

Little Spokane Water Bank Stream Flow Mitigation Certificates



What is a Stream Flow Mitigation Certificate?

Stream Flow Mitigation Certificates (mitigation certificates) allow an exempt well user to use a well for domestic use and not be subject to the Little Spokane River Instream Flow Rule (WAC 173-555). A Stream Flow Mitigation Certificate is “backed” by a valid water right owned by Spokane County and held in trust by the State of Washington. The water right in trust has a priority date before WAC 173-555, which means if water users in the Little Spokane River Basin were ever curtailed (required to reduce water use) based on WAC 173-555 a mitigation certificate holder would not be subject to that curtailment.

Is a Stream Flow Mitigation Certificate required to get a building permit in the Little Spokane River Basin (WRIA 55)?

No. A building permit applicant in WRIA 55 that will use a well constructed prior to January 19, 2018 only needs to provide a water well report (well log). A building permit applicant that will use a well constructed after January 19, 2018 can either:

1. Pay a \$500 fee and record a water use limitation of 3,000 gallons per day based on an annual average, not to exceed 5,000 gallons per day, on the property title; or
2. Purchase a Stream Flow Mitigation Certificate.

A building permit applicant using a well constructed prior to January 19, 2018 can purchase a Stream Flow Mitigation Certificate to protect against any future curtailment, but is not required to do so.

Who is eligible to purchase mitigation certificates?

Any owner of a parcel that is within the approved mitigation area and plans to get a building permit within the next three years or any existing homeowner within the approved mitigation area with a house built after January 6, 1976 that is interested in protecting against any future curtailment.

Why would I want a mitigation certificate if I’m not required to get one?

All water rights that have been issued since the adoption of the Little Spokane regulatory instream flow on January 6, 1976 -- including permit exempt wells -- are at risk of curtailment when flows are below those established in the regulation. The holder of a Stream Flow Mitigation Certificate is not at risk of curtailment because it is backed by a water right issued before 1/6/76. Therefore, purchasing a Stream Flow Mitigation Certificate protects the owner against any future water use curtailment.

How do I know if my property is in the approved mitigation area?

You can use SCOUT, Spokane County’s online parcel mapping application, to see if your parcel is in the approved mitigation area. Turn on the Water Bank Approved Mitigation Area under the Critical Areas layers to see if your parcel is in the area.

What if only part of my parcel is in the Approved Mitigation Area?

You are eligible for a mitigation certificate as long as the well serving the residence is located in the Approved Mitigation Area.

What happens if I don't get a building permit within three years?

If a building permit is not obtained within three years the cost of the mitigation certificate is refunded minus program administration and recording fees.

Is there a limit to the amount of water I can use?

The mitigation certificate provides for indoor and incidental outdoor water and a specific area of outdoor noncommercial irrigation of landscaping and/or garden. Outdoor irrigation is purchased in 1,000 ft² blocks up to a maximum of 21,000 ft². When purchasing a mitigation certificate, the applicant will specify the number of 1,000 ft² blocks to be purchased.

What is reasonable domestic indoor and incidental outdoor water use?

Domestic use at one single family residence includes water used for drinking, bathing, sanitary purposes, cooking, and laundering and other incidental household uses. Incidental uses must minimize the consumptive use of water. Examples of incidental household uses include, but are not limited to: washing windows, car washing, cleaning exterior structures, care of household pets, and watering potted plants.

How does Spokane County limit the amount of water use?

When purchasing a mitigation certificate, the applicant must also sign a property covenant limiting the amount of water use on the parcel from the onsite well to the amount of the mitigation certificate. To comply with our agreement with the Washington Department of Ecology to offer mitigation certificates Spokane County must report the actual amount of outdoor irrigation based on a review of aerial photography. The applicant must also grant an avigation easement so that Spokane County can utilize other aerial methods to determine compliance with limitations on outdoor irrigation from onsite sources if an aerial photo is not sufficient.

Spokane County has enacted an ordinance that governs the operation of the Little Spokane Water Bank. The ordinance specifies fines for exceeding the outdoor irrigation use allowed by the mitigation certificate. Spokane County will make every attempt to work with the property owner to comply with the limitations of the mitigation certificate before issuing a fine.

What if I have livestock?

Livestock watering is not covered by this Mitigation Certificate. Keeping livestock is not associated with any Spokane County permitting activity. Water use associated with keeping livestock is regulated under the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC). Consult the Washington Department of Ecology for questions related to livestock watering in Water Resource Inventory Area (WRIA) 55.

What is the process for purchasing a mitigation certificate?

Fill out the application and return in person or by mail to:

Spokane County Water Resources
1004 N. Freya St.
Spokane, WA 99202

Once we receive the application we will contact you to provide details on finalizing the purchase, such as the property covenant, avigation easement, and payment. Please contact us at (509) 477-7578 or mhermanson@spokanecounty.org with any questions about purchase process.

How much does a Stream Flow Mitigation Certificate Cost?

The cost of a mitigation certificate is broken into a non-refundable program administration fee, recording fees, and the cost of water as follows:

Program administration fee..... \$500
Recording fee..... \$106
Indoor domestic water use..... \$350
1,000 square feet of lawn/garden..... \$230

Example: 1 residence with 10,000 ft2 of outdoor irrigation

Program administration fee	\$500
Recording fee	\$106
Indoor domestic water use	\$350
10,000 square feet of lawn/garden	<u>\$2,300</u>
TOTAL	\$3,256

What happens if I sell my parcel?

The mitigation certificate runs with the parcel and transfers to the new owner.

Can I move my mitigation certificate?

A mitigation certificate is specific to a parcel and can only be moved to another location under limited circumstances upon approval of Spokane County.