



PHOTO: HENRY ALVA

2018 ENVIRONMENTAL PRIORITY

Sustainable Water Management

Across Washington state, ground and surface water is a limited resource, and one that is further challenged by the impacts of climate change. Many rivers and streams are not meeting their instream flows, which harm fish and wildlife, as well as impact farmers and current home owners' wells that are going dry. The Hirst decision reaffirms the counties' existing obligations to ensure that, as they plan for new development in rural areas, there is adequate water available to accommodate the new homes to prevent harm to current water users. While this represents a common-sense approach, many counties have failed to comply with current laws.

This is one of the 2018 Environmental Priorities presented by a coalition of over twenty organizations in Washington committed to advancing strong environmental policy.

By ensuring that Washington's "first in time" system of water allocation is followed, the Hirst decision protects:

- Home and lot buyers in rural areas, who can be certain of having long-term access to water drawn from their wells.
- Rivers, streams, and their critical wildlife habitat, by protecting instream flows from impairment by unregulated well use.
- Current home owners who rely on wells, by protecting their water supply against impairment by later users.
- Rural economies, by ensuring that farmers and businesses continue to have access to water for irrigation, stock watering, and commercial use.

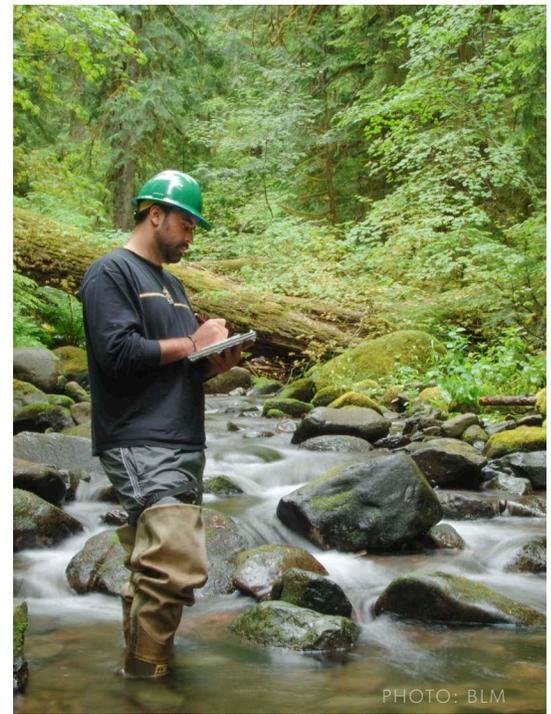


PHOTO: BLM

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The Hirst decision reaffirmed laws going back to 1945 which recognize the relationship between ground water and surface water. New wells have the potential to impact both other nearby wells and also nearby streams and rivers that are recharged by groundwater. Because of this relationship, the Department of Ecology adopted an Instream Resources Protection Rule for the Nooksack watershed, that resulted in the closing of many watersheds to new groundwater withdrawals. The rule was intended to "...protect senior water rights, to maintain a healthy ecosystem, and to meet future water resources management objectives."

However, the rule neglected to address permit-exempt wells, and Whatcom County chose to ignore their impact on senior water rights. Hirst makes it clear that these new water uses are allowable only if they do not impact senior users.

If legislation to address the Hirst decision is to pass, the key elements of legislative action should include:

- Any implementation plan must be statewide – impacts are occurring in both Western and Eastern Washington, no part of the state is immune to water scarcity
- It must plan for residential development that matches growth with physical and legal water availability – this requires matching potential development with mitigation outcomes
- The impacts of exempt wells need to be fully mitigated and metered for use
- Mitigation of exempt wells must be properly funded to ensure adequacy and functionality
- Mitigation should be in-place "water for water" not out of kind – and should be sequenced to place water back into impacted streams and rivers as well as prevent impacts on senior water rights
- Tribal treaty rights need to be respected and protected

As the impact of climate change in Washington increases, we are likely to see more droughts and more instances of water use disrupted. Implementing mitigation for new permit-exempt wells will prevent existing wells from going dry and prevent homeowners and farmers from having their water shut off or "curtailed" during drought conditions. These common-sense protections makes sure that the planning and mitigation necessary for current and future rural development continues without impacts on current residents, senior water rights, and instream flows.

