

Permit Exempt Well Management Options – WRIA 54 WMWG 060508

<i>Alternative Solution</i>	<i>Description</i>	<i>Regulation</i>	<i>Pros</i>	<i>Cons</i>	<i>Implementing Entity</i>	<i>Preference</i>
No action (i.e., status quo).			<ul style="list-style-type: none"> • Least cost option. 	<ul style="list-style-type: none"> • Continued unmanaged growth in the use of permit-exempt wells. • Potential for impairment of senior water rights. • Potential for litigation. 		No
Recommend that the Legislature (with guidance from Ecology and a stakeholder group) revise exempt well legislation.			<ul style="list-style-type: none"> • Consistency statewide. • Support for Counties when responding to developers. • Reduce attempts to circumvent state law. • Public education. • 	<ul style="list-style-type: none"> • 	Ecology.	Yes
Support Ecology's ambient groundwater monitoring program and recommend that Ecology consider the West Plains for an ambient groundwater monitoring program.			<ul style="list-style-type: none"> • Data collection to better understand the condition of groundwater resources. 	<ul style="list-style-type: none"> • Cost and resources. 	Ecology.	Yes
Develop and implement a public education program on permit exempt wells.			<ul style="list-style-type: none"> • Provide information on permit exempt wells including difficulty in managing growth. • Provide information to public, well drillers, developers and policy makers. • Public education and outreach on water conservation (indoor and outdoor water use). • 	<ul style="list-style-type: none"> • Cost and resources. 	WRIA 54 Planning Unit, Counties, Cities (if applicable), WDOH, Regional Health District, Spokane Tribe, Ecology.	Yes

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Local Laws / Land Use Planning						
<p>Establish a program to collect data and evaluate where exempt wells are a concern. Develop management options for problem areas. Recommend that Local government and Ecology provide technical support and funding.</p>	<p>Confirm where exempt well problems are now and will likely be.</p> <ul style="list-style-type: none"> • Conduct build-out analysis for subbasins / study areas according to current zoning and projected water needs. • Develop water supply & demand forecasts for subbasins / study areas. • Consider adding areas of strained water resources through critical areas ordinance or water supply overlay zones. • <i>Mike Hermanson to see if Spokane County wants to add recommendation here for coordination with Regional Health District on data gathering.</i> 	<p>GMA</p>	<ul style="list-style-type: none"> • Develop understanding of where exempt wells are a concern now and in the future. • Focus management on priority areas. • Develop preferred management option for each subbasin / study area. 	<ul style="list-style-type: none"> • Continued unmanaged growth in the use of permit-exempt wells (until management actions established). • There is often insufficient technical information to support land use planning decisions based on water availability. 	<p>WRIA 54 Planning Unit, Counties, Cities, purveyors, Ecology.</p>	<p>Yes</p>

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Local Laws / Land Use Planning (continued)						
Recommend that WDOH update the Group B Water System guidance to include measures (e.g., xeriscaping, no outdoor irrigation) for systems with greater than 4 homes per exempt well. Involve Ecology in updating the guidance.		GMA	<ul style="list-style-type: none"> Encourages development of community systems. Improved protection of drinking water quality. Allows more management for growth. 	<ul style="list-style-type: none"> Ecology guidance needed on number of homes allowable per exempt well. 	WDOH, Ecology	Yes
Recommend WRIA-wide standard (with various options / incentives) for number of houses allowable per exempt well.	Walla Walla model (1,250 gpd per house for 4 houses per pew). Lincoln County model (up to 14 per exempt well on an engineered system).		<ul style="list-style-type: none"> Allows for reasonable pew use. Standardizes numbers of houses per exempt wells and provides options / incentives. May reduce impacts to water resources. 	<ul style="list-style-type: none"> Property rights issue. 	WRIA 54 Planning Unit, Counties, Ecology, purveyors and WDOH.	No – do not like the one size fits all concept.
Consider changing the existing law that allows water rights to be transferred from an exempt well to a water purveyor to allow hook up to the system w/o the property owner drilling an exempt well. Consider a statewide value for the water right consolidation (350 gpd, 850 gpd??). Land use regulator and purveyor must be in agreement.	The purpose of this recommendation is to avoid drilling unnecessary wells.		<ul style="list-style-type: none"> Avoids drilling wells unnecessarily. 	<ul style="list-style-type: none"> Difficult to regulate. How can water right be transferred if it has not been put to beneficial use? 		Yes and No - WMWG to consider.

