer Bank to provide mitigation water *free of charge*. The mitigation water comes from a senior water right acquired and placed in trust by Ecology, with help from Washington Water Trust.

In summary, mitigation is *required* if you are planning to:

- construct a new well or use an existing well for a new use, and
- the use starts on or after February 27, 2015, and
- the use falls under the permit exemption (see text box at right), and
- the water will be withdrawn from the SVRP Aquifer.

Remember: water uses larger than allowed under the permit exemption require a water right and will not be covered under this bank. This includes stockwater use above 5,000 gallons within each day.

**SVRP Aquifer permit-exempt projects eligible for mitigation through Aquifer Bank**

- Single or group domestic uses not to exceed 5,000 gallons within any given day.
- Non-commercial irrigation of up to ½ acre of lawn and garden.
- Industrial uses not to exceed 5,000 gallons within any given day.
- Stockwater not to exceed 5,000 gallons within any given day.

### Process for securing mitigation water: it all starts with a building permit request

1. Apply for a building permit at the building department serving the area in which the new structure will be built (see contacts on last page). Building department staff will determine if the proposed parcel is located within the SVRP Aquifer boundary (using Ecology’s official GIS map; see last page of this document). They will provide water supply options based on the location. Your next step will depend on whether there is a public water supplier for your parcel location (2A or 2B).
  - Note that *if any portion* of the parcel of land proposed for a permit-exempt well is located within the SVRP Aquifer, it is subject to the process outlined here.
2. **A. Yes**, there is a public water supplier for your parcel location. Meet with the supplier to determine if water is available to you in “a reasonable and timely manner”. (Contact Ecology at any point if there is concern about the timing of water availability.)
  - If you *can* get water in a timely and reasonable manner, then you are all set! The rule will not apply to your water use.
  - If you *cannot* get water in a timely and reasonable manner, a letter of explanation along with a request for mitigation water (see #3) must be provided to Ecology. If possible, the public water purveyor should write the letter of explanation; otherwise this can be done by either you or the building dept.
- B. No**, there is not a public water supplier for your parcel location.
  - And you propose to use a permit-exempt well, you must request a release letter for mitigation water from Ecology. See #3.

3. The *request for mitigation water letter* must include:
  - applicant name, mailing address, and phone number
  - project address, parcel number, and legal description
  - well log (if available)
  - an explanation as to why mitigation water is needed.

Send the letter to Ecology's Eastern Regional Office (address under "For more information").

4. Ecology reviews mitigation requests on a case-by case-basis. If there is water in the bank and the use is appropriate, Ecology will issue a release letter to you and the building department for mitigation water. The release letter remains valid for up to three years -- and can be renewed upon request -- as long as you have a valid building permit. The letter will state that water is being reserved for this project, but will not be certificated (by receiving a Certificate of Mitigation, see #5) until the project is complete and the water has been put to use.
5. Before the building department will issue a Certificate of Occupancy (indicating that the project complies with regulations and is in suitable condition to be occupied), you must request a Certificate of Mitigation from Ecology. Send to the Eastern Regional Office (address under "For more information"). The request must provide Ecology with:
  - a well log (if not previously provided)
  - parcel number
  - evidence of a completed project
  - auditor recording fees.

Ecology will then issue a Certificate of Mitigation for the identified lot. Present the Certificate of Mitigation at the building department.

- Each project is limited to a maximum of one acre-foot of water within a given year, for the four uses itemized in the text box on page 2. This restriction applies no matter how many wells are physically constructed for the project. This includes group domestic supplies for multiple homes or multi-unit residences.
- No fee is currently required for mitigation water from the SVRP Aquifer Bank. However, the Certificate of Mitigation must be recorded with the County Auditor's Office, which requires a fee set by statute.
- The Certificate of Mitigation remains until the permit-exempt well use is discontinued or the well is abandoned. In such cases the mitigation credit will automatically revert back to the water bank. This mitigation water can then be reissued for future mitigation of permit-exempt uses.

### **A few other things you should know on restrictions, flow meters, well construction**

1. The SVRP Aquifer Bank is held in trust by the State of Washington and will provide water for permit-exempt well withdrawals from the SVRP Aquifer as defined by rule, within the State of Washington.

2. Generally this mitigation bank is for permit-exempt uses of a single home, from a private well. It cannot be used for the development of all or part of a housing subdivision, unlimited stockwater or other large water use that otherwise require a water right.
3. Exempt uses mitigated with water from this bank cannot be consolidated into existing municipal water rights or other domestic supplies. The mitigation water cannot be transferred.
4. No flow meter or measuring device is currently required. Although unlikely, Ecology may require an approved measuring device be installed and maintained for each of the sources authorized by your Certificate of Mitigation.
5. All wells constructed in the state must meet the construction requirements of WAC 173-160 and RCW 18.104, and must be decommissioned when no longer in use.

### For more information

Ecology Eastern Regional Office  
4601 N. Monroe St.  
Spokane WA 99205-1295  
509-329-3400

### Ecology contacts

Anita Waterman, 509-329-3541, [anita.waterman@ecy.wa.gov](mailto:anita.waterman@ecy.wa.gov)

Ecology web page on Spokane rule and amended Little Spokane rule:  
<http://www.ecy.wa.gov/programs/wr/rules/557-ov.html>

Ecology web page on Water Rights: <http://www.ecy.wa.gov/programs/wr/rights/water-right-home.html>

### Local building departments

City of Liberty Lake Building Department: 509-755-6700

City of Millwood Building Department: 509-924-0960

City of Spokane Building Department: 509-625-6300

City of Spokane Valley Building Department: 509-720-5240

Spokane County Building Department: 509-477-3675

Stevens County Building Department: 866-513-2741

The aquifer boundaries are defined under WAC 173-557 and amended WAC 173-555. They are also defined in U.S. Geological Survey Scientific Investigations Report 2007-5041. City and County building and planning departments have copies of the map available for review.

### Map of SVRP Aquifer Boundaries

