

# The Dungeness Water Exchange Mitigation Guidance Document

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## **Dungeness Mitigation Guidance Document**

This mitigation guide is intended to accompany the Dungeness Instream Flow Rule (WAC 173-518-930) and serve as a guide for implementing mitigation requirements via the Dungeness Water Exchange under the rule. The guide will be a resource for those entities working closely with the Dungeness Water Exchange as well as members of the public who have more detailed questions about its operations. The document is structured as a series of frequently asked questions so the user can efficiently find pertinent information. The guide may be revised over time if necessary.

### **Questions Pertaining to the 2012 Dungeness Water Management Rule and Mitigation**

Note: For more detailed information on the rule please see the actual Rule text and Department of Ecology publications at: [www.ecy.wa.gov/programs/wr/instream-flows/dungeness.html](http://www.ecy.wa.gov/programs/wr/instream-flows/dungeness.html).

#### **1. What is the Dungeness Water Resources Management Rule/ Instream Flow Rule?**

The Dungeness Water Management Rule (the rule) was adopted by the Washington Department of Ecology (Ecology), which is the state agency that manages water resources. The rule is intended to guide water use planning and decision-making for new water users in the Dungeness Watershed, and set policies to help protect the availability of water supplies for current and future needs of people and the environment. Two of the biggest changes are the formal closing of surface water to new appropriations (except for some peak flows in the Dungeness River which could be granted for interruptible water rights) and the requirement that all new groundwater users mitigate their water use to offset the impact to streams within the watershed. All new water users, including permit-exempt well users, are covered by new requirements under the rule. Every new water user will need to offset the impact of their consumptive water use on surface water.

The rule sets instream flow levels for the mainstem Dungeness River and its tributary Matriotti Creek, and seven smaller streams: Bagley Creek, Siebert Creek, McDonald Creek, Meadowbrook Creek, Cassalery Creek, Gierin Creek and Bell Creek. In addition to the instream flow levels, small amounts of water are set aside in each subbasin listed above for in-house domestic use (see question No. 4).