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Local Laws / Land Use Planning (continued)						
Do not allow new exempt wells in retail service areas and within UGAs when water is available in a reasonable and timely manner.	<i>Dick Price and Lloyd Brewer will check this language to make sure reflects appropriate service area boundaries. Sara will check with Heather.</i>		<ul style="list-style-type: none"> Encourages development of community systems. Improved protection of drinking water quality (systems have WDOH monitoring requirements). Allows more management for growth. 	<ul style="list-style-type: none"> Property rights issue. Potentially cost to hook up. Increased pressure on purveyors to supply water. 	Counties, Ecology, purveyors and WDOH.	Yes
Limit wells in retail service area	Limit where retail service area is established.	RCW 70.116.060; RCW 43.20.260	<ul style="list-style-type: none"> Proactive management in areas where growth is expected. 	<ul style="list-style-type: none"> Limits growth. 	Counties, purveyors.	No – duplicated above.
Require landowners to hook up to purveyors when water becomes available in a reasonable and timely manner (via deed restrictions and ordinances).		Could be included as part of instream flow rule.	<ul style="list-style-type: none"> Improved protection of drinking water quality (systems have WDOH monitoring requirements). Allows more management for growth within service areas. 	<ul style="list-style-type: none"> Property rights/economics. Must decommission wells. Purveyors may want to consolidate water rights - some disincentives for purveyors to do so, such as examination of their water right and time to process paperwork. Concern with policy 1230 on max limit on consolidation of exempt water right (5,000 gpd max). 	Counties, cities, purveyors	Yes
Limit well construction when needed to support sound management of water resources and to limit impacts to aquifer recharge areas.	Limit in specific areas in consultation with WDOH for sound management of resource. Local governments can limit well drilling to limit impacts to aquifer recharge areas.	RCW 18.104.040(4)(g); RCW 36.70A.040	<ul style="list-style-type: none"> Tools to address declining aquifers. 	<ul style="list-style-type: none"> Property rights issue. 	WRIA 54 Planning Unit, Counties, Ecology, purveyors and WDOH.	No

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Local Laws / Land Use Planning (continued)						
Recommend that Counties and Cities and water purveyors adopt outdoor irrigation ordinances.	Local land use controls that restrict irrigation.	RCW 36.070A.040.	<ul style="list-style-type: none"> Reduce outdoor water use. Equitable. More water available to support future growth. 	<ul style="list-style-type: none"> Resources to establish and enforce. 	Counties, Cities.	Yes? <i>Mike with check with Spokane County.</i>
Recommend that Counties, Cities and water purveyors adopt indoor water conservation incentives.	Local land use controls and incentives that promote water conservation.		<ul style="list-style-type: none"> Reduce indoor water use. Equitable. More water available to support future growth. 	<ul style="list-style-type: none"> Resources for enforcement. 	Counties, Cities.	Yes
Recommend that Counties and Cities consider water availability in growth management (e.g., identify a density trigger above which additional exempt wells are not allowed or require a decrease in the amount of water per exemption). Counties / Cities will coordinate with Ecology.	Local land use controls	RCW 36.070A.040	<ul style="list-style-type: none"> Management for proliferation of exempt wells (to carrying capacity of aquifers). 	<ul style="list-style-type: none"> 	Counties, Cities, Ecology.	Yes? <i>Mike with check with Spokane County.</i>
Recommend that Regional Health Districts require applicants for building permit / land division conduct a 8 hr pump test (instead of the current 4 hr pump test).	County or city must determine that provisions for potable water supplies are made for approval of subdivisions or other industrial / commercial uses for water withdrawn using a permit exempt well.	RCW.17.110; RCW 19.27.097	<ul style="list-style-type: none"> Helps to determine that water is physically available. 	<ul style="list-style-type: none"> Additional costs. 	Counties, Regional Health District.	Yes

