

DEPARTMENT OF
ECOLOGY
State of Washington

Supplement to 2010 Report to the Legislature and Governor: Water Resources Program Functions and Fee Structure

Stakeholder and Public Comments

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**Supplement to 2010 Report to the
Legislature and Governor:
Water Resources Program Functions and Fee
Structure**

Stakeholder and Public Comments

Water Resources Program
Washington State Department of Ecology
Olympia, Washington

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Introduction

During the 2010 session, the Washington State Legislature enacted Engrossed Second Substitute Senate Bill (ESSSB) 6267, section 2 to require that the Department of Ecology review water resource program functions and funding structures, and provide recommendations to make improvements to the program. The legislation specifically states:

Sec. 2. Sufficient resources to support the department of ecology's water resource program are essential for effective and sustainable water management that provides certainty to processed applications. The department of ecology shall review current water resource functions and fee structures, and report to the legislature and the governor by September 1, 2010, on improvements to make the program more self-sustaining and efficient.

In response to this directive, Ecology produced a report to the Legislature and Governor in September 2010. The report, entitled 2010 Report to the Legislature and Governor: Review of Water Resources Program Functions and Fee Structure (the “6267 Report”), summarizes the ten distinct activities that encompass water resource management for Washington State and how these functions are funded.

Many water stakeholders asked for the opportunity to provide input on the 6267 report. In order to fulfill the legislative directive and meet the September deadline, and also allow for an open public review process, Ecology committed to providing a supplement to the Legislature and Governor compiling public and stakeholder comments.

The report was distributed to the Legislature and the Governor on September 14, 2010. On September 15, 2010, Ecology announced a public comment period related to the report. The initial comment period was scheduled for two weeks however Ecology extended the deadline to October 5, 2010, in order to accommodate additional comments. Further, Ecology has included all comments received up to the date this supplement was printed (October 12, 2010).

Ecology will endeavor to continue providing input received on the report to the Legislature and the Governor. Moreover, Ecology intends to consider these comments as agency-request legislation is developed on water management reform.

Summary of Report Comments

Ecology received comments from 19 different individuals and entities specifically related to the report content. Those comments are briefly summarized in this section. These comments in their original form are included in Appendices 1-7. Ecology received additional comments on our Forum website, and those comments are included in the next section of this supplement, *Water Smart Washington Online Forum Comments*.

General comments

- Additional review time on the report.
- Implement efficiencies.

Reform comments

- More comprehensive relinquishment reform; concerned about relinquishment.
- More ambitious goals (less than 15 years) for setting instream flows.
- Change the groundwater permit exemption to 500 gallons per day, require metering, and charge for over-use.
- Meter permit-exempt wells.
- Provide incentives for conservation to prevent hoarding.
- Do additional monitoring and enforcement.
- Include the Department of Fish and Wildlife in mitigation requirements.
- Promote consolidation of water systems and water use efficiency.
- Reduce application processing time, and establish performance metrics for staff.
- More local involvement.
- Reform the Water Resources Program.

Fee Related Comments

The comments received were narrowly split regarding charging water management service fees:

- Five commenters opposed fees.
- Seven commenters supported fees.

Recommendations for charging water management service fees:

- Charge a fee based on actual use rather than what is on the face of a water right document.
- Charge annual fees rather than biennial.
- Charge fees for permit-exempt well users.
- Require metering to determine fees.
- Make sure that the fee schedule does not overcharge either small consolidated water systems or large water systems.
- Promote consolidation of water systems and water use efficiencies.
- Charge fees for processing Water Conservancy Board decisions, Water Bank transactions, and proof of appropriation examinations.
- Do not exclude fees based on “ability to pay.”

Concerns about implementing a fee system:

- Cannot afford fees.

- Who is charged a fee?
- How would Ecology collect fees?
- How to base the fees (annual quantity (Qa) or instantaneous quantity (Qi) on water right documents, or actual use)?
- Whether there is a penalty for failure to pay.
- Do not charge fees for permit-exempt well users.

Summary of Online Forum Comments

On August 30, 2010, Ecology issued a press release announcing its first ever online (internet) forum. The forum, titled “Water Smart Washington,” sought public input by posing six questions from August 30 to October 12, 2010, about water resource-related issues. Although not all questions specifically sought feedback on the substance of the 6267 report, the subject matter was generally related, thus the comments received for the online forum are included as an appendix to this report supplement.

The online forum was accessed from the Department of Ecology Internet Home page by clicking on a Water Smart Washington logo and was designed to encourage public debate and discussion about water management issues. A “Question of the Week” was posed for six weeks. Each question was accompanied with information and context about the particular water management issue addressed, along with a link to additional information. A “Resources” list provided participants with a list of links to informational material important to understanding water law and regulations related to water resources management in Washington State.

During the six week period, comments received on each question of the week were archived for consideration by Ecology in its efforts to refocus the Water Resources Program towards an active water management model.

The online comments received are included in their entirety in Appendix 8. An overview of communication tools used, visits to the site, and the number of comments received for each question are also included.

Below is a brief summary of responses to the Questions of the Week.

Watershed Plan Implementation:	
Week of August 30 -September 5	1) Should the Watershed Planning Act be amended to give watershed groups and their sponsoring lead agencies an additional four years of financial support to continue the implementation of locally adopted watershed plans?
Comments: 46 “Yes” to additional support for watershed planning: 23	

“No” to additional support: **18**

5 had no opinion, offered an observation of Ecology operations or were not related to the topical question.

Water Fees:

Week of September 6 – 12	2) Should the taxpayers of Washington, through the State General Fund, continue to pay for water right application processing or should those who want to use the water of Washington pay a larger portion, even the full cost, of processing their water applications?
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Comments: **47**

In favor of water right applicants paying more: **25**

Two conditional yes answers: “Sure, process my permit, give me my water and send me a bill.” And “yes” if Ecology can “demonstrate a capability to process applications without the historic delays.”

Opposed to applicants paying more: **14**

6 had no opinion, offered an observation on Ecology operations or questioned the average cost of processing a water right application (\$10,000 estimate).

Week of September 13 -19	3) Should those who benefit from the management services provided by the Water Resources Program be required to pay a higher portion of those costs?
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Comments: **25**

In favor of beneficiaries paying more: **6**

Opposed to beneficiaries paying more: **13**

6 had no opinion, offered an observation on Ecology operations or responded with a “yes” and “no” answer such as: “The State... should provide necessary services through the General Fund” (but) “it is also reasonable to expect applicants for new water rights or changes to help pay via a user fee.”

Water Budget:

Week of September 20 – 26	4) Should Washington state make investments in ‘water supply and demand projecting’ to not only determine how much water will be needed for population growth, but also for economic growth and fish habitat?
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Comments: **15**

In favor of Washington state investing in water supply/demand projecting: **1**

Opposed to Washington state investing in water supply/demand projecting: **7**

7 offered no opinion or offered an observation on Ecology operations.

Groundwater Permit Exemption:

Week of September 27 - October 3	5) Should Ecology have rule-making authority through amendment to the Groundwater Code to reduce the volume of water that can be withdrawn under the permit exemption in those watersheds where available waters are close to exhaustion?
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Comments: 28

In favor of giving Ecology authority to reduce permit-exempt volumes: 4

Opposed to giving Ecology authority to reduce permit-exempt volumes: 18

6 offered no opinion, an observation on Ecology operations, or proposed an alternative like, “Why not revise that whole section to finally clarify what a reasonable permit exemption ought to be instead of trying to develop different levels for different watersheds?”

Efficiencies and Cost Effectiveness Recommendations

Week of October 4 – 12	6) Based upon the information provided in Appendix A of the 2010 Report to the Legislature and Governor, how can Ecology’s Water Resources Program be more efficient and/or cost-effective in managing the water resources of Washington state to meet the present and future water needs of people and the natural environment?
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Comments: 14

- “What we need is a tax (if back fill funding is needed) and/or a fix to the operational processes in place. Or a onetime blob of cash to fund an outside contractor to clean up the permit backlog.”
- “Give me my water, for free and forever, and get out of the way!”
- “The upshot of this is the data demonstrates that without a policy restraint of the kind I suggest, a larger and more stable FTE number will likely bring applications to a standstill within a relatively short period of time.”
- “... the needs of water right holders could be significantly aided by completing the digitizing of all existing water right records, and creating a internet access service where such records can be accessed without requiring Ecology staff assistance.”
- “This is an excellent idea. With respect to the idea “you cannot manage what you cannot measure” I wonder how much of this data exists already.”
- “If truly DOE wants to concentrate on their mandates in this era of reduced budgets, they would cease the never ending expansion of their authorities and programs.”
- “Why is the Department of Commerce budget being cut so much, and Ecology’s is not? Don’t we need jobs, while we are protecting the environment and our water?”

- “Our recommendation for Ecology is to assist local planning groups in understanding the environmental risks associated with a range of in-stream flows and allow the planning groups to determine the flow that provides an acceptable balance between environmental and social values.”
- “Talking about efficiency and being cost effective is ludicrous. Why not ask a starving person how they can make their cup of rice go further?”
- “Proposed fees will cause very little impact to users, but the principle will create havoc.”
- “So, I recommend that, the Department abandon the principles and methods of Conservation Biology and adopt those of science. That should help rebuild the Department’s reputation and, in the long-run, lead to the more efficient use of their resources.”
- “And how do you expect to get real science, when the politicians are calling the shots?”
- “I expect they (Ecology) will have a period of contraction and internal change rather than of new studies, rules and programs. The point is, that they need to do that with a view to where they intend to go in the future.”
- Bottom line is a lot more of the “Publics’ water could be managed for the greater good through better enforcement.”

Comment on the 6267 Report:

September 17 – 28	2010 Report to the Legislature and Governor: Water Resources Program Functions and Funding Structure – Recommendations for a sustainable and Efficient Program.
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Comments: 3

In addition to comments received on the 6267 report included in Appendices 1-7, we received three additional comments through the Forum website. See Appendix 8 for verbatim comments.

List of Appendices

Appendix 1. Email Comments

- Bill Woods (Individual)
- Bradley Johnson (Watershed Planning Director, WRIA 35)
- Brian Burns (Individual)
- Cathy Schaeffer (Executive Director, Walla Walla Watershed Management Partnership)
- Christine Miller (Columbia County Assessor)
- Jean Shaffer (Private Forestry Consultant)
- Jerry Louthain (HDR Consulting)
- Jon Hare (Individual)
- Lawrence Dodd (Individual)
- Marc Daily (Department of Fish and Wildlife)
- Mike Dexel (Department of Health)
- Robert Lindsay (Water Resources Manager, Spokane County Division of Utilities)

Appendix 2. Columbia-Snake River Irrigators Association (Darryll Olsen)

Appendix 3. East King County Regional Water Association (Robert Pancoast)

Appendix 4. Kittitas County Water Purveyors (Kathleen Satnik)

Appendix 5. Pierce County Water Cooperative (Thomas M. Pors)

Appendix 6. Seattle Public Utilities (Judi Gladstone)

Appendix 7. Yakima County Farm Bureau (Gene Jenkins)

Appendix 8. Online Forum Comments

- Week 1: Watershed Plan Implementation
- Week 2: Application Processing Fees
- Week 3: Water Management Fees
- Week 4: Water Budget
- Week 5: Groundwater Permit Exemption
- Week 6: Efficiencies and Cost Effectiveness Recommendations
- Comments on the 6267 Report

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Appendix 1: Email Comments

- Bill Woods (Individual)
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- Mike Dexel (Department of Health)
- Robert Lindsay (Water Resources Manager, Spokane County Division of Utilities)

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From: WPWOODS@aol.com
To: [Anderson, Barbara \(ECY\)](#)
Subject: Background on Proposed "Water Resources Program Functions and Funding Structure"
Date: Saturday, September 18, 2010 12:12:42 PM

Barbara Anderson @DOE -- Could you please answer two questions for me before the 9/23/10 meeting of the "Yakima River Basin Water Enhancement Project" (YRBWEP) in Yakima next week:

1. Who sponsored state Senate Bill 6267 that called for your report to have been developed and when was it passed?
2. What deadline is DOE trying to accommodate by limiting the public comment period to 10 days, four of which are weekends, on a 79 page report (this seems inadequate for significant public input)?

Thank you.

Bill Woods, Jr.
350 Bar 14 Road
Ellensburg, WA 98926
Cell 509 899 1259

From: [Brad Johnson](#)
To: [Anderson, Barbara \(ECY\)](#); [Don and Janet Howard](#); [Don](#); [Tim Simpson](#)
Cc: [Zachmann, Bill \(ECY\)](#); [Short, Jaime \(ECY\)](#); [Hunt, Sara \(ECY\)](#); [Doug Matton](#); [Michael Largent](#); [Robert Johnson](#); [Dick Ducharme](#); dick_jones@co.columbia.wa.us
Subject: WRIA 35 General Comments
Date: Tuesday, September 28, 2010 2:17:47 PM

WRIA 35 would like to provide the following general comments with regards to the “2010 Report to the Legislature and Governor: Water Resources Program Functions and Funding Structure”.

- The deadline needs to be extended; we are unable to get watershed consensus based comments during the time we received the DRAFT and comments being due today.
- We would have liked to have been included during the development of the DRAFT recommendations. As an example, increasing fees won't have the same effective state or watershed wide and if fees are implemented we don't see WRIA 35 fees bringing in much if any funding and only creating more frustration with regulations and processes.
- Some local legislators believe some of the recommended new activities and fees on water use, water permitting and involving local Counties for inspection and follow up should have been covered with Ecology new hiring's over the past two years.
- Local involvement has proved to be one of the best ways for regulatory agencies to gain public trust and credibility with local elected officials, citizens and landowners. We need to maintain the positive working relationships and support what has been achieved in a fiscally responsible manner.
- We appreciated the support from Ecology and we support the continued funding of these programs. Each program needs to be viewed in the context of the current budget and how we can all be more fiscally responsible and find alternatives that provide reform and tangible gains in efficiencies and cost savings that will result in continued funding. We are not sold on the idea of increasing fees and how that would generate enough funding or relate to continued funding for the listed programs.

Thanks for the opportunity to comment.

Bradley Johnson
Watershed Planning Director
PO Box 605
Clarkston, WA 99403-0605
P: 509-758-1010
C: 509-552-9562
F: 509-758-1958

From: [Brian Burns](#)
To: [Anderson, Barbara \(ECY\)](#)
Subject: 6267 Report to the Legislature - Feedback and Comments
Date: Thursday, September 16, 2010 11:52:23 AM

I have two comments after reading the report:

- 1) What will be the incentive for surface water right holders to pay the proposed use fee? That is, will there be a penalty for failure to pay? If there is a penalty, it should be made known.
- 2) My surface water comes from a spring-source stream. Ground water use could affect the spring. If the purpose of the proposed changes are to help protect water right holders, it seems like ground water users (including exempt wells) should be included in the fee schedule.

Respectfully,
Brian Burns

From: [Cathy Schaeffer](#)
To: [Anderson, Barbara \(ECY\)](#)
Cc: [Matt Rajnus](#)
Subject: 6267 Report to the Legislature - Feedback and Comments
Date: Tuesday, September 28, 2010 3:00:30 PM

Thank you for the opportunity to review the WA State Department of Ecology report entitled “Water Resources Program Functions and Funding Structure – Recommendations for a Sustainable and Efficient Program.” Unfortunately, the timeframe for reviewing and commenting on this report is too short for the Walla Walla Watershed Management Partnership to convene and fully discuss Ecology’s recommendations. However, Partnership staff review completed before the comment deadline recognizes the significance of the agency-developed recommendations and urges that Ecology consider collecting additional input before submitting this report to the Legislature and Governor.

The proposal for establishing a fee system to raise funds for program implementation should be reconsidered, with alternatives to include prioritizing funding investments where projects are most productive to meet goals for water management locally and statewide. The report recommendations should also consider more comprehensive reform of the relinquishment standard to encourage water conservation, provide flexibility to water right holders and reduce the time it takes for water right processing. For more information on reform options, the Partnership can provide details on how the local water management program authorized under RCW 90.92 is piloting flexibilities and conservation activities for the benefit of fish, farms and people in the Walla Walla watershed.

Cathy Schaeffer ▪ *Executive Director*
Walla Walla Watershed Management Partnership
For Fish. For Farms. For Everyone.

p. 509.524.5216 ▪ e. cathy.schaeffer@wwcc.edu

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From: [Chris Miller](#)
To: [Anderson, Barbara \(ECY\)](#)
Subject: Ecology Draft Report to Leg and Governor
Date: Tuesday, September 28, 2010 11:32:39 AM

Hi Barbara,

I was forwarded your email concerning proposals for funding and functions of Water Resource Programs. I am more than a little concerned about some of the proposals addressed in your email. I obviously need to read the entire report to get the full story and plan to do so soon and bring the proposals to the Assessors association so that are aware of what might be happening.

Being a water right holder myself, I have a difficult time swallowing ANY suggestion of paying any type of annual fee for my water right. As it is now they try to take away any amounts a person doesn't use and monitor those uses through required flow meters. Users that conserve water by using only what they need continually get penalized so water hoarding happens everywhere you look. Instead of being penalized for conserving maybe users should be rewarded so they don't hoard what they don't really need to use making more available for other users.

County Assessors and Treasurers will more than likely refuse to want to be any part of any type of fee collection where they get no benefit. They will not do the work for nothing and repeatedly state they want no further part of collecting any types of fees for any state departments. Fire Patrol assessments have been an ongoing battle with assessor offices trying to get DNR to do their own collecting. Our continued reduction in forces due to budget constraints does not allow time for any additional work load.

Thank you for your time in gathering comments.

Chris

Christine Miller
Columbia County Assessor
509-382-2131

From: [JEREL SHAFFER](#)
To: [Anderson, Barbara \(ECY\)](#)
Subject: public input for Ecology's water resource report to the Legislature,
Date: Tuesday, September 28, 2010 10:03:27 AM

Dear Barbara and Members of Washington State's Legislature,

I'm a green-certified private forestry consultant, and so you can imagine how in support of managing our states' water properly, I am. But as many ecoforesters will tell you, we live very simply because there are not that many jobs for ecoforesters out there. So I'm writing an alternative to charging land owners for their water rights. I have 20 acres with rights for 10 of those acres (acquired about 1975), due to buying the adjacent piece later. I haven't dug them out, but I know my water rights are way beyond our current water use. To pay \$200 ++ per year, to keep them would be a financial hardship. And I don't want to loose them because when my husband retires he's going to need them for our retirement plan, of farming.

Rather than charge the land owners and rather than cut jobs at Ecology, I suggest all necessary staff take a reduction in pay, and keep its staff to do this necessary job. My husband works for a farm, and was just beginning to make about \$15 an hour, when the recession struck. To save the farm and employees jobs, his boss, cut everyone's wages by 15%. With my husband's now, \$12.75 per hour job and my \$20.00 an hour, when I can find jobs, combined, and no retirement coming from our work, you can see we live a life style of very simple means. We don't carry health insurance. Nor visit a dentist annually. But we make it. When my husband retires from his farm job, he will take up farming on our land to fund our retirement, as I expressed, so I don't wish to loose our water rights because we don't use them now. We can not manage to pay this added burden.

Best,
Jean Shaffer

From: [Louthain, Jerry](#)
To: [Anderson, Barbara \(ECY\)](#)
Subject: 2010 Report to Legislature
Date: Monday, September 20, 2010 12:54:30 PM

Barbara, a couple of questions/ comments re the recommended fee on Page 68.

This says that this fee would be based on the amount of water used, yet there is nothing in here that says how the amount of water use would be determined. Determining the amount of water use for all of the existing rights and claims would be a tremendous undertaking i.e. a statewide adjudication. I'm sure that isn't what is intended, so this needs some clarification. We all know that the amount of water use authorized on water rights and amounts claimed on water right claims does not accurately represent what the actual amount of water use is. If the charges were to be based on the quantities shown on the rights/claims, then that would be much easier to determine, but wouldn't be accurate. Also, no mention is made as to whether the fees would be based on instantaneous (cfs or gpm) or on annual quantity (acre-feet/year)

Jerry

Jerry Louthain, P.E.
HDR ONE COMPANY | **Many Solutions**
626 Columbia St NW Suite 2-A| Olympia, WA | 98507
Phone: 360-570-4416| Fax: 360-570-7272
Email: Jerry.Louthain@hdrinc.com

From: [Jon Hare](#)
To: [Anderson, Barbara \(ECY\)](#)
Subject: funding comments
Date: Thursday, September 16, 2010 1:39:20 PM

I have been involved with Tribal water rights, Vice Chair of the Chehalis Basin Partnership planning unit, and Chair the Thurston County WCB. I have some suggestions for other resolving other water issues, but below are my comments on funding alternatives in the 6267 Report. Most of the problems with overall managing water resolve around the legislation on exempt wells. I encourage the report to emphasize charging exempt users.

1) Fees should be charged primarily to exempt well users. Muni users already pay enough and these rights already are regulated properly.

--use fees to map and bill exempts (who pay nothing for water and are essentially unregulated)

--use a portion of the fees on exempts to require meter compliance. We lack the data from these exempt wells although we know they exist anywhere a resident is that is not on a muni system.

--focus on changing the exemption to 500 gpd....and charge for overuse

FIRST get the data on the exempt wells....which requires meters....phase those in with the fees. The exempt wells are key to resolving and managing other water rights.

This is my personal opinion.

Jon C. Hare
(360) 956-7320 Home
(360) 870-4023 Cellular

From: [Partridge, Dan \(ECY\)](#)
To: [Anderson, Barbara \(ECY\)](#)
Subject: FW: Complaint about comment period-6267 report
Date: Thursday, September 23, 2010 4:04:00 PM

[Here you go](#)

From: Beitel, Judy (ECY)
Sent: Thursday, September 23, 2010 3:53 PM
To: Partridge, Dan (ECY)
Subject: FW: 2010 Washington State Water Management Reform (ESSSB 6267) Report

FYI....

This came to me because I sent out the listserv.

Judy Beitel
Water Resources Program
(360) 407-6878--phone
(360) 407-6574--fax
judy.beitel@ecy.wa.gov

 Save our resources by not printing this

From: larry dodd [mailto:doddll@pocketinet.com]
Sent: Thursday, September 23, 2010 3:08 PM
To: Beitel, Judy (ECY)
Subject: Re: 2010 Washington State Water Management Reform (ESSSB 6267) Report

September 17th I received a copy of a 68 page DOE report to the Legislature and Governor regarding water recourses in the State of Washington, along with a 17 page Senate Bill covering the same subject. I was then asked to read, digest and review possible supplemental material in less than 2 weeks and respond. It is unreasonable for the DOE to expect a Washington State citizen to be sufficiently prepared to evaluate these lengthy documents in such a short period of time. Also, I did not remember that public meetings were held on this subject and if they were I was not notified. I feel this is very unfair to this tax paying citizen.