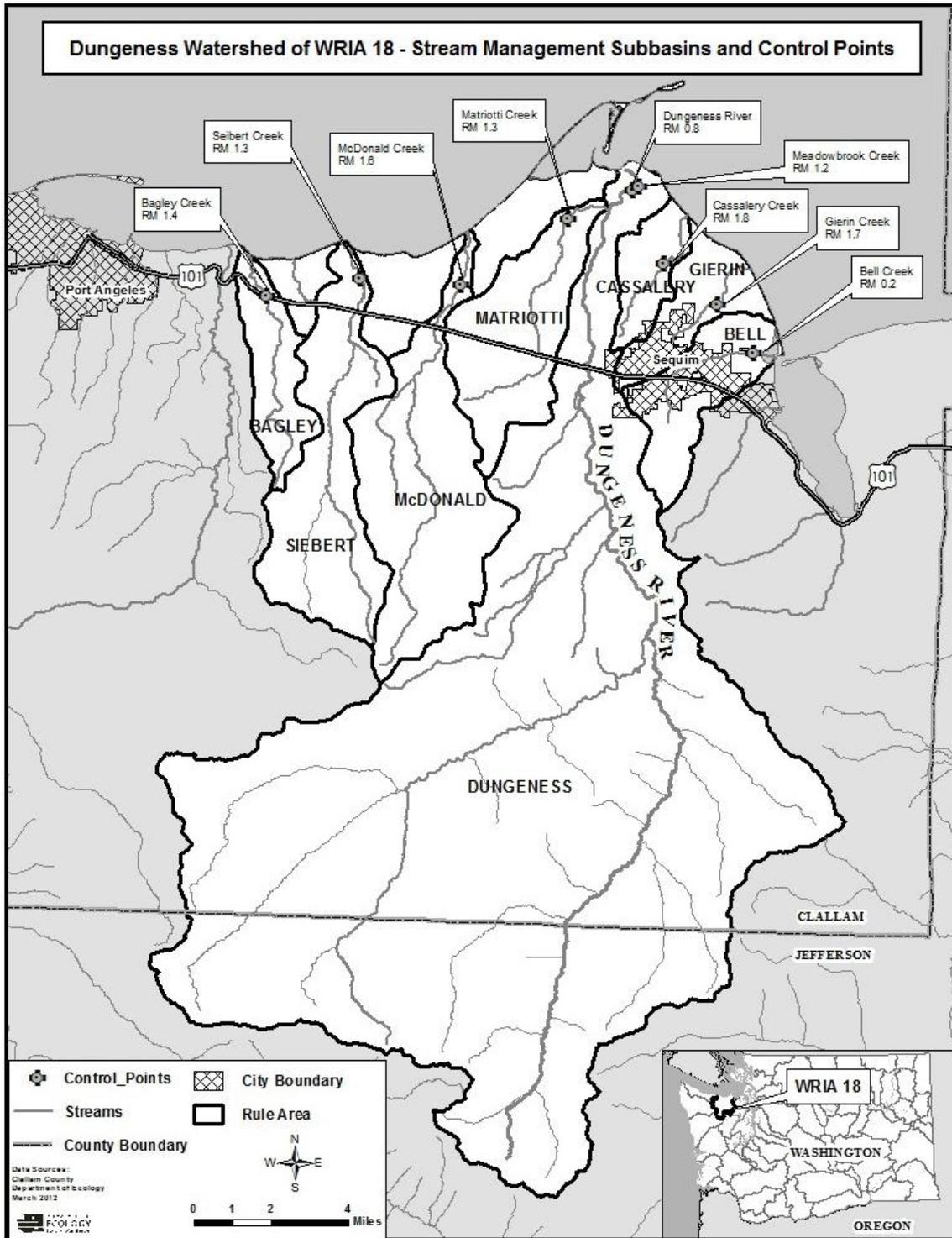
#### **2. When is the rule effective?**

The effective date of the rule is January 2, 2013.

#### **3. Where does the Dungeness Water Management Rule apply?**

The rule covers some of eastern Clallam County, from Bagley Creek to Bell Creek (see map below).

Figure 1. Dungeness Rule Area Map, courtesy of the Department of Ecology



#### **4. What is a reserve of water?**

Water reserves are finite amounts of water set aside for new uses, and usually have specific conditions of use to access them. Uses from reserves are legally allowed to continue even if stream flows fall below the instream flow levels set by rule. The reserves are not stored in a reservoir or other physical place, but they are a small quantity of water that currently exists in groundwater and streams throughout the Dungeness Basin. The reserves were established by Ecology to ensure that water is available for domestic (household) use. Under the rule, mitigation (the offsetting of new water uses) is required to replenish reserves.

#### **5. How do the reserves in the rule work?**

Each time a mitigation certificate is issued for a residential unit, the consumptive amounts of the groundwater withdrawal (150 gallons per day (gpd) for a home connected to a sewer and 15 gpd for a home served by a septic system, established in the rule as annual averages across the basin) will be multiplied by the predicted impact to each stream according to the groundwater model and the result will then be subtracted from the water reserve amounts (in Table IV in WAC 173-518-080). As mitigation projects are put in place, the amount of water benefitting each stream is added to the reserve for that stream. Reserves were not established for any purpose other than domestic (i.e., indoor) use.

#### **6. How were the reserve amounts arrived at?**

Using either stream gauging records or information on the lowest measured summer flows, state biologists looked at the late summer/fall flows for each creek. They calculated one percent of the lowest flows and agreed that these small quantities could be withdrawn. Given the impact on stream flow and habitat for species listed under the Endangered Species Act, and the small sizes of the reserves, they have been designated in the rule to be for in-house/domestic use only.

#### **7. What is mitigation?**

Mitigation is a water management tool to offset the impacts of new water uses on area streams. See additional explanation under question No. 20.

#### **8. Why is mitigation needed for future water use?**

- The Dungeness River is fully appropriated; this means existing senior water rights can legally divert so much water that in late summer, hypothetically, a new water right could be required to reduce or cease diversions. Although it's true the basin is seasonally wet and rainy, during the late summer and fall months precipitation is minimal, stream flow is typically at its lowest, and demand for water for commercial and residential irrigation is

at its peak. This leaves insufficient water in streams to support healthy aquatic systems and fish habitat.

