

WRIA 18 WATER EXCHANGE QUESTIONS

1. How are the amounts to be charged for mitigation arrived at? At 10% consumptive use, \$1,000 for 150 gpd of domestic mitigation corresponds to a cost of \$43 million/cfs. At 90% consumptive use, the additional \$1,000 for a 89 gpd Basic Outdoor mitigation package correspond to a cost of \$8.1 million/cfs for the additional water, and the additional \$2,000 for a 200 gpd Extended Outdoor mitigation certificate correspond to a cost of \$7.2 million/cfs for the additional water. The midpoint of Bob Barwin's estimate of the likely cost to Ecology of mitigation water in WRIA 18 was about \$1.2 million/cfs (or \$1,700/acre foot). These are markups of between 500% and 3,400%. Where is the extra money going?
2. At 10 gpm, a fairly average flow rate for a domestic garden hose, Basic Outdoor mitigation allows 9 minutes of watering per day, and Extended Outdoor mitigation allows 20 minutes watering per day. Will those for whom this is not enough be allowed to purchase more than one outdoor mitigation certificate per property?
3. The mitigation package calculations in the December 3, 2012 Dungeness Water Exchange Mitigation Plan show total consumptive use being based on an annual calculation (e.g., 73,000 g/yr = 365 x 200 gpd). Since folks around here don't do much outdoor watering in January, to use the entire 73,000 g/yr paid for in the Extended Outdoor mitigation package one would have to be able to water at a rate of 400 gpd during the six months that most people actually water their plants. Will that be allowed?
3. The December 3, 2012 Dungeness Water Exchange Mitigation Plan provides for so-called "baseline and monitoring" activities that include multiple site visits to individual properties to assess compliance.
 - A. Pursuant to what authority will Washington Water Trust employees attempt to enter private property?
 - B. Will they have warrants (can a warrant give rights to enter private property to someone not a member of law enforcement)?
 - C. Will the property owner have to provide advance consent to these site visits as a condition to obtaining a building permit from the County?
 - D. What happens if the property owner refuses the Water Trust employee access?
4. What exactly is the "enforcement action" by Ecology the December 3, 2012 Dungeness Water Exchange Mitigation Plan refers to?
5. Over what periods will the daily water allotments under the various mitigation packages be averaged and enforced? Daily? Weekly? Monthly? Annually?
6. What penalties can Ecology impose for non-compliance with volume usage or area watering restrictions?
 - A. Can it shut off people's well water use entirely?
 - B. Can it fine people? How would collection of such fines be enforced?
7. Will Ecology or the Water Trust respond to neighbors denouncing neighbors for water use allegedly exceeding what their certificates authorize, and if so, how?

8. I understand that an alternative to purchasing mitigation credits is to come up with one's own mitigation plan acceptable to Ecology. Could you give an example of what such a plan acceptable to Ecology might look like for, say, 2,000 gpd outdoor watering during six months of the year and stock watering for 4 horses?

9. The Rule states that if Ecology determines that Ecology approved private "mitigation is no longer effective, the water use shall cease until an effective mitigation plan is put in place" (WAC 173-518-070 (3)(a)(ii)). What does "water use shall cease" mean in practice relating an occupied residence that originally obtained a building permit and Ecology approval for a mitigation plan? Will the occupants be forbidden from utilizing water for drinking or flushing their toilets until a new mitigation plan is approved by Ecology?

10. The Rule requires hooking up to a public water system if possible "in a reasonable and timely manner".

A. How does a property owner provide "written evidence" to Ecology that connection to any public water supply is impossible? A letter from one public water system does not prove that is impossible to hook up to any other public water system in the county.

B. What if a private public water system does not respond in writing to a request for a connection or a written statement denying permission to connect? Is failure to receive a written reply proof of inability to connect? After how long a time after the initial request?

C. Within how many days from the request does hook up to a public water system have to be guaranteed to be "timely" within the meaning of the rule? What if the public water system agrees to the hook up in principle but refuses to provide a firm date?