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Local Laws / Land Use Planning (continued)						
Recommend that the legislature fund local governments to consider water supply within land use planning.			<ul style="list-style-type: none"> Focus on water supply and availability within land use planning departments. 	<ul style="list-style-type: none"> There is often insufficient technical information to support land use planning decisions based on water availability. 	Counties and Cities.	Yes
Integrate technical information developed during Watershed Planning with land use planning.			<ul style="list-style-type: none"> Improved understanding of water resources situation within County and City planning departments. 	<ul style="list-style-type: none"> Requires additional resources for Tribes, Counties and Cities. 	WRIA 54 Planning Unit, Tribe, Counties and Cities.	Yes
Recommend that water purveyors extend public water service in rural areas.	State water code promotes water service by public water systems.		<ul style="list-style-type: none"> Decreases number of new exempt wells. Better management of water resources (both water quality and water quantity). 	<ul style="list-style-type: none"> May encourage urban sprawl. 		Yes? <i>WMWG to review</i>
Recommend that Stevens, Spokane and Lincoln Counties consider the model MOA with Ecology for addressing permit exempt wells.			<ul style="list-style-type: none"> Proactive. May provide for funding for hydrogeologic studies. 	<ul style="list-style-type: none"> 		Yes? <i>WMWG to review</i>
Recommend streamlined adjudication (including stipulation that single family homes have exemption of 1,250 gpd).	Determine extent and validity of all water rights in the basin.		<ul style="list-style-type: none"> More accurate water budget estimate. Better determine if water is available for appropriation. Facilitates water banking, WRs transfers and changes. 	<ul style="list-style-type: none"> Takes many years and expensive 	Ecology, WRIA 54 Planning Unit.	Yes

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State Laws						
Reduce exemption to 1,250 gpd for single home (indoor and outdoor irrigation water use) while still allowing 5,000 gpd for cluster development.			<ul style="list-style-type: none"> Consistency between water rights and estimated water use for single home (see Walla Walla instream flow rule). 	<ul style="list-style-type: none"> No resources to enforce. Change in State law. 	Ecology.	Yes
Establish reasonable limits for stock watering.	Clarify the exemption for stock watering.		<ul style="list-style-type: none"> Can better manage water use to water availability. 	<ul style="list-style-type: none"> 	Ecology.	Yes
Consider permitting for all commercial / industrial uses.			<ul style="list-style-type: none"> Can better manage water use to water availability. 	<ul style="list-style-type: none"> Additional resources for permitting. 	Ecology.	No
Recommend permits for all new groundwater uses (except in-house domestic)	Condition all new groundwater uses (except in-house domestic).	RCW 90.03 and George T. caselaw	<ul style="list-style-type: none"> Can restrict uses to times of day or seasons. Can condition a permit to an instream flow rule. 	<ul style="list-style-type: none"> Complex management. New permitting process. 	Ecology	No
Enforce against illegal exempt well water use.	Enforce illegal appropriation	RCW 90.03, 90.08;90.14;90.44	<ul style="list-style-type: none"> May influence other illegal water users to change behavior. 	<ul style="list-style-type: none"> Ecology needs more staff and money for enforcement. Limited metering data to support enforcement. Lack of political support. 	Ecology.	Yes
Consider Groundwater Management Area designation for West Plains.	Limit withdrawals from designated ground water areas.	RCW 90.44.130; RCW 90.44.400	<ul style="list-style-type: none"> Can regulate people equally without adjudication. Can limit depth of well. Must determine carrying capacity for safe sustaining yield. Can address exempt wells. Not dependant on water rights. Can encompass multi WRIAs. 	<ul style="list-style-type: none"> Difficult to map. Need to determine how much water is available. Very restrictive - a hammer. Isn't preventative. Resource intensive. Litigious. 	WRIA 54 Planning Unit, Ecology.	Yes