- Hydrogeologic studies and a groundwater model specific to the Dungeness watershed show that aquifers are hydraulically connected to surface waters. The hydraulic connection between ground and surface waters means that using ground water for consumptive purposes has an impact on flows.
- Summer and fall water diversions have decreased the habitat available to fish in the Dungeness River and its tributaries. Diversions and groundwater use reduce the flow in the small independent streams that flow directly into the Strait of Juan de Fuca. Low stream flows are considered a critically limiting factor for four species of salmon listed as threatened under the federal endangered species list. These include Chinook, steelhead, eastern Strait of Juan de Fuca summer chum and bull trout. Ecology has a legal obligation to protect both reliable supplies of drinking water and fish, wildlife and other “instream resources” that depend on sufficient stream flow.
- Once a right to use water has been established, if use is continuous and beneficial (not wasteful), the water right remains in good standing. Water rights are generally permanent allocations of water, with priority dates and conditions of use. Without management of future withdrawals, the prospective demand for water in the Dungeness watershed could lead to substantially more impairment of late summer and fall flows.
- Since low summer and fall stream flows have been identified as limiting to fish populations and recovery, work has been underway to address this issue. Restoring flows is one approach that has been used. Without management and mitigation of new water uses, opportunities to restore and protect flows would be lost. Mitigation will offset expected impacts to surface water; restoration will focus on increasing flows at the most important times and places.
- Providing mitigation for water use and saving water is not free. A new user of water choosing to purchase “mitigation credits” from the Exchange will help pay for projects that offset the impacts of new uses.

## **9. Who needs to mitigate for their water use?**

All new groundwater uses (meaning those uses that are not authorized by an permit, an existing water certificate, water right claim, or permit-exempt use with use beginning prior to January 2, 2013) need to be mitigated, including:

- Any new groundwater permit under RCW 90.44.050.
- Any new permit-exempt use of groundwater under RCW 90.44.050.
- Some Group A water users (generally 15 or more connections) who cannot be served by a nearby Group A water system, even though they are located within the service area.

- Some Group B water users (14 or fewer connections). A new user connecting to a Group B system more than five years after water use started in the subdivision would need to mitigate for their use and install a meter. However, if a new water user is connecting to a Group B water system within five years of when a residence in the subdivision first began using water, and the first use started before January 2, 2013, the new user would not be required to supply mitigation or install a meter.

## **10. How does a new water user obtain mitigation?**

New water users have two options for obtaining mitigation:

- Water users may purchase a mitigation certificate from the Dungeness Water Exchange to offset their new uses to show proof to Ecology that their proposed use is mitigated. Clallam County will require a copy of the mitigation certificate as part of the building permit process.
- Alternatively, water users may choose to develop their own mitigation plan to offset the impact of their proposed new water use. Typically, a water user would acquire senior water right(s), and transfer it to the state Trust Water Rights Program<sup>1</sup> to serve as mitigation. The mitigation plan must be approved by Ecology and implemented, before the new water use is begun. More information on individual mitigation plans can be found in the rule (WAC 173-518-075).

## **11. How much water can a new water user relying on a permit-exempt groundwater well use?**

In Washington, new uses of groundwater must acquire a permit or water right certificate, with the exception of a permit exempt well which can be used for small-scale water uses. Permit-exempt wells may use up to 5,000 gallons *per day* (gpd) and irrigate up to one-half acre of lawn or garden per well. The rule does not change these limits. However, the rule does require new permit-exempt wells to mitigate for the impact to the Dungeness River and small streams due to their new consumptive use; that is the amount of water consumed by indoor water uses and taken up by lawn and garden plants, and not returned to groundwater. Nearly all permit-exempt wells use less than the full 5,000 gpd. In fact the annual average in-house use for households in the Sequim-Dungeness area is estimated at about 150 gpd. While any new groundwater user could technically use up to the full exemption, they must mitigate for their use, and mitigating for a larger amount of water costs proportionately more. For this reason, the Exchange offers mitigation packages for a range of water quantities (see No. 24), with prices that vary accordingly. The cost savings generated by not choosing the highest volume mitigation package should save homeowners money and encourage water conservation.

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<sup>1</sup> A trust water right is a right secured through transfer of an existing right. It retains the same priority as the original right and it is held by the state for instream flows and other purposes, such as mitigation.