D. Does this requirement apply only if the subject property is adjacent to a property part of the public water system? [If not, how would one deal with the refusal of the owner of intervening land to grant a right of way?]

E. What is the maximum cost Ecology considers "reasonable" to impose on the property owner to require hook up to a public water system?

11. Can one purchase an indoor use mitigation certificate without applying for a building permit? [If not, how could one obtain a mortgage on land without being able to prove it has legal access to water?]

12. Assume one has obtained an indoor mitigation certificate without applying for a building permit, because one needs to mortgage the property and the bank requires proof of legal availability of water. Is there a period of time after which the certificate "expires" if no water has been beneficially used? If so, what does the property owner have to do and what expense does he have to incur to keep the certificate valid, until he sells the land or can afford to build on it?

13. Can one purchase outdoor mitigation certificates for unoccupied land?

14. Will storing water for later use, while not pumping more than the allowed maximum amount, be allowed? If not,

A. How will a property owner install a fire sprinkler system, something encouraged for safety reasons, which requires a 1,000 gal. or 2,000 gal. water storage tank that automatically refills from the well when less than full?

B. What will a property owner with a well producing only 1.0 or 0.5 gpm do, an amount too low to permit normal indoor water use without a storage tank?

15. This is a question on behalf of someone who could not attend tonight's meeting. If a person has deeded irrigation rights to a property, can he exchange part of those deeded irrigation rights for the right to water a garden and provide stock watering for two horses from an existing well currently in domestic use on a another property in the area covered by the Rule?

16. How many land parcels are affected by the Rule? How many of them would be unable, as of today, to purchase outdoor water use mitigation certificates?

17. Please list the "nonconsumptive uses" that are allowed under WAC 173-518-070 (3)(b) without being subject to the instream flows or basin closures established by the Rule.

18. Why, in Table 2 of the December 3, 2012 Dungeness Water Exchange Mitigation Plan, do the shallow, medium and deep aquifer impacts for each of the three mitigation packages add up to between 142% and 176% of the respective "Total Consumptive Uses"?

19. From what date on will outdoor mitigation packages be available to be purchased?

20. It can make a difference of tens or even hundreds of thousands of dollars in the value of a property whether outdoor water uses will be permitted or will forever be forbidden. It is of vital importance that each current and potential property owner be able to know with certainty whether his parcel is inside or outside of the "domestic use only" area. Does the "Map of Likely Mitigation Availability in Dungeness Watershed", dated 03/27/2013, on your website (which appears to be a map from the Sequim Gazette) show the accurate and final border between where outdoor mitigation packages will be available and where they will not?

21. How far away is the closest place where one can purchase today Ecology approved well water meters? If there is none in the Sequim area, by when do you expect to approve one or more Sequim area based purveyors and installers of well water meters?

22. What is the legal structure of the Washington Water Trust?

23. Who elects or appoints the directors and officers of the Washington Water Trust?

24. Who provides oversight over the operations of the Washington Water Trust? What remedies does the oversight body have to take corrective action with regard to the operation of the Washington Water Trust? Is there, or will there be, a citizens' advisory committee for the Washington Water Trust on which property owners are represented?

25. When and where are the Washington Water Trust's board meetings held? Are they open to the public? How does one obtain board meeting minutes? In the future, will there be Washington Water Trust board meetings on the Olympic Peninsula, easy for local citizens to attend?

26. When, where and by whom are Washington Water Trust decisions made on:

- A. How much to charge for mitigation certificates,
- B. For what amounts of water to issue mitigation certificates,
- C. How much to pay for water purchased,
- D. How much water to purchase, and
- E. Other expenditures.

27. Please provide for 2011 and 2012 for the Washington Water Trust:

- A. Total revenues from sale of mitigation certificates,
- B. Total acquisition cost of the water corresponding to the mitigation certificates sold that year,
- C. Total cost of water purchased,
- D. Total administration expenditures, and
- E. Other revenues and expenditures (please specify sources and purposes).