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State Laws (continued)						
Allow mitigation for new exempt well water use in subbasins / study areas that are closed to new appropriation of water via permit exempt wells.		RCW 90.03.255; 90.03.290; RCW 90.44; RCW 90.54; RCW 90.74	Water for water is preferable. Could mitigate with: <ul style="list-style-type: none"> • Water from source outside the watershed • Stored winter water • Purchase / trust an existing water right. 	<ul style="list-style-type: none"> • How do you mitigate in a closed watershed, where there is no water available for storage/mitigation. • Out of basin water for mitigation an issue. • Timing of release of stored water to enhance summer flows is challenging 	Ecology, WRIA 54 Planning Unit, Spokane Tribe.	Yes
Recommend establishing a water bank in WRIA 54.	July 10 – Water banking / trust workshop in Moses Lake.		<ul style="list-style-type: none"> • Water available for future growth without additional impacts to water resources. • Better determine if water is available for appropriation 	<ul style="list-style-type: none"> • Need water to put in bank. • Resources to establish and operate. 	Ecology.	Yes
Consider establishing instream flow rules for tributaries that have SWSLs and address exempt wells within the rules (see options on page 10 for addressing pew within a water management rule).	WDFW recommended minimum flows or closures	RCW 77.57	<ul style="list-style-type: none"> • Instream established in rule. 	<ul style="list-style-type: none"> • Resources. • Need data for tributaries. 	WRIA 54 Planning Unit, Ecology, WDFW.	Yes

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Options for instream flow rule						
Instream Flow Rule – closure.	Allows reservation for exempt well water, and then closure when reservation used up.	RCW 90.22, 90.54, 90.82	<ul style="list-style-type: none"> • Protective of the resources. 	<ul style="list-style-type: none"> • Politically challenging. • Subject to lawsuits. • Resource intensive to manage. • Most closures did not address pew. • Geographically limited to basins in rule. 	WRIA 54 Planning Unit, Ecology, WDFW.	
Instream Flow Rule – reservation.	Allows reservation for exempt well water use.	RCW 90.54.050	<ul style="list-style-type: none"> • Quantify a reasonable amount of water to support future growth of exempt well water use. • Provides timeframe over which additional management options can be put in place. 	<ul style="list-style-type: none"> • Difficulty in accounting for the water use against the reservation. • Who (Ecology or local gov't) responsible for the accounting? • Geographically limited to basins in rule. 	WRIA 54 Planning Unit, Ecology, WDFW.	
Instream Flow Rule - metering	Metering for all water uses (including exempt well water use) within the management area.		<ul style="list-style-type: none"> • More accurate data on water use. • Required for all surface water withdrawals and where groundwater is in hydraulic continuity in critical basins. • Require metering on change and transfers of water rights. • Can use remote read technology. 	<ul style="list-style-type: none"> • Issues with cost and staff resources at the state and local level • Issues with enforcing metering. • Geographically limited to basins in rule. 	WRIA 54 Planning Unit, Ecology, WDFW.	
Instream Flow Rule – interruptible water right	Permit exempt wells junior to the instream flow rule subject to interruption when flows aren't met.		<ul style="list-style-type: none"> • Can issue interruptible or mitigated water rights. Applicant must submit a mitigation plan - Ecology can't require it upfront. • Instream flow rule is protective of senior water rights. 	<ul style="list-style-type: none"> • Enforcement. • Geographically limited to basins in rule. 	WRIA 54 Planning Unit, Ecology, WDFW.	