## **12. What are the metering requirements for new water users?**

- Ecology will require new water users to install a meter to record their water use. Specifications for meters can be found in Ecology Publication #12-11-053.
- The average cost of a meter is \$350. Meter installation can be completed by homeowner, the contractor, or the plumbing contractor for the home builder. Inspection may be required to ensure proper installation and functioning. Ecology will handle meter inspections on a case-by-case basis.
- It is the well owner's responsibility to maintain the meter and meter box in good working order. If installation does not meet specifications or there are abnormal readings, the home builder or well owner must assure that equipment is reinstalled, repaired or replaced as necessary.
- Meters are required to be equipped with a totalizer and telemetry that keeps track of the total amount of water used for a year. Ecology or its designee may record meter readings, but it is not the well owner's responsibility to report their water use to Ecology, unless directed to do so by Ecology.

## **13. How will the mitigation requirement be enforced?**

Ecology has regulatory authority and responsibility over water rights and water use including the following:

- Enforcing the requirement to mitigate prior to beginning a new use of water.
- Ensuring meters are properly installed and functioning.
- Assuring compliance with other limitations for new permit exempt wells, such as irrigation restrictions and gallons per day limitations consistent with the mitigation provided.

Ecology has discretion on how and when to take enforcement actions regarding potential deficiencies in mitigation. If water use in the Dungeness watershed consistently exceeds the amount of water available for mitigation, Ecology will work with the Dungeness Water Exchange to ensure the shortage of mitigation water is resolved.

If an individual's water use consistently exceeds the amount of outdoor irrigation identified in the water user's mitigation certificate or significantly exceeds the typical average indoor water use quantity, the water user will likely be contacted first by the Dungeness Water Exchange to find out if a pipe is broken, or the mitigation needs of the user have changed. In extreme situations, Ecology may choose to take enforcement action. In all but the most egregious cases, Ecology is required to provide technical assistance to resolve water users' compliance problems before responding with formal notices, orders or penalties.

#### **14. What is a mitigation obligation?**

A mitigation obligation is the impact of the amount of water a new applicant plans to use and therefore is required to mitigate for. Ecology uses the following procedures and assumptions in determining groundwater mitigation obligations:

- Mitigation obligations are based on the expected full use of water under the new water right or permit exempt well use.
- Mitigation obligations are based on expected use not on actual reported use. This means that rather than using water, then reporting the amount used and paying to mitigate for this amount, new users are given the option of choosing among three levels of water use (packages listed in Table 1, question no 23 below). Each of the three mitigation packages is based on an average amount of gallons per day.
- Mitigation obligations reflect mitigation for the expected use of water in perpetuity, (unless a temporary use is applied for) and as the rule states, the use must cease if the mitigation plan is not working. It is in everyone's best interest to ensure a functioning mitigation program.

#### **15. How is the groundwater mitigation obligation determined for a new water right or permit exempt well?**

Mitigation obligations are based on the following:

- The expected amount of withdrawal stated by the prospective user.
- An accounting of the consumptive portion of the new water use. Consumptive water is water that is consumed by irrigation, domestic use or evaporation and does not return to the aquifer, as in the case of recharge through a septic system, with the following general approaches applying:
  - For residential indoor use, consumptive use is assumed to be 10 percent
  - For outdoor use, the consumptive use of irrigation water is assumed to be 90 percent, based on crop irrigation requirements in the Washington Irrigation Guide. For example, the crop irrigation requirement for pasture and turf grass in the Sequim area is 19.38 inches. The irrigation season runs from April 15th to September 15th.
- The impact of the groundwater extracted on stream flows in the Dungeness River and eight other small streams (Bagley, Bell, Casselary, Gierin, McDonald, Meadowbrook, Matriotti and Siebert). Stream flow impacts are calculated based on results of the Ecology's 2008 Dungeness groundwater model. Two important factors in this calculation of water use impacts are:
  - Geographic location (at the parcel level)

- Depth of the well and the aquifer from which water is pumped (based on well log data and the Groundwater model)

## **Questions pertaining to the Dungeness Water Exchange**

### **16. What is the Dungeness Water Exchange?**

The Exchange is the organizational structure that provides a means of obtaining mitigation credits to offset a new user's estimated water consumption and its effects on streams. To assist new water users with obtaining required water mitigation after the effective date of the rule, Ecology and Clallam County have contracted with Washington Water Trust to establish a Water Exchange. The Dungeness Water Exchange will be administered by Washington Water Trust. The Exchange has two primary programs: a stream flow restoration program and groundwater mitigation program. This document focuses on the details of the groundwater mitigation program. The stream flow restoration program is funded through grants and other funding sources, not mitigation fees.

### **17. Who oversees the Exchange?**

The Exchange is managed by Washington Water Trust, a nonprofit that specializes in water rights issues, stream flow restoration and water right mitigation. The Exchange is guided by an Advisory Council with members representing the following entities: Clallam County, Department of Ecology, the Dungeness Water Users Association, the Jamestown S'Klallam Tribe, City of Sequim, Clallam PUD No.1, Clallam Conservation District and Washington Department of Fish and Wildlife.

### **18. Do I have to use the Exchange to obtain mitigation?**

No. New water users seeking mitigation may use the Exchange or they may choose to develop their own mitigation plan and submit it to the Department of Ecology for approval. See WAC 173-518-075 and contact Ecology's Southwest Regional Office for more information.

### **19. How will the Exchange obtain water for mitigation?**

The Dungeness Water Exchange will provide mitigation by implementing a variety of project types which are listed below. More detail about the mitigation can be found in the Exchange's Mitigation Plan which was approved by Department of Ecology prior to the effective date of the rule. The Exchange in cooperation with Ecology will also serve as the mechanism for creating, marketing and tracking "credits" (water purchased/acquired through water right transfers or projects, for example) and "debits" (water that will be used to mitigate for new uses) for the purpose of mitigating water use for new uses in the Dungeness Basin.

It is important to emphasize that the Exchange will operate a credit system, in which the Exchange will have generated mitigation credits in advance of an applicant needing to buy the credits to satisfy a mitigation obligation. A mitigation obligation is the amount of water required to mitigate impacts and is based on the amount an applicant chooses to use. Mitigation credits will be available for purchase to meet mitigation obligations under the rule.<sup>2</sup>

Transactions and projects that may be used by the Exchange to generate mitigation credits may include:

- Permanent purchase or lease of surface water rights and groundwater rights to the state Trust Water Rights Program for instream benefit.
- Shallow aquifer recharge projects, using high spring flows from the Dungeness River when available or reclaimed water from a sewage treatment plant to infiltrate to the aquifer for example.
- Deepening existing wells, substituting use of a well in place of continuing an existing surface water diversion, or small storage projects.
- Out-of-kind mitigation or habitat improvements, meaning not ‘water to offset water’ mitigation as approved in the Exchange’s mitigation plan.

## **20. What activities or projects create mitigation credits?**

The Dungeness Rule defines “Mitigation” as follows:

*The avoidance of impairment to senior water rights, including the levels of flow adopted in this rule for the Dungeness mainstem, its tributaries, and smaller streams from future groundwater appropriations as provided in WAC 175-518-070. Mitigation may be water for water or by other means approved by Ecology. Mitigation may be in-place, occurring where the withdrawal occurs, or out-of-place, occurring at another location, or at a different time, as approved by Ecology.*

Mitigation credits represent mitigation water that the Exchange has created either through a water rights transaction using the state’s Trust Water Rights Program or a water resource management action that enhances stream flows or groundwater levels. While the rule definition above makes it clear there are different types of projects that may create mitigation credits, Ecology will determine what qualifies for mitigation on a project-by-project basis. The Exchange received approval of their mitigation plan prior to the effective date of the rule from Ecology. It is expected that the Dungeness Water Exchange mitigation plan will be periodically updated.

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<sup>2</sup> Under the credit system, the priority date of a new mitigated water use is established when the water is put to beneficial use. This ‘credit’ water is in not tied to any historic water rights that were retired to serve as mitigation.

**21. When in the building permit approval process must mitigation be in place?**

A mitigation certificate must be recorded with the Clallam County Auditor's office before a building permit is issued.

**22. What is the step-by-step process for a building permit applicant to obtain mitigation using the Exchange?**

The applicant will follow a series of steps as determined by Ecology and the County as outlined below. The Exchange does not guarantee that mitigation will be available for all new proposed uses. Building permits that do not involve plumbing or water use not be subject to the water rule, and do not follow these steps.

1. **Initiate the permit process at the County.** County staff will assess whether applicants in the water rule area must attempt to get a water system connection, obtain mitigation, or that the proposed water use qualifies under an existing use. For more complex situations, the Exchange and/or Ecology will be consulted. The County will work with the applicant to fill out a Mitigation Certificate Application which will be submitted to the Exchange. Note: Applicants who are not yet ready to apply for building permits can contact the Exchange directly about purchasing mitigation in advance; availability will depend on the supply of mitigation credits at the Exchange. See question No. 23.
2. **Choose a mitigation package.** Mitigation packages are described in question No. 24 below. If outdoor mitigation is available for the applicant's site, the applicant will be given the option to add an outdoor package to the mitigation application at the time of initial application. If the applicant chooses to obtain only the basic indoor only mitigation certificate, they can always come back later (directly to the Exchange) to buy an outdoor package, but an additional recording fee will apply at the County.
3. **Make payment to the Exchange** based on the price of the selected mitigation package. Note: If you are among the first applicants in 2013 you may be eligible to have the cost of your indoor mitigation package covered in full by Ecology grant funds to Clallam County. County staff will work with the applicant to determine eligibility for this program. The County will electronically forward the application to the Exchange, along with any other relevant information. If an outdoor package is applied for, the additional payment will be mailed to the Exchange.
4. **Exchange will Issue Mitigation Certificate** and send a copy to the County and the applicant.
5. **Contact a well driller and drill well (if one is not already drilled).** The well may be drilled at any time. Drilling the well and submitting the necessary documentation, and a water sample, are necessary to demonstrate adequate water is physically available. This "Proof of Potable Water" is an existing requirement to issue the building permit.

6. **Complete the building permit process:** The final steps in the process can all take place in a few minutes at the Clallam County Courthouse or be done remotely.
  - a. **Pay all county permit fees.** Once all permit review is complete, and the permit is ready to issue, the applicant must pay all necessary County fees.
  - b. **Sign and notarize the Certificate.** Once fees are paid, the certificate must be signed and notarized. (If signed at the courthouse, the county will attempt to provide a notary.)
  - c. **Record Certificate with the County Auditor.** The Mitigation Certificate will be appurtenant to the buyer's property and title and will remain attached to the land. The Certificate cannot be transferred to another place of use or point of withdrawal without the Exchange's prior written consent.
  - d. **Show proof of recording, and pick up the issued Building Permit.** The applicant will return to the Permit Center with the recording receipt, and pick up the issued building permit.
7. **Deliver a copy of the notarized Certificate to Clallam County Department of Community Development** demonstrating that adequate water is legally available and recorded on the parcel. (The County Environmental Health section will also need the applicant to provide proof of potable water to satisfy health requirements for water availability.)
8. **Install a meter** (as required by Ecology) as part of the plumbing system. See question No. 12 above for more information.

**23. Can a landowner in the rule area purchase a mitigation package if they do not have a pending building permit?**

Any landowner with a property interest in one or more lots within the WRIA 18 rule area may purchase a Mitigation Certificate Option (MCO). The MCO requires an upfront payment of 25 percent of the cost of a mitigation certificate (.25 x \$1,000 = \$250) and 5 percent per year. The MCO cannot be exercised for two years but must be exercised within five years or renewed. If the option is exercised the payments are credited towards the certificate. The option can be renewed; the price for the mitigation certificate is based on market conditions at the time of renewal. Please contact the exchange to obtain a Mitigation Certificate Option Application.

**24. What levels of mitigation are offered by the Exchange?**

At this point in time, the Exchange is offering a choice of three mitigation packages as described in the table below, depending on the location of the property. The indoor-only mitigation

package is for “domestic” purposes only, as defined in the Rule<sup>3</sup> . An outdoor mitigation package reflects the maximum amount of water that you agree to use on your property from your permit-exempt well (available only in areas where mitigation is available).

**Table 1. Mitigation Package Descriptions (availability depends on location)**

<b>Package Description</b>	<b>Average Amount of Indoor Use (Gallons/Day)</b>	<b>Average Amount of Outdoor Use (Gallons/Day)</b>	<b>Amount of Irrigated Lawn Area (Square Feet)</b>	<b>Amount of Irrigated Lawn Area (Acres); pumped volume</b>
Indoor Only Package (with minimal incidental outdoor use only)	150*	0	0	0
Indoor with Basic Outdoor Package	150*	89	2,500 sq. ft. (approx. 50x50 ft)	.06 acres; 0.099 acre-feet/year
Indoor with Extended Outdoor Package	150*	200	5,625 sq. ft. (approx. 75x75 ft)	.13 acres; 0.224 acre-feet/year

*\*150 gpd is the annual average used by households across the Dungeness watershed as determined by Ecology. The household water use for domestic purposes normally varies based on the number of people in the household. This is not an absolute limit on domestic use. Annual average domestic water use in the Sequim area is 150 gpd serving a household of about 2 persons.*

The amount of outdoor use is based on the amount of irrigation required for turf grass according to the Washington Irrigation Guide (20.80 inches/year), a larger amount of landscaping or garden area may be possible with the same number of gallons per day listed in Table 1.

Purchasing mitigation in amounts offered by the Exchange will provide less water than the full exemption allows under state law (5,000 gpd). This means the Exchange’s mitigation buyers have voluntarily agreed to limit their water use to the amount purchased (a note to the property title will reflect this), to take advantage of lower mitigation costs.

Applicants for exempt wells that wish to pursue the full amount (5,000 gpd with up to ½ acre irrigated area) allowed under the permit exemption (RCW 90.42) may pursue their own mitigation plan and work directly with Ecology as indicated under the rule.

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<sup>3</sup> WAC 173-518-030 “Domestic use” means use of water associated with human health and welfare needs, including water used for drinking, bathing, sanitary purposes, cooking, laundering, and other incidental household uses. The 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 pet, and watering potted plants. Domestic use does not include other uses allowed under the groundwater permit exemption: Outdoor irrigation of up to one-half acre of noncommercial lawn or garden, stockwatering, and industrial use.

The Exchange may also work with applicants on a case by case basis to provide mitigation in other quantities or for other uses than those listed in the table above.

**25. How much will mitigation packages cost from the Exchange?**

**Table 2. 2013 Dungeness Water Exchange Mitigation Package Pricing**

<b>Mitigation Package:</b>	<b>Cost per well:</b>
<b>Indoor Only</b>	\$1,000
<b>Basic Outdoor Package</b>	\$2,000
<b>Extended Outdoor Package</b>	\$3,000

Mitigation package costs reflect the costs associated with purchasing water rights and conducting other water management actions that provide mitigation credits. These costs include transactions costs including the labor needed to implement particular projects and the capital costs of purchasing mitigation water, as well as overhead costs of operating the Exchange.

Transaction costs associated with water transaction projects are significant. They encompass all of the steps associated with buying a water right and transferring it to the state Trust Water Program which include: identifying valid and transferable water rights, contacting and negotiating with willing water right sellers, legal assistance with contracting, preparing change applications, guiding the change application through the Ecology process, closing and escrow costs and long term monitoring. Transaction costs for implementing recharge projects include those listed above for water right purchase, as well as: recharge site identification, communication with landowners, legal assistance with easements and cooperation agreements, site preparation and earth moving, installation of infiltration pipes and measuring devices, continued site maintenance and monitoring.

**26. How will the Exchange insure that new water users are using only as much water as they paid to mitigate for?**

The Exchange will need to monitor compliance with the chosen mitigation package. This means that the Exchange may conduct the following activities before issuing mitigation certificates:

- Review parcel map, aerial photos and, as necessary, conduct a site visit to record any existing outdoor uses on the site and establish a baseline of any area irrigated from other water sources. (The potential for people to have expanded their irrigated area by using very efficient irrigation will be taken into account).

Once a new mitigated groundwater use has begun, the Exchange may also:

- Conduct annual monitoring via site visit with the landowner’s permission, review aerial photography, meter readings or other appropriate methods in order to verify that the

acreage irrigated under the permit exempt well is equal to or less than that specified in Mitigation Certificate.

- If an individual's water use consistently exceeds the amount of outdoor irrigation identified in the water user's mitigation certificate or significantly exceeds the typical average indoor water use quantity, the water user will likely be contacted first by the Dungeness Water Exchange to find out if a pipe is broken, or the mitigation needs of the user have changed.
- The Exchange will report any failures to comply to Ecology for further action. Ecology may issue notices, orders, or penalties deemed necessary to gain compliance by the water user. In all but the most egregious cases, Ecology is required to provide technical assistance to resolve water users' compliance problems before responding with formal notices, orders, or penalties.

We hope this Mitigation Guide has helped you gain a better understanding of the Dungeness Water Rule and the Dungeness Water Exchange. Please contact the Exchange with additional questions.

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