Lawrence L. Dodd
134 Lowden Gardena Road
Lowden, WA 99360

From: [Daily, Marc A \(DFW\)](#)
To: [Anderson, Barbara \(ECY\)](#)
Subject: 6267 Report to the Legislature - Feedback and Comments
Date: Wednesday, October 06, 2010 12:27:51 PM
Importance: High

Barbara,

I apologize for these comments being a day late, but I hope that they are able to be considered as response to Second Substitute Senate Bill (ESSSB) 6267 moves forward. The Washington Department of Fish Wildlife (WDFW) Water Science Team works under contractual partnership with the Washington State Department of Ecology (Ecology) on water resource issues. Therefore, we are keenly interested in this report and any potential changes to the Water Resources Program. We applaud the effort Ecology put in to the development of this report and offer the following specific comments for your consideration.

p. 1 – Third bullet – WDFW supports the assertion that monitoring and enforcement are essential elements of an effective program.

p. 5 - #2 – Enhancing instream flows is a desirable outcome in many streams, but enforcement is essential to having real benefits from instream flows (see also p. 19 in Appendix).

p. 6 - #9 – Protecting instream flow in the face of growing demand is the crucial initial step in watershed management, improving stream flows is a desirable step where and when it is feasible (and assuming it is warranted).

p. 7 – graph of water right decisions – The sizeable increase in changes in 2002 is probably related to Water Conservancy Boards. It is not clear that the graph really makes intended point – consider plotting (2 graphs) FTE vs. decisions (new and change). The comment of “better water laws” needs to be further explained. Perhaps reference the place in the report where this is detailed more clearly.

p. 10 – The fee schedule should have a Qa as well as Qi component (see also p. 66).

p. 14 – Mitigation – The text should note the need for WDFW involvement in establishing mitigation requirements.

p. 20, first bullet– WDFW would like to see a more ambitious goal for setting instream flows throughout the state than the 15 years suggested.

P. 20, second bullet - Setting a statewide rule that sets a default instream flow on all streams without one should be done carefully. If completed, The Nature Conservancy’s Ecological Limits of Hydrologic Alteration (ELOHA) could be useful. Any default instream flows should be established with WDFW involvement and also provide the incentives and protections needed.

P. 20, fourth bullet. A flow achievement standard may have merit, but poses substantial risk. If this task is undertaken, WDFW should be involved in development.

p. 36 – WDFW reiterates how crucial an affective compliance and enforcement program is to water resources management.

p. 47 – Fish habitat and instream flow studies and work are emphasized in several bullets in the middle of the page. Funding to the WDFW Water Science Team should be included here. Further, it would be more efficient to make that direct funding to WDFW rather than a contractual relationship with Ecology. WDFW should be mentioned in some of this discussion so that the partnership relationship between Ecology and WDFW is clear.

p. 48 – Under “Existing reform measures”, WDFW should be cited as a partner in updating the toe-width method.

p. 53 – Requiring a portion of conserved water to go into trust is a good idea, provided that sufficient conserved water goes to the conserver (water right holder) to act as an incentive for conservation.

p. 67 - #5 – If there is a threshold of water use for a fee, then water rights should be aggregated to avoid an incentive for one water user to divide water use into a number of rights to stay under the threshold.

In addition, WDFW suggests that the report could benefit from more detailed discussion of issues such as tribal water rights and out-of-basin transfer reform.

Thank you for the opportunity to provide input into this process and we look forward to further discussing the Water Resources Program with Ecology.

Marc Daily
Conservation Planning Division Manager
Habitat Program
Washington Department of Fish and Wildlife
360-902-2526
Marc.daily@dfw.wa.gov

From: [Dexel, Michael E \(DOH\)](#)
To: [Bellon, Maia \(ECY\)](#); [Slattery, Ken \(ECY\)](#); [Anderson, Barbara \(ECY\)](#)
Cc: [Clifford, Denise \(DOH\)](#); [Davis, Jerrod \(DOH\)](#); [Stern, Ginny \(DOH\)](#); [Christensen, David L \(DOH\)](#)
Subject: Comments from Department of Health on Ecology's 2010 Report to Governor: Water Resources Program Functions and Funding Structure
Date: Monday, October 04, 2010 11:42:13 AM

Ken and Maia,

Thank you for allowing the Department of Health the opportunity to offer input on the 2010 Report to the Legislature and Governor: Water Resources Program Functions and Funding Structure, September 2010.

We commend you for your thorough analysis, evaluation and explanation of the functions that the water resources program performs on a day-to-day basis. The report is well written and well thought out. It offers many different ideas/approaches to:

- fix the funding dilemma that has historically plagued the program;
- explore ways to improve efficiency within the program.

As with many other state agency programs that rely on state general fund dollars, we share your concern for the reliance on this fund to administer the water resources program. Clearly, vulnerability exists when faced with state budget reductions and we support your efforts to find an equitable share cost approach to run a more sustainable program.

Among many other topics our agencies collaborate on, it is our desire to continue to work with you on implementation of the Memorandum of Understanding between our agencies as well as the review of water rights assessments within water system plans. Both of these functions ensure coordination and encourage communication necessary to stay involved and proactive in the work that we do together. We understand that harsh budget realities make it difficult to continue activities like this, which is why we support your efforts to find more sustainable long-term funding for the program so that we can continue to work together on these important functions.

The report mentioned a few areas that we think are of particular interest and importance to us. For example, we support your efforts to promote consolidation of water systems and water use efficiency. We encourage you to look for additional incentives that will move these activities in a positive direction by rewarding those water users (such as reduced fees) that achieve these goals.

As you move forward with any Legislative proposals, please keep us informed and involved of any programmatic changes that may have an impact on our work. This might include, but is not limited to:

- Exempt well reform
- Consolidation of public water systems
- Water use efficiency
- Relinquishment reform
- Supply and Demand forecasting
- Mitigation proposals

Again, we appreciate your efforts to look for new ways to improve efficiency within the program and reduce dependence on state general fund dollars.

Sincerely,

Mike Dixel

Water Resources Policy Lead

Washington State Department of Health

Office of Drinking Water, Policy and Finance Section

243 Israel Road SE

Olympia, WA 98504-7822

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Public Health - Always Working for a Safer and Healthier Washington

From: [Lindsay, Robert](#)
To: [Anderson, Barbara \(ECY\)](#)
Subject: Comments to The 2010 Washington State Water Management Reform Report
Date: Tuesday, September 28, 2010 5:03:58 PM

Barbara,

Thank you for the opportunity to comment on The 2010 Washington State Water Management Reform Report (Report). I am writing on behalf of Spokane County Utilities/Water Resources Section; the Lead Agency for Watershed Planning efforts in the Little Spokane River/Middle Spokane River (WRIA 55/57) and the Lower Spokane River (WRIA 54). Our organization also participates in the Hangman Creek (WRIA 56) planning process.

My comments focuses on two of the six reform components listed in the Report, specifically:

"Developing comprehensive science-based water assessments to inform water management and water supply decision making and actions", and

"Enhancing watershed management to build and maintain partnerships necessary for locally developed water supply and demand solutions"

As a component of watershed planning, the Department of Ecology has been looking to local governments to shoulder a greater portion of water resource management. Few local governments have been evaluating water supply as a component of long range planning, primarily due to limited resources and available technical staff. The regional watershed plans in Spokane County clearly promote the concept of performing more thorough evaluations of the availability of water for current and future uses as part of the rural development process. Problem is that neither the state nor the local governments have the resources, tools or data to scientifically assess the impacts of continued development.

Watershed funds are currently being utilized locally to collect regional groundwater levels and to collect stream flow data to better understand the relationship between groundwater consumption and stream flows. A regional water demand forecast has also been recently conducted. Partnerships are developing and as Lead Agency in Spokane County we are proud of the accomplishments of our Planning Units. However, more data and technical support is needed to scientifically assess the availability of the resource, particularly if the state hopes for local governments to assume a greater role in the shared governance of the resource.

Please accept these comments as support for the above reform components.

Thanks again for the opportunity to comment. Please contact me if you have any questions.

Rob Lindsay
Water Resources Manager
Spokane County Division of Utilities
1026 W. Broadway
Spokane WA 99260
Tel. 509-477-7259
Fax 509-477-4715

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Appendix 2: Columbia-Snake River Irrigators Association (Darryll Olsen)

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Columbia-Snake River Irrigators Association Policy Memorandum

DATE: September 28, 2010

TO: Gov. Chris Gregoire and Ecology Dir. Ted Sterdevant
House Speaker Frank Chopp and Sen. Lisa Brown
Sens. Chris Marr, Ed Murray, Margarita Prentice, Steve Hobbs,
Jerome Delvin, Jim Honeyford, Mike Hewitt, and Mark
Schoesler
Reps. Brian Blake, Sharon Santos, John McCoy, Bruce
Chandler, Bill Hinkle, Joel Kretz, and Terry Nealey

FROM: Ron Reimann, CSRIA Board President
Darryll Olsen, Ph.D., CSRIA Board Representative

SUBJECT: Response to Ecology Request for Comments On:
1) Water Resources Program Function and Funding Structure
2) Water Smart Washington Forum, Request for Comments

The CSRIA Board of Directors respectfully responds to Olympia-Ecology's request for comments on: 1) legislative report, Water Resources Program Function and Funding Structure; and 2) the agency's Water Smart Washington Forum request for comments.

Foremost in our comments are two fundamental points:

- CSRIA opposes Ecology's recommendations for new fees or direct "water taxes," reflecting the agency's disregard for the impaired health of the state economy and the need for far more fiscal discipline within the state budget.
- The Ecology/Water Resources Program could use internal financial restructuring; and the Program's Olympia governance direction needs reform, affecting management focus, organizational priorities, and deliverables.

I. The Water Resources Program, the State Economy, and Ecology Recommendations for New Fees and Water Taxes:

- It is odd that Ecology would lay out detailed arguments depicting how crucial water is to the state economy and the quality of life to Washington State, and then conclude that the Water Resources Program is not worthy enough to merit base-funding via the state's general revenue obligations. This is particularly a contradictory set of assertions given the relatively low Program costs to the state, and water rights' function within and contribution to the Economy.

**3030 W. Clearwater, Suite 205-A, Kennewick, WA, 99336
509-783-1623, FAX 509-735-3140**

- If the legislature perceives the Water Resources Program (Ecology) as a non-essential or low priority function, not requiring base-funding in its present form, then something must be wrong with how the Program is managed or is delivering services. This situation begs for internal reform, not new funding sources.
- It should be understood that beneficiaries already pay sufficient taxes to the state general fund *to support an efficient, and well-managed, Water Resources Program* (and relative to other Ecology programs competing for funds). This existing support leads to the generation of other broad-based tax revenues, further contributing to infrastructure costs and many other state services.
- Given the poor health of the state economy, it makes no sense, none, to impose any further taxes on state residents to support the Water Resources Program. The Olympia-Ecology management team does not get it—the state economy comes first, not their jobs. The current agency outcry for money is shamelessly self-serving, and ignores the real economic needs of state citizens or other demands on revenues that should have a higher priority, like K-12 education.
- The CSRIA opposes any further fee increases or an imposition of new “water taxes,” and recommends that the state legislature should first turn toward the financial and agency management changes recognized below.

II. Water Resource Program Fiscal Reforms and Management Changes Affecting Focus, Organization Structure, and Deliverables:

- Received per a recent public information request, the Water Resource Program and Ecology (all programs) FTE allocations are attached. This information displays that, through 2000-2010, the Water Resource Program FTEs have increased by about 47%, even taking into account their recent “staffing cuts;” and over 40% of the Program staff resides at Olympia-Headquarters. Ecology, at large, currently retains about 1,525 FTEs.
- The legislature should first question the need for 1,525 state regulators for “Ecology;” and if the Water Resources Program needs support, then the existing “regulator pool” within Ecology should be reassigned to provide adequate support. The place to find “new” program FTEs is obvious.
- Or perhaps, the legislature should seriously question whether some portion of the current funds allocated to service 1,525 regulators could be better spent on reducing funding cuts to K-12 teachers. Do we really need 1,525 state regulators in Washington State?
- Is the Olympia-Ecology Water Resources Program management well focused or off-point in meeting the basic water right-resource management needs of the state? What are we really buying here? Are the existing FTEs in the Water Resources Program actually being used to address real-world, high-need priorities, and the basic work of the state’s water management needs?

- How many Water Resources Program FTEs are actually dedicated to real work on the ground—processing water right applications (and related forms)--versus non-essential planning/policy work, often leading to no meaningful or tangible product, or supplementing overhead? The Program currently has 142 FTEs—how many are actually working on real application/water right processing delivery?
- At the Olympia-Ecology Water Resources Program level, we are concerned about highly biased management actions, lacking technical or legal foundation, and reflecting beliefs that can be characterized as “empty-gesture environmentalism.” “Empty gesture environmentalism” does not produce quantifiable environmental products, but it does detract from much needed economic and quality-of-life benefits.

For example, Olympia management actions have: effectively “chummed the waters” for meaningless third party litigation toward the existing stock-watering exemption; needlessly blocked sound legislative efforts to improve water right withdrawal sites and effectiveness, and legislative efforts to advance the development of bio-fuel and organic crops grown with new water rights; and needlessly attempted to block efforts to use water conservation measures to increase both in-stream and out-of-stream benefits (that Attorney General Rob McKenna directly stated were covered by the existing water code).

- At the Olympia-Ecology Water Resources Program level, we hear little about the need to streamline the application review (forms) process, or the level of activity that really needs to be focused on each application review. We hear a lot about process, but little about performance.
- At the regional office level, if Ecology has no apparent intension of issuing new water right permits, then issue batch denials and get the applications off the system. Either issue the new permits or deny the applications.
- At the regional office level, the obsessive review of water right changes/transfers by Ecology staff should be stopped. The level of Ecology staff review of the water right changes/transfers approved by the state’s water conservancy boards is duplicative, burdensome, and lacks substantive merit. This activity should be reformed, based on direct recommendations from the Water Boards.

Finally, although our above comments are summary in nature, we would welcome an opportunity to testify before the appropriate legislative budget and policy committees to detail more fully the substance of the points we raise. We have extensive experience dealing with the Water Resources Program at the administrative, policy, legal, and technical levels.

cc: Mr. Don Brunell, President, Association of Washington Business
Interested Parties

Attachment: Ecology and Water Resources Program FTEs

Water Resources Program FTE Report

	2007-09 Biennium				2005-07 Biennium					
	FY 2010		FY 2009		FY 2008		FY 2007		FY 2006	
	Allotted	**Expended	Allotted	Expended	Allotted	Expended	Allotted	Expended	Allotted	Expended
Prog Mgr	11.21	12.04	12.64	12.33	12.59	12.43	20.9	14.87	18.71	14.34
Pol & Plan	12.85	12.34	12.1	13.61	12.97	13.57	12.27	13.5	13.9	12.99
Info Mgt	12.05	11.58	11.78	11.48	12.68	11.89	13.46	14.13	12.46	11.96
Adju	7.85	7.39	10.96	9.06	10.79	10.21	8.92	8.35	8.53	7.49
Engin	15.12	14.16	13	14.78	13.86	14.47	13.02	13.74	12.03	12.88
HQ	59.08	57.51	60.48	61.26	62.89	62.57	68.57	64.59	65.63	59.66
NWRO	14.89	14.35	19.5	17.1	20.04	18.15	18.43	20.65	18.3	18.67
SWRO	12.17	11.61	17.5	15.94	17.13	15.86	17.55	17.34	17.13	17.71
ERO	16.45	16.37	22.6	22.61	23.05	22.17	25.86	27.63	23.18	24.09
CRO	27.25	27.89	31.15	30.22	31.08	29.97	35.79	35.55	28.55	28.22
OCR	14.36	12.43	16.85	14.14	15.65	14.19				
* other	-1.88	2.08	7.19	1.41	4.76	1.33	1.9	1.51	1.9	2.39
	142.32	142.24	175.27	162.68	174.6	164.24	168.1	167.27	154.69	150.74

*other includes direct adjustments, excess appropriation, cost reimbursement and agency overhead FTEs
 **actuals from July 2009 - February 2010

WRP ✓ - 47% increase, 2000-2010, with "cut-backs."

✓ - 42% staff located in Lacey-Olympia HQ.

2003-05 Biennium				2001-03 Biennium				1999-01 Biennium			
FY 2005		FY 2004		FY 2003		FY 2002		FY 2001		FY 2000	
Allotted	Expended	Allotted	Expended	Allotted	Expended	Allotted	Expended	Allotted	Expended	Allotted	Expended
12.25	13.04	11.15	10.93	10.2	10.22	7.89	7.73	5.35	4.77	5.3	5.42
13.57	15.96	12.62	12.36	13.4	12.65	12.61	11.26	9.53	9.7	9.3	9.2
17.03	16.14	16.86	16.69	25.8	22.47	16.96	13.96	26.8	25.45	24.5	25.21
2.25	2.24	3.75	3.86	4	4	4	4	5	3.98	5	4.69
12.7	12.61	11.7	11.78	11.9	11.54	11.87	11.66				
57.8	59.99	56.08	55.62	65.3	60.88	53.33	48.61	46.68	43.9	44.1	44.52
20	17.09	18.2	18.16	19	17.82	18.01	18.17	15.56	11.78	12.9	12.7
16.4	15.45	15.55	15.3	15.9	15.24	16.4	15.17	15.56	13.93	13.4	12.97
20.3	20.64	20	18.71	21.9	21.44	20.98	20.02	15.79	14.86	12.9	12.73
30	28.41	28.8	28.31	29.65	28.54	26.64	25.25	17.62	17.3	14.28	13.49
6.64	1.48	4.14	1.45	19.44	1.21	-7	2.03	1	1.01		0.2
151.14	143.06	142.77	137.55	171.19	145.13	128.36	129.25	112.21	102.78	97.58	96.61

Leann Ryser
 Financial Services Public Disclosure Coordinator
 Department of Ecology
 PO Box 47615
 Olympia, WA 98504-7615
 lry461@ecy.wa.gov
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 (360) 407-7153 Fax

<http://www.ecy.wa.gov/services/disclosure/disclose.html>

From: Ryser, Leann (ECY)
Sent: Thursday, August 19, 2010 11:12 AM
To: 'DolsenEcon@aol.com'
Subject: RE: Public Records Request-Ecology FTEs

Mr. Olsen, the table below contains FTE information you asked for. Our central budget office provided the FTE numbers below, which are actual and accrued, from the state's accounting system: Agency Financial Reporting System "AFRS." As we discussed on the phone, that system does not compile the data by location, just by program.

Ecology Actual FTEs by Program FY 2000 to 2010

8/16/2010

Program	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
A00 Administration	239.4	236.1	241.1	238.4	225.6	226.9	223.5	236.4	242.6	245.8	234.5
B00 Air Quality	115.1	106.0	107.5	105.4	102.7	98.0	95.8	92.2	97.8	102.9	99.2
D00 Environmental Assessment	96.6	101.8	114.8	125.8	122.3	127.6	128.7	137.1	141.6	147.2	149.6
E00 Shorelands & Env.	160.4	164.4	162.2	149.1	144.0	150.0	149.3	163.9	163.8	167.0	170.0
F00 Water Quality	187.7	199.3	203.8	206.4	204.9	215.3	218.9	236.1	249.5	224.6	224.8
H00 Water Resources	96.6	102.8	129.3	145.1	138.9	144.4	151.9	168.5	166.7	166.4	146.5
J00 Toxics Cleanup	138.9	134.1	138.9	141.9	139.3	140.4	145.2	160.5	169.2	168.9	167.3
K00 Nuclear Waste	65.3	61.3	65.6	65.8	66.7	65.4	65.0	68.1	67.5	65.3	63.3
M00 Hazardous Waste	109.3	108.0	111.1	110.8	110.3	109.0	107.3	109.7	111.3	107.5	104.5
N00 Waste 2 Resources	99.4	95.3	97.7	97.1	94.6	84.3	92.6	99.0	95.2	98.0	95.5
P00 Spills	53.4	56.9	63.6	66.3	65.1	67.8	68.3	73.5	74.5	74.4	69.9
Total	1,362.1	1,366.0	1,435.6	1,452.1	1,414.4	1,429.1	1,446.5	1,545.0	1,579.7	1,568.0	1,525.1

Climate Change
 ← 47% increase, 2000-2010
 42% adm - in hwy.

Also as discussed on the phone, I will look at providing you with estimated numbers by location. Many of our programs may not have locations built into their coding structure and the workload it would be to gather the data even if they did would be great.

I will contact you once I have something for you, hopefully by Monday, if not sooner.

Leann Ryser
 Financial Services Public Disclosure Coordinator
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From: Anderson, Linda (ECY)

Appendix 3: East King County Regional Water Association (Robert Pancoast)

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Comments to Ecology on 2010 Report to the Legislature and Governor: Water Resources Program Functions and Funding Structure

We appreciate Ecology's outreach and the opportunity to provide input to Ecology on the *2010 Report to the Legislature and Governor: Water Resources Program Functions and Funding Structure* and the anticipated Water Smart Washington legislative endeavor. However, many of us continue to feel that specific activities and sub-activities under the Water Resources Program should be prioritized and further evaluated for additional efficiency and cost reduction opportunities prior to requesting additional annual fees from the agricultural, industrial, and public water supply operators of Washington. It must be recognized by everyone that these additional fee costs will be directly passed along in the products and utility services to the families of Washington.

General Comments:

Many of us remain very concerned that a significant number of the suggestions and proposed action items in the Ecology 2010 Report are in conflict or inconsistent with many of the progressive water resource policies that the state and others have pursued over a number of years. These would include:

- **Water Use Efficiency / Water Conservation.** The approach suggested by Ecology to use the quantities on the face of the water right document rather than the quantities actually used by the water right holder is a step backwards in water resource policy. This approach, at a fundamental level, sends a message of not recognizing efforts and improvements in water efficiency made by the water right holder.
- **Reduction in Usage of Exempt Wells.** Once again, exempt well users are ignored and allowed to get a "free pass" by the proposed Ecology approach. The approach proposed by Ecology in effect rewards and promotes the use of exempt wells.
- **Water System Consolidation.** For a number of years, there has been an effort by the Washington Department of Health, many Group A water utilities and others to try and reduce the number of very small water systems through consolidating water systems. The proposed approach to base fees on a per water right basis would penalize many of these water systems that have numerous smaller water rights. The proposed approach undermines this on-going consolidation effort to improve water system reliability and human health.

Water Right Application Fee Comments:

Water right application fees increases appear to be warranted due to escalating costs of processing applications. There seems to be general acceptance and support of the cost-reimbursement approach to ensure a timely and manageable approach to water right processing. If application fee increases are instituted, then the fee revenue should be used exclusively to fund water rights processing. The accountability metric would provide transparency in order to show that fees and expenditures are program-related to benefit the applicant. Thus there is a direct linkage between fee paid and benefit or service received.

Water Right Management Service “Fee” Comments:

The direct linkage between a water right management service fee and any direct benefit or service received by the water right holder is not made clear in Ecology’s Report. There does NOT appear to be a direct linkage and only minor tangible benefits that a specific water right holder derives from paying this annual water right management fee. In fact, it is anticipated that the major benefactors from these fees, based on Ecology’s long-standing practices will be the stream flows, fish, and the natural environment. In other words, the vast amount of the benefits derived from the service fees are for the general benefit of all residents of the state. Therefore, the vast majority (90%?) of the costs of water rights management within Washington state should be through general taxes and not specific fees imposed on a few. Many believe the proposed water right management service fee is nothing more than a water use tax in the disguise of an inappropriate “fee”.

Ecology has failed to make a case of the direct benefits or services to the individual water right holders for these annual service fees that would cover 50% of the costs of the state’s water rights management program. Ecology has also failed to recognize that water utilities in Washington already pay a 5.03% water utility tax to the General Fund. This water utility tax amounted to slightly over \$45 million to the General Fund in 2009. In effect, water utilities are already making a significant contribution to the Ecology Water Resources Program.

Additional specific points of concern with the proposed water right management service fee would include:

- If a Water Right Management Service Fee is to be implemented, then ALL water right users should contribute. There is a very important fairness factor involved. Exempt well users are water right holders (they are simply exempt from water right processing) and should participate in any such fee. An additional incentive for exempt wells over public water systems is bad public policy. Various options including one-time collection of a user fee, collecting user fees (annual or one-time) from all new constructed exempt wells, and other options should be evaluated. The disarray of the Ecology database on water rights and associated difficulties is not a justifiable excuse for implementing a program that targets an easy to find subset of water right holders that have been “playing by the rules”.
- If a Water Right Management Service Fee is to be implemented, fees should be based on actual water usage; do not develop fee structures that do not recognize or act as a disincentive for water efficiency/conservation efforts.
- If a Water Right Management Service Fee is to be implemented, avoid policies that discourage the consolidation of water systems or penalize water systems with numerous smaller water rights. These smaller water systems often with numerous water rights should be capped at a lower fee basis or, again, the fee should be based on actual water usage. Implementing policies and programs that penalize these smaller systems with numerous smaller water rights is bad public policy.

Please feel free to contact me if you have any questions

Robert Pancoast, Executive Director
East King County Regional Water Association
compass@nwlink.com
425.880.6721

**Appendix 4: Kittitas County Water Purveyors
(Kathleen Satnik)**

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Kittitas County Water Purveyors
PO Box 276
Ellensburg, WA 98926

September 28, 2010

Barbara Anderson
Water Resources Department
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Dear Ms Anderson:

Thank you for the opportunity to provide comments on the 2010 Report to the Legislature and Governor: Water Resources Program Functions and Funding Structure. We appreciate the financial problems your office is suffering from as we feel the same economic burden ourselves.

Formed in 1999, the Kittitas County Water Purveyors (KCWP) is a proactive group comprised of local irrigation water suppliers and users. Irrigation districts and individual water-rights holders alike are concerned with water quality and quantity in the Kittitas Valley, and through the KCWP work hard to protect the environment and our way of life.

After reading your report in detail, we are left with serious misgivings about the direction in which the department of Water Resources Department appears to be moving. The most serious of our concerns is the fact that of the four options considered for implementing the fee, your department chose the most expensive and difficult to implement manner of imposing the fees simply because it was the only option that required no voter or legislative approval. If attaining the approval of the legislature and/or Washington State voters seems such an unattainable goal, then your plans are clearly at odds with the people you serve.

Our second main concern is that your solution to the problem of putting the cost of the program on the citizens who benefit from the program is at a complete juxtaposition to your solution of imposing fees on water rights holders. The benefits of the water resources program are spread among every person in our state in the form of water for recreation, fish habitat, fish passage, and your program for dam safety. For the cost to be assumed fairly by the benefitting parties, the cost of the program should come from the State's general fund, as it does now. In fact, your proposed solution wouldn't even impose annual fees on permit exempt wells, a further insult to actual permit holders.

Further, the so-called "modest" annual fees you propose are anything but modest. The reality of the situation is that many, if not the majority of water users in our county will be paying far more to Ecology than they ever will recoup from the land being irrigated.

Ms. Anderson, DOE Water Resources

September 24, 2010

Page 2

Numerous other concerns the KCWP has with this proposed fee include a) the likelihood of reduced water use under the program resulting in proof of unused water rights in court, resulting in relinquishment of water rights; b) the lack of identification of wherein the fee structure irrigation districts and companies are found, if at all (i.e., would the fee be imposed on each water user or on the district itself); and c) the proposal that known water rights holders be billed immediately in order to raise funds to find the unknown water rights holders is wildly inequitable.

The KCWP firmly opposes your proposal of implementing annual fees on water rights holders to support your program. The methodology you're proposing to employ circumvents the voters and our legislature while imposing an unfair burden of the cost of your program on a small proportion of population benefitting from your program.

Sincerely,

A handwritten signature in cursive script that reads "Pat Clerf by Kat Setur".

Pat Clerf
Chairman of the Board,
Kittitas County Water Purveyors

**Appendix 5: Pierce County Water Cooperative
(Thomas M. Pors)**

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Law Office of Thomas M. Pors

October 1, 2010

Ken Slattery
Water Resources Program Director
Washington State Department of Ecology
P.O. Box 47600
Olympia WA 98504-7600

Re: Comments on Ecology's 2010 Report to Legislature and Governor re
Water Resources Program Functions and Funding Structure ("2010
Report")

Dear Mr. Slattery:

These comments are submitted on behalf of the Water Cooperative of Pierce County, an organization of eighteen public water systems that serve over 300,000 Pierce County residents. The Cooperative understands that Ecology is looking for comments from water user groups to help shape a package of legislative reforms, and it would like to be constructive and participate in this process. That said, these comments are mostly critical of the approach outlined in your 2010 Report.

A summary of the Cooperative's comments is listed here. Additional comments and issues are provided in the attached appendix.

Water Management Fees. The 2010 Report fails to adequately acknowledge that the general public benefits the most from the water right application process and the water resource program's functions. Water is publicly owned and most if not all uses of water benefit the public and not just the water right holders. The Department manages both the application process and existing water rights to protect instream flows and to preserve the quantity and quality of the state's waters. Funding through the General Fund gives the Legislature an essential check and balance on the Department's management of the state's waters. Giving the Department economic self-sufficiency through dedicated "user fees" and "application fees" would remove one of the Legislature's essential checks and balances on the executive branch. That could lead to more dissatisfaction with the Department's policy-making and management style, which that often pits the Department against water users. If the Legislature loses oversight over the water resources program due to fee-based funding, that oversight should be replaced by user-representation on a commission that controls water resources policy managed by the Department.

Public water supply is an obvious example of the funding issue. Water suppliers provide an essential public need without which our communities would not function and economic development would be impossible. Public water systems already pay substantial utility taxes on their revenues, 80% of which goes to the general fund. In 2009, water suppliers paid \$40,749,135 in utility taxes, over \$32 million of which went to

Ken Slattery
October 1, 2010

the general fund, which is equivalent to 60% of the Water Resource Program's annual budget for that year. Adding a user fee for municipal water rights would amount to a double tax on the same activity, unfairly placing more of the state's financial burdens on a subset of water users -- the customers of public water systems -- while exempting from tax the owners of exempt wells and customers of most Group B water systems. By not taxing exempt well users, Group B water systems or their customers, the State would create more incentives for exempt well proliferation and penalties against the water systems that report usage to the Department and manage their water for the public benefit. This is contrary to State water policy that favors conservation and the consolidation of small water systems, and is counterproductive to the State's water management and fiscal responsibilities.

It is critical that any fee system be fairly apportioned to all water users and the general fund, and that it not create more disincentives to conservation or the registration of exempt wells. In this regard, user fees, if they are established, should be based on actual usage rather than the number of pieces of paper in a water system's inventory of water rights. The advantage of this is that it creates additional incentives for conservation and collection of data on actual usage for the Department's efforts to manage the State's water resources.

Water Rights Processing and Application Fees. The public also benefits from processing water right applications because those decisions protect existing water rights and instream flows, and provide for much-needed economic development. Therefore, permit processing should be funded by a fair apportionment of costs between applicants and the general fund, after achieving needed efficiencies in the process. Data in the 2010 Report suggesting that additional FTEs result in more water right decisions is overly-simplistic and unconvincing. There are many alternative explanations for spikes in decisions than the number of FTEs writing permits. Significant cost reductions can be achieved and delays reduced by developing a more common sense approach to permit decisions that utilizes peer-reviewed science and applicant-supplied data. ESSSB 6267 made some of the necessary reforms by expanding the cost-reimbursement program, but applicants should have a choice whether to pay higher application fees for Ecology staff to process applications, or to enter into cost-reimbursement agreements.

Please see the attached Appendix for additional comments organized by the six major components of the 2010 Report.

Yours very truly,



Thomas Pors

Cc: Maia Bellon, Barbara Anderson (Ecology)
Jeff Johnson (Pierce County Water Cooperative)
Legislator contacts (see attached list)

Ken Slattery
October 1, 2010

Cc: State Legislators, Districts 2, 25, 26, 27, 28, 29 and 31

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APPENDIX TO COMMENT LETTER FROM PIERCE COUNTY WATER
COOPERATIVE TO ECOLOGY'S 2010 REPORT

- THE SIX MAJOR COMPONENTS OF 2010 REPORT

1. **Develop science-based water assessments.**

- Objective science needs to inform the policy-making process, not the other way around.
- The problem is “Who controls the science?” Also “who pays” and “who decides?”
- Past funding for watershed planning has failed to achieve usable and defensible science-based water assessments for most purposes. Why would additional funding now for more FTEs achieve a different result?
- Some basins are farther along in this process than others. Fairness in funding and/or a voluntary system involving federal matching grants is needed for this to be implemented effectively.
- Several basins have or are completing USGS basin or sub basin hydraulic models through joint USGS and local funding. Though this process is both time consuming and costly it provides arguably the best unbiased “best available scientific” assessment for a basin. Such shared projects should be pursued throughout the state on a prioritized watershed basis.
- There is a need for scientific independence and peer review standards for any new assessments, especially those funded by user fees.
- This should not be a way to employ more FTEs in the water resources program, because past efforts managed by Ecology have not produced usable, scientifically respected results.
- Municipal water systems are wary of paying for more programs that may contain a fundamental bias in favor of instream flow protection and against secure water supplies for growing populations and job-producing businesses.

2. **Reform water right and claims review process.**

- There are potential benefits relating to the purchase by municipal water systems of unadjudicated claims, if an abbreviated and fair process makes transfers easier.
- Public water systems would not agree to reforms to the extent their purpose is to adjudicate existing municipal pumps and pipes certificates.
- Due process protection is needed for water right owners and their customers.
- New processes should not create more burdens on public water systems (i.e., unfunded mandates).

3. **Build partnerships at watershed level.**

- Does this require legislative reform or just better communication?
- How to fund basin-specific financial incentives? Ecology should not have sole control of a pot of money funded by water right holders.

4. Reform relinquishment standard to encourage conservation and add flexibility.

- Existing case law also needs to be reformed to account for sound business judgments and financial risks by public water systems acquiring existing water rights. Unrealistic legal standards have developed around bad facts and bad case law, virtually eviscerating the DFD and other relinquishment exemptions. This needs reform to make agriculture or industrial to municipal transfers achievable.
- Non-municipal owned public water systems need the same protections and flexibility from relinquishment as city-owned systems, especially if the Supreme Court decision in the MWL case rejects the statutory definitions of “municipal water suppliers” and “municipal water supply purposes.”

5. Improve water right processing.

- The system needs to work better for applicants – costs and delays are unacceptable.
- Appeal standards also need reform – too many meritless appeals costing money and delaying projects that get approved.
- Conservancy board solutions don’t work everywhere – politics simply don’t allow board creation in all counties.

6. Water management fees to fund program.

- Processing fees need to be fair and not punitive, to avoid disincentives to economic development and better water use efficiency.
- Costs need to be controlled through reforming the process before placing 100% burden on applicants. I.e., cut costs before shifting them all to applicants. Suggest passing reforms to processing program before passing fees that shift all costs to applicants.
- Funding from water right holders for general water resources program management should be tied to the creation of an open policy-making body with representation for the water users funding the program.
- Ecology employees should not be controlling statewide water policy if their program is funded by water users and the Legislature loses effective budget oversight.
- Those who won’t or can’t pay fees should not be able to stall later-filed applications from moving forward (i.e., they lose place in line).
- Recognition is needed that the public benefits the most from the program’s management of water resources. Most or all water rights are used in the public interest, including municipal water rights without which communities would not function and economic development would be impossible.

- Basing fees on the number of water rights held is inequitable because many small public water systems would pay more fees than Seattle, Tacoma and Everett based merely on having more pieces of paper, regardless of the volume of water used. Their customers would have to pay more of the program's costs without concern to their ability to pay or their impact on the system.
- If user fees/taxes are adopted, they should be based on total annual volume of water used, rather than the number or kind of water rights, in order to encourage conservation and to provide more data on water usage.
- Special circumstances relating to certain water rights need to be examined (or certain rights exempted from fees/taxes) to prevent inequities. E.g., supplemental (non-additive) water rights should not be taxed in addition to the primary rights, and inchoate rights should not be taxed, or only at a much lower rate.
- Exempt wells and the customers or group B water systems should not be exempt from paying user fees for management of the water resources program. Funding mechanisms including property tax collection can be used to avoid huge inequities and disincentives for conservation and small system consolidation.
- What are the consequences for nonpayment of service fees? This needs to be identified in any legislative proposal.

Appendix 6: Seattle Public Utilities (Judi Gladstone)

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**COMMENTS ON DOE REPORT TO THE LEGISLATURE AND GOVERNOR:
WATER RESOURCES PROGRAM FUNCTIONS AND FUNDING STRUCTURE**

SEATTLE PUBLIC UTILITIES

OCTOBER 5, 2010

The Report covers a wide range of water resource policy, and does a fair job of laying out the problems and the beginnings of solutions. Given the size and complexity of the document, the comments provided here are not necessarily comprehensive. The comments focus primarily on the proposed fees, with some additional comments on the efficiencies and legislative reforms. As these get refined into actual proposals, SPU will surely have additional comments, and in areas that are not possibly contained in this document.

In general, SPU can support user fees as a way to fund Department of Ecology (DOE) services. SPU is willing to pay for services that benefit our customers. SPU customers already pay into the General Fund through a state utility tax. If fees are implemented, therefore, a separate fund must be created to administer those funds. Programs need to match what funds are being contributed to pay for those programs.

Water Management Fee

The concept of a management fee has many positive elements that SPU supports:

- Beneficiaries pay their share;
- It can be structured by basins to reflect the different needs of the watersheds throughout the state;
- It can be structured to cover the cost of major improvements to Washington's water management;
- It has the potential to reward good policy behavior.

The report indicates that DOE would establish a fee with appropriate rates that "would adhere to both the beneficiary pays principle and the ability *to pay* principle." SPU supports the beneficiary pays principle. However, the ability to pay principle does not necessarily lead to equity across the state. For example, many activities of DOE programs have been undertaken by large utilities like SPU that spend large sums on those activities. Given that, it would not necessarily be equitable if SPU had to pay the same fee per gallon of water as a utility that has not undertaken those programs. Any fee should be borne by utilities fairly; large urban systems should not be burdened with a disproportionate share of the cost in relation to the benefits they receive.

SPU could support a fee based on actual use. One option would be to base the fee on Qa with an option to use measured flow to reduce the fee. This could be done with a simple self reporting of water used. This would encourage flow measurement, enhance the state database on actual use, and encourage conservation. Those reporting would have an incentive to report their best estimate since too low of a flow would not help document beneficial water use and too high would lead to higher fees. Where data is missing to assess Qa, Ecology should use a high estimate so as to encourage permits holders to come forward with better information.

In developing a fee, there are several factors that SPU supports being considered:

- The fee should consider cost of service, not just benefits. As such, each certificate carries an administrative burden for which costs need to be covered (e.g., mapping, tracking, billing, etc.).
- Discounts may be warranted if it is possible to bundle together permits and certificates used by the same owners at the same location (e.g., single wellfield).
- Credits for in-kind services, such as coop payments to USGS for stream gaging. SPU pays about \$180K per year to the USGS coop program, plus SPU has its own urban stream monitoring program, which provides rich datasets that the state has not funded.
- Allowing users to apply current spending on watershed management, water conservation, flow monitoring, and similar programs. By allowing these types of costs to offset a portion of the assigned management fee there is an incentive for direct costs to be paid by beneficiaries.
- Exemptions for some uses should be considered. Hydropower and rainwater capture are two examples of this. For a system like City of Seattle it is important that there is no double counting water use since two departments within the City both “use” the same water. One way to accomplish that is to exempt hydropower generation. A fee for rainwater capture could result in charging for something that is no longer needed according to DOE policy direction.
- Fees should be based upon some reasonable watershed/geographic basis to separate areas that have different problems. For example, although the WRIA’s are very active in the area served by SPU, watershed planning is not done under the Watershed Planning Act. It would not seem appropriate for fees that SPU pays to go towards grants implementing the Watershed Planning Act. Basing fees on a watershed basis would prevent this from happening.

SPU will also have an interest in how a fee is administered. SPU supports a one-time administration fee to gather vital data about permit-exempt groundwater withdrawals. We further suggest that an annual fee be allowed to be added after more information is known about the wells.

In addition, SPU would like that biennial payments not be required and that annual payments are allowed. Relatively constant annual payments can be incorporated into budgets better than larger payments made every two years.

Water Rights Processing Fee

If full cost recovery is selected, there needs to be performance metrics for Ecology staff, in addition to the efficiencies already laid out in the report, to increase certainty and accountability for how permits are processed. One efficiency SPU would suggest is allowing for a bypassing option so that applicants can maintain their place in line if they are not ready to proceed.

Program Efficiencies/Legislative Reforms

The ideas contained in the report seem to have potential for improving processes at DOE. However, without much detail on these, it is difficult to comment on them. We look forward to working with DOE staff on these as they are developed further. Following are some comments of a preliminary nature.

- Clarify Water Rights/Water Rights Adjudication (also under Streamline Extent and Validity Determinations) – It is unclear what affect “tentative” adjudications would have, particularly in terms of how it would affect current instream flow agreements, the data that would be used, and how costs for it would apply. This is a reform that we would look forward to working with you on further.
- Assess, Set and Enhance Instream Flows – Propose legislation that would allow Ecology to modify instream flow requirements agreed to in the Instream Flow Agreement of the Cedar River Watershed Habitat Conservation Plan. [not sure about this one. Is there more to say? Is this the right place for this comment?]
- Office of Columbia River – Not knowing very much about this program, it is difficult to say if this is the best solution for issues in other parts of Western Washington. SPU has already invested in an HCP and does not required DOE to be involved in the same way.
- Groundwater Monitoring – Washington state should be considering how best to leverage federal resources that are being used to study groundwater availability, such as USGS’s Regional Groundwater Studies (<http://water.usgs.gov/ogw/gwrp/activities/regional.html>)

- Synoptic Flow Studies and Modeling Stream Flows: It is unclear which watersheds are being considered for this. Any such effort should be closely coordinated with local and regional water managers to ensure that work products meet their needs for effectively managing the resource.
- Supply and Demand Forecasting – Municipal water utilities provide supply and demand forecasts as part of state reviewed and approved Water System Plans. It would be a duplication of effort for the state to engage in this activity for these utilities. Should the state pursue a state-wide view of supply and demand, the analysis should make use of this information. Participation by utilities in these analyses could be a requirement, but DOE should continue to allow for voluntary evaluations of climate change impacts.
- State Water Supply Program: The statement “Two-thirds of the active storage would be available for out-of-stream uses and one-third to augment stream flows” is not supported by any reference or policy, and appears to be arbitrary. Such a program should not be applied to adjudicated basins, nor in those basins where significant progress has been made to set instream flow requirements. Where basins have already been analyzed and studied, this may or may not hold true.
- Support Water Use Efficiency – SPU does not support any option that requires a portion of conserved water to go into trust. This would discourage the use of conservation to stretch existing supplies to meet the demands of a growing population. SPU does support completely turning over municipal water use efficiency to the Department of Health.

Thank you for the opportunity to comment.

**Appendix 7: Yakima County Farm Bureau (Gene
Jenkins)**

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YAKIMA COUNTY FARM BUREAU

www.yakimacountyfarmbureau.com

**P.O. Box 429
Wapato, WA. 98951
(509) 248-5640**

September 20, 2010

Washington State Dept. of Ecology
Attn: Barbara Anderson
P.O. Box 47600
Olympia, WA. 98504-6607

Re: 2010 Report to the Legislature and Governor Water Resources Program

Dear Ms. Anderson,

The Board of Directors of the Yakima County Farm Bureau has reviewed and makes the following comments on the above stated report to the Legislature and Governor. The Yakima County Farm Bureau is a grass-root based organization that represents in excess of 3,000 farmers, ranchers and individuals within Yakima and Klickitat Counties.

This report is not what would be good the citizens of the state, but what the Department wants and their proposals to achieve that goal. It would also seem that it is the Department's attempt to justify its errors and lack of accomplishing the goals that have previously been set forth by the Legislature.

While we concede that this is a report to the Legislature and the Governor it is also readily apparent the Department is not overly concerned with how the proposals contained within this report may be construed by the Citizens of the State of Washington. One has only to look at the amount of time that Department has allowed for the document of this size to be reviewed by the public and make comments to discover this apparent fact.

We must also point out that there is nothing within this report that deals with staffing levels, other than what appears to be an attempt to keep the status quo for staff. Reductions in staffing should have also been a significant part of this report.

With regards to specific items within the report we would point out the obvious flaws and suggest making the following changes.

GENERAL OVERALL COMMENTS:

1) DoE Report to Legislature

It would appear from a review of the document that the Washington State Department of Ecology wants it both ways so to speak. The department is emphatic that all water is the entitled property of the citizens and further states that it must be managed for the good of the citizens and then goes on to demand that those who use water must forgo their rights and benefits as citizens and be charged for these management services.

The report fails to take into account the entrenched atmosphere that currently exists within the Department that fails to allow for a progressive approach to the operation of the department “thinking outside of the box”. The use of the same existing structures will not allow for an inventive approach. The report further fails to account for the atmosphere that discourages staff members from looking at alternate approaches in dealing with problems or for the making of decisions that require some intestinal fortitude but to rely on the “safe approach”.

The report talks about the climate that has existed after the water code of 1917 was enacted by the Legislature. However it fails to recognize or even concede that there are a significant number of individuals who hold water rights that extend into the 1850’s, 1860’s and 1870’s. These have long been upheld by various courts including the Washington State Supreme Court. We would point out the obvious that these dates are prior to the existence of the State of Washington. We would further point out that there are very few water basins or sub-basins within watersheds in the State that have not gone through some sort of water rights adjudication.

WATER RESOURCE FUNDING SITUATION:

It needs to be pointed out from the beginning that the Department of Ecology seems to have failed to comply with any of the 10 items noted as its area of responsibility when dealing with water management within the state. The Legislature over the years has authorized significant funds to accomplish these tasks but the Department seems to have failed to comply. With this mind we make the following recommendations.

The Legislature requires that the Department present a “Line Item Budget” which denotes how all of the money including capital facility, materials, transportation and labor within that line item is to be expended. The Legislature will set the priorities and goals for the Department:

The days of giving the Department a lump sum of money, then allowing to the Department to determine where the money actually goes, either from the general fund or from user taxes (fees) is over. The Department needs to be required to justify all of its expenditures prior to any funds being allocated, from whatever the source to meet the priorities and goals set by the Legislature.

The Legislature enacts that any funds generated by the Department be deposited into specific accounts that can only be used for the Department for that specific area and not placed in the General Fund or a General Departmental Fund:

As it currently is done all of the funds generated by the Department is deposited into the General Fund. It is from this General Fund that all expenditures for all of State Government are allocated. By placing the funds generated into an account that is specific and can only be used

2) DoE Report to Legislature

for Departmental purposes it would streamline the accounting process and further enable the Department to determine the financial situation of each section of its responsibilities.

The Legislature enacts an expanded use of Water Conservancy Boards:

The Legislature enacted the use of Water Conservancy Boards to make the determinations into water rights transfer and other aspects of the management of water within Counties or Basins within the State. However the Washington Administrative Code (WAC) gives the Department Personnel, “Veto Power” over any decision or determination made by these boards. It should also be pointed out that those individuals or entities that come before these boards in fact pay a significant fee for the process. It is through these fees that these boards operate and are staffed. These boards have been functioning for a number of years and have a proven track record in regards to their decisions and processes used.

The expanded use of these existing boards could help alleviate the ever increasing back log of water related issues for the state citizens.

Departmental Processes for Water Management or Reporting:

Over 15 years ago the Water Metering and Measuring WAC was written after an extensive process of a stakeholder committee and the Department. It was pointed out a number of time during that time by numerous committee members the Department did not have capabilities to meet the requirement goals, the necessary digital hardware nor the expertise to accomplish this basic water management effort. To date the Department still does not have the system digitalized or the means of dealing with vast amount of paper documents that are accumulating within the various Departmental locations. To often these documents are put into file boxes and never see so called light of day again or in numerous cases simply disappear. The Legislature needs to supply oversight into how this process is operated.

The Legislature needs to enact a significant change to the current “Use it or Loose It” concept.

For years a large number of significant efforts have been made by the citizens and various agricultural groups to make significant meaningful changes to this concept. There have been various schemes proposed and the crux of the inability to get anywhere is that some seem to be that “conservation” is the key to this goal. We would point out the obvious that conservation does not get you one more drop of water or rectify a water management problem. What conservation actually does is rearranges how water is used. There needs to be a meaningful change to this concept that takes the fear or uncertainty out of process for those that choose to participate. The Legislature has the ability to accomplish this and must act to make these much needed changes.

The Legislature needs to enact a significant change to the Washington Administrative Code (WAC) process including the adoption of WAC’s by various agencies.

The Legislature needs to enact legislation that requires the review of all current WAC's and any proposed future WAC's to ensure that they meet the goals, intent or policies stated by the Legislature when the underlying statutes were enacted. There is a major frustration by the citizens of the state when the WAC's and the Revised Code of Washington (RCW's) seem to be at odds. Only the Legislature as the representative of the citizens of the state has the authority to rectify this situation.

The Legislature needs to enact legislation that would require the peer reviewed scientifically based assessment of water uses and availability before any basin, sub-basin a geographic area is closed to additional uses.

Since the Legislature retains the ultimate jurisdiction for any actions taken by agencies with the state the Legislature must ensure that how these agencies function are in compliance with the goals and policies of the Legislature.

The Legislature needs to enact legislation that would limit the appeal process to any action other than general overall rule making authority specific to those individuals that are directly impacted by the Departmental action within a Basin, Sub-basin or Geographic Area.

It has become very clear that one of the major efforts should be to allow only those individuals within a basin, sub-basin or geographic area that are directly impacted to appeal actions taken by the Department in site specific areas. Those that are directly affected by the action of Department and live within these areas are the most familiar with what is occurring. This would also have the potential to reduce the litigation costs that currently accompany many actions by the Department.

COMMENTS OR CONCERNS WITH APPENDIX "A":

1: Clarify Water Rights (Adjudications):

We would point out that in regards to surface water that most basins within the state have had a water rights adjudication performed. In most cases it was done by the predecessor of the Department mainly through the authority of the State Hydraulic Engineer after the Legislature passed the Water Code of 1917. With this being said the use of a water rights adjudication process should be used only as a last resort. Also the use of what has been termed "limited adjudications" need also to be discouraged.

The costs and time associated with water right's adjudication can be excessive. The Yakima River Basin Adjudication has been going on since 1977 with untold millions of dollars spent by both the State of Washington and the private individuals and other governmental entities to establish or protect their water rights.

While water rights adjudications do make the final determination of who is allocated the present uses of water and quantifies that water it does nothing about where water might be made available for future uses including municipal, recreational, industrial, fisheries or agricultural.

4) DoE Report to Legislature

It also needs to be noted that federal entities whether a federal governmental agency or a tribal entity should not be allowed special status because of a so called “Federal Reserve Water Rights”. Congress itself has passed federal legislation that has determined that these are only claims until acted upon by a Superior Court through a general adjudication of a basin at which time they are quantified and provided a priority date.

Since the Yakima River Basin has been the only large scale water rights adjudication that has taken place solely within the boundaries of the state in recent history and that “Conditional Final Orders” have been entered, that these conditional final orders should be used to determine water allocations within a basin. If this is not done then any General Water Rights Adjudication that has been completed with the each sub-basin or drainage should be the determining factor.

Since it is the Department who makes the determination to go forward with water rights adjudication, the Department should not expect those that they are in effect suing to pay their attorney fees nor the Court Costs.

Also the reliance on the use of electronic or digital notification needs to be handled with extreme care. For the most part very few of those that would be affected have the availability or are even aware that this is being done. There are chances that large portions of the population would be disenfranchised.

2: Changes to Exempt Well Uses:

This is the proverbial 64,000 pound gorilla in the room. The Department is well aware that they currently lack the authority to reduce the allocation of water from exempt wells within the state. In addition the Courts have readily determined where, when and under what conditions the Department may act. So the Department is very much aware of their own limitations. We would urge both the Legislature and Governor to be extremely careful in tampering with exempt wells.

The most recent Superior Court decision made the determination that there was nothing ambiguous about the current statute or the way that it is written.

3: The Heavy Reliance on Computer Modeling:

The Department and other Governmental Agencies are extremely fond of using computer modeling to make management decision or to justify their decisions. We would like to point the obvious that all computer models are written by programmers who determine what they want to have as an answer or goal and then write the program backwards to achieve that determination. The change needs to be made that these analyses are based on facts that are in the record and not proposed out come one may be looking for.

4: Dam Safety:

There are number of small dams and irrigation districts that pay significant amounts of money into this program during the year. Even in years that the Department does not do an actual Dam

5) DoE Report to Legislature

Inspection. It is not unheard of that these annual fees amount to in a lot of cases several hundred to a thousand dollars. On those years where there is an actual physical inspection the cost of the inspection plus all of the personnel need to make underwater and other inspections are born by the dam owner.

5. Setting of Instream Flows:

In stream flows need to remain a junior water right to all other rights in the basin in which they are being proposed. This document contains some disturbing action items that would impact those existing surface water rights or well rights that have been lawfully obtained and exercised.

6. Critical Area and Shoreline Master Program:

Eliminate the preferred solution or both of these programs. If it is the Legislatures intent that these functions are to be preformed then full funding should be given to the local jurisdiction without any preconceived strings or model ordinances attached.

7. Watershed Management Programs:

This whole concept has morphed into something other than what was originally intended. In the Yakima Basin for example the work that had been performed after countless hours of volunteer time and effort was shelved by the Department. The Department and the U.S. Bureau of Reclamation then started another attempt and only opened the process to elected governments and the environmental community. These types of actions make meaningful changes extremely unlikely.

APPENDIX B: WATERSHED RESOURCES FUNDING

SPECIFIC FEE OPTIONS CONSIDERED:

It must be stated from the beginning the fees are just another form of taxation. Since these taxes are being imposed by a non-elected body there is no accountability provided to the citizens of the state. The imposition of these fees could and probably would be raised without any consideration or imput on those who are actually paying taxes.

1: ESTABLISHMENT OF ANNUAL FEES ON HOUSEHOLDS AND BUSINESSES, ADMINISTERED THE PROPERTY TAX SYSTEM:

Besides the obvious that is another form of taxation by a non-elected governmental agency we further point out that this tax would and mostly likely be arbitrarily increased without the consent of those being taxed and would most likely result in a measure through the initiative process to be repealed. It is very unlikely that the citizens of the state would stand for this type of action by a non-elected governmental agency.

2. DEDICATE A PORTION OF THE STATE UTILITY TAX TO WATER MANAGEMENT PROGRAMS:

Washington State has one of the highest Utility tax rate structures in the country. All local governments as well as the federal government impose some sort of Utility tax upon the individual households and businesses or other users of a specific utility within the state. Here again it would be enacted by a non-elected governmental agency with no recourse for the citizens and would most likely be an every increasing tax.

3. LEVY A FEE THROUGH ELECTRICAL BILLS:

Here again we have a non-elected governmental agency imposing a tax on electrical bills. Since the citizens passed the initiative that states the hydro-power is not a renewable resource then the Department is hoping to impose a tax on a limited non-renewable resource and would most likely also be subject to voter action in some form.

ITEMS 4, 5, AND 6

ESTABLISHMENT OF A NEW WATER MANAGEMENT FEE STRUCTURE:

We don't know what the Department thinks is an insignificant fee structure but to the Yakima County Farm Bureau the imposition annually of a minimum of \$100.00 for each exempt well and upwards to \$1,000.00 annual per well or surface water diversion is not insignificant.

The imposition of an additional tax on those who have certificated, adjudicated or claims of more then 1 CFS would significantly impact agriculture. Agricultural is the one of the largest and most stable contributors to the economy of the state. Any imposition of additional taxes would make this major contributor to the economy unequal when dealing in a wholesale market based system in which we do not control the price of the goods produced. This would put the general economy of the state at a severe disadvantage on the world economic stage. This type of action would also significantly impact the non-water uses such as the Ports of Seattle and Tacoma and the Puget Sound Region.

OVERALL RECOMMENDATIONS:

The Yakima County Farm Bureau would recommend to the Legislature that nothing in this proposal be enacted until such time as the Department has demonstrated through independent audits, initiated meaningful in house Departmental Standards and cost saving programs. These may include the meaningful reduction in staffing levels and other economic actions that would bring not only the Water Resource Division, but the entire Department of Ecology into line with what is occurring in the real world. We point out that businesses, farmers and ranchers in the state have either been forced by economic consideration to reduce staffing, forgo employee raises and implement other cost saving measures in order to stay in business. It is now time for governmental agencies to make the same moves.

Again we would reiterate that this report is not what would be good the citizens of the state but what the Department wants and their proposals to achieve that goal. It would also seem that it is

the Department's attempt to justify its errors and lack of accomplishing the goals that have previously been set forth by the Legislature.

Sincerely yours,

Gene Jenkins

Gene Jenkins – President

cc: Governor Christine Gregoire
House Agricultural and Natural Resource Committee
House Ecology and Parks Committee
House State Government and Tribal Affairs Committee
Senate Agricultural and Rural Economic Development Committee
Senate Environment, Water and Energy Committee
State Senator Jenea Holmquist
State Senator Jim Honeyford
State Senator Curtis King
Rep. Bill Hinkle
Rep. Judy Warnick
Rep. Charles Ross
Rep. Norm Johnson
Rep. Bruce Chandler
Rep. David Taylor
Washington State Farm Bureau
Washington State Cattlemen's Assoc.
Yakima County Cattlemen's Assoc.

Appendix 8: Online Forum Overview & Comments

Forum Overview

On August 30, 2010, Ecology issued a press release announcing its first ever online (internet) forum. The forum, titled “Water Smart Washington,” sought public input by posing six questions from August 30 to October 12, 2010, about water resource-related issues.

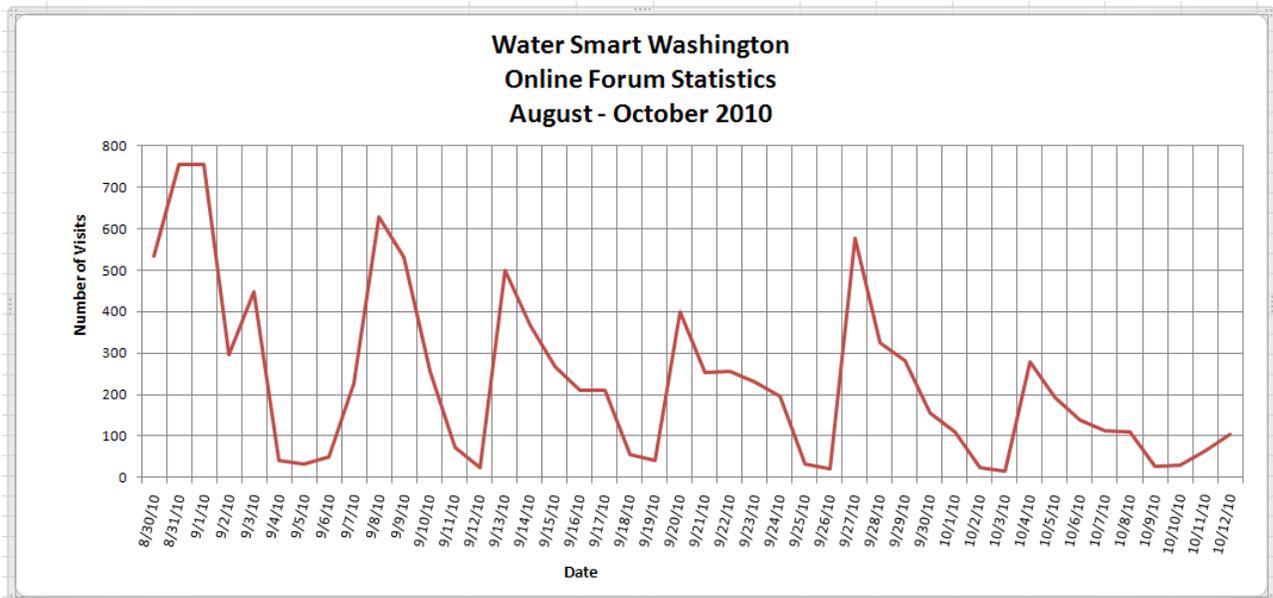
The online forum was accessed from the Department of Ecology Internet Home, and was designed to encourage public debate and discussion about water management issues. A “Question of the Week” was posed for six weeks. Each question was accompanied with information and context about the particular water management issue addressed, along with a link to additional information.

An overview of communication tools used, visits to the site, and the number of comments received for each question are shown below.

The following table shows the number of visits to the website, and number of comments received for each question. All of these comments were accepted and posted as written. When the 6267 Report to the legislature was issued, we posted a page for comments on the report. The page was up for over three weeks and received three comments. There were 19 confirmed spam messages that were not posted.

Question	Date 2010	No. Visits	No. Comments
1) Watershed Planning	08/30 - 09/08	2860	46
2) Fees- Application Processing	09/08 - 09/13	1789	49
3) Fees - Services	09/13 - 09/20	1653	25
4) Water Budgets - Supply and Demand Projecting	09/20 - 09/27	1385	16
5) Groundwater Permit Exemption	09/27 - 10/04	1488	29
6) Ideas to Become More Efficient and Cost Effective	10/04 - 10/12	1055	14
7) Comment on the 6267 Report	09/17 - 10/12	65	3
Total		10295	182

Visits to the site = a view of a page. Ecology has no way of knowing how many unique computers were used to view the web pages in the forum. A number of comments were provided by the same person as they followed the Forum from beginning to end, and several commenters responded to each others’ comments.



Communication tools used to inform the public about the Forum:

8/30	9/1	9/3	9/8	9/9	9/10	9/13	9/14	9/15	9/16	9/17	9/20	9/21	9/23	9/27	9/28	9/29	10/4	10/8
EC, EM, L, N, V	T	EC, T	EM, L, T	I, T	EC	EM, L	T	L	T	N	EM, T	L	EC	L	EC	T	EC, EM, L, T	EC, L

EC=ECOConnect (Ecology’s Blog)

EM=WRAC Email List (an email list of the Water Resources Advisory Committee members)

I=Inside Ecology (Ecology’s internal electronic newsletter)

L=ListServ (an email list that subscribers add themselves to)

N=News Release

T=Twitter

V=YouTube Video

Comments received on the Forum follow, in their entirety.

- Week 1: Watershed Plan Implementation
- Week 2: Application Processing Fees
- Week 3: Water Management Fees
- Week 4: Water Budget
- Week 5: Groundwater Permit Exemption
- Week 6: How the Water Resources Program can become more efficient and cost effective



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WATERSHED PLAN IMPLEMENTATION

August 30 – September 5

(09/08/2010) Please note: Feedback is no longer being accepted for this question. Thank you to all that participated. The responses we received are available below. You can also continue to provide comments or contact us at forum@ecy.wa.gov.



THE ISSUE

A watershed or basin is all the land that drains to the same body of water, such as a lake or river. The Watershed Planning Act (WPA) of 1998 provided ten years of grants for local citizens groups and lead agencies to develop and implement watershed plans in partnership with the Washington Department of Ecology.

These plans provide water and land use managers with long term blueprints to protect existing water rights and with better information to make water right decisions.

Plans have been completed that cover all or parts of 37 out of 62 watersheds in Washington. However, without additional state money provided to local governments through an amendment of the WPA, full-scale implementation of many watershed plans will be difficult at best for cash-strapped local governments and improved watershed management will be delayed in these basins.

> > Learn more about the [Watershed Planning Act](#).

YOUR FEEDBACK

Q1) Should the Watershed Planning Act be amended to give watershed groups and their sponsoring lead agencies an additional four years of financial support to continue the implementation of locally adopted watershed plans?

This entry was posted on Friday, August 27th, 2010 at 3:37 pm and is filed under [Uncategorized](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. Both comments and pings are currently closed.

CURRENT TOPIC:

**WaterSmart
Washington**
ONLINE FORUM

- > [Topic Overview](#)
- > [How To Participate](#)
- > [List of Questions](#)

RESOURCES:

NEW! [2010 Report to the Legislature and Governor: Water Resources Program Functions and Funding Structure - Recommendations for a sustainable and Efficient Program](#)

[Water Resources Common Terms and Definitions](#)

[Water Rights in Washington FAQ](#)

[Budget Cuts and Water Rights Applications](#)

[Watershed Planning Act](#)

[Growing Needs for Water: Sharing a Limited Supply](#)

[Landowner's Guide To Washington Water Rights](#)

[MY BASIN – What you can do to protect your watershed](#)

[Issue Up-close: Managing our Water Successfully](#)

[Water Smart, Not Water Short - 5 Ways to Secure Water for Washington's Future](#)

[Impacts of Climate Change in Washington State](#)

[What is an adjudication?](#)

[Economic climate change hits water policy](#) - 09/02/2010 by Lance Dickie / Seattle Times editorial columnist

46 Responses to *WATERSHED PLAN IMPLEMENTATION*

Robert A. Johnson says:

[September 7, 2010 at 8:03 am](#)

Yes, it should be extended. The intent of the plans and implementation process was not well-understood. As a result, there is confusion and resistance to rule-making and implementation. The process needs to be revisited and assumptions need to be reconsidered. With funding challenges, the process needs to be allowed to run a reasonable course in line with resources.

Teri Franklin says:

[September 6, 2010 at 9:27 am](#)

I say Yes! Having the funds to continue to implement the plan that was created in the Chehalis is very important to all that live here. The process of watershed planning has helped educate people in the area of water resources and the importance of protecting this resource into the future. When you live some place that sees as much rain as we do it is hard for some to fathom the fact that there could be a water shortage. I am proud of what has been accomplished here and have worked with the local group for many years. All of my time has been volunteer and I have appreciated all the help and expertise that has been given by all the partners. I can think of few other ways I would like to see my tax dollars spent then on protecting our environment for the future generations.

David McClure says:

[September 5, 2010 at 6:59 pm](#)

Yes, the statute should be amended to provide watershed groups and their sponsoring lead agencies with continuing funding for implementing their locally adopted watershed plans. However, the amendment should not put a four-year sunset on supporting watershed groups' and their sponsoring lead agencies' role in implementing and, as may be appropriate over time, amending their locally adopted plans. Additionally, the title of chapter 90.82 RCW should be changed from "watershed planning" to "watershed management."

Numerous watershed groups succeeded in developing and adopting watershed management plans. They and their sponsoring lead agencies are engaged in implementing these plans and in providing local citizens and governments with a voice in the way their watersheds are managed. It is important work and "shared governance" is the right approach. We must continue to support for these successful efforts.

Currently, the statute provides for up to five years of watershed plan implementation. The question posed in this forum asks about providing an additional four years of support. However, in many watersheds we are past the day when the competing demands for water resources and the factors impacting water availability, water quality and aquatic habitat can be resolved by implementing a one-time fix and then left unmonitored and unmanaged. Moreover, while the pressures on water resources change over time, so do the relevant laws, regulations, and policies. In some instances the laws, regulations, and policies affecting water resource management can be more problematic than the physical factors.

If support for watershed groups and their sponsoring lead agencies ends in four years, then the sunset provisions of the statute will undermine efforts to improve integration of the watershed plans and shared governance of watersheds into Ecology's water resources, water quality,

and other programs. If Ecology's partnerships with local citizens and governments have don't have statutorily limited life expectancies, it will most certainly affect the extent to which the Department factors these partnerships into its policies and approach to achieving its mission and mandates.

Keith Vradenburg says:

[September 4, 2010 at 8:11 pm](#)

WIRA # 46 has reached the final stage, implementation. If the planning can not be implemented, we have wasted a lot of time and resources.

I believe the act should be extended to allow the

WIRA's to complete the process. WIRA #46 has gained national recognition and the support of the tribes. We should not let this and any other grass roots program fail.

Mike Movius says:

[September 4, 2010 at 8:25 am](#)

Suggest more DOE layoffs, reduced if not discontinued funding of the agency and repeal of the Watershed Planning Act. When did DOE become the know-it-all for water rights? This is absurd and should be stopped immediately.

Steve Martin says:

[September 3, 2010 at 2:14 pm](#)

The key element of this question is "to continue the implementation of locally adopted watershed plans", meaning Phase 4 of watershed planning. The only watershed groups that would be eligible for such funding would be, by definition, groups that successfully navigated the laborious planning process. These groups are representative of the key stakeholders who actually have a realistic chance of successful implementation of the watershed plans. These groups represent the needs and values of their local community balanced with the best available science. The relatively small amount of annual funding available to watershed planning groups is good value, and encourages formation of local partnerships to leverage more implementation projects.

Hal Hawley says:

[September 3, 2010 at 2:01 pm](#)

Yes – continue – in the Entiat Watershed within Chelan County we started in the early 1990's on our own. That was much longer than 13 years and our successes have resulted in a plan that is a leader within the state but without State funding we would not have made it to our current level. Don't give up now. You've only just begun. After all the last ice age was a mere 10,000 years ago. Keep on keeping on.

Tami Pokorny says:

[September 3, 2010 at 11:24 am](#)

Planning unit support and project funds are still needed – at least for WRIAs where water management rules are underway or scheduled for initiation within the next four years.

WRIAs that have recently completed watershed plans/DIPs but have not yet had the opportunity to implement top priority projects would benefit as well.

Climate change and water demands are not going away. We need to weigh the costs/benefits of shutting down watershed management groups now only to have to reconstitute something like them later, on a reactive basis, versus maintaining them proactively.

PKamin says:

[September 3, 2010 at 11:17 am](#)

Where Watershed Planning has been successful implementation funding should be continued. It is in the implementation that the actual planning benefits are harvested. I would define successful planning as plans completed in a timely fashion, that have been adopted by local governments, and integrated into local planning policy. It has been our experience in San Juan County that there has been significant benefit from the cooperative planning process between local interests, the DOE and DOH. Such benefits included multiple Coordinated Water System Plans that have supported numerous new water right decisions, and groundwater research that is helping to both protect resources and save the community significant new-sources-development costs.

In these difficult times investment needs to be targeted to where you will see the most "bang for the buck". Fund the regions that have shown a track record of producing tangible outcomes as result of their planning process, and that are committed to maintaining their water resource management capacity.

Tim Simpson says:

[September 3, 2010 at 10:57 am](#)

As the Lead Agency for Watershed Planning in WRIA 35 – Middle Snake we support the continued funding of watershed planning. Continued funding would allow the Planning Unit to implement projects beneficial to the watershed that are outlined in our Detailed Implementation Plan. The Planning Unit has been successful in garnering local support which is evident in the effort and commitment by group to move the process of planning and project implementation forward. Funding would help keep this local effort on track.

Del Groat says:

[September 3, 2010 at 10:45 am](#)

Yes!!! If the local watershed plan has been adopted it is imparitive that we continue the financial support for implementation,with the priorities adopted... This seems like a no brainer after all of the "local voluntary" effort that has gone into the process (hundreds of hour)to establish and set flows that we all could agree upon. Not funding the planning units to implement what's been adopted is not finishing what's been started in good faith!

Blair Bishop says:

[September 3, 2010 at 9:13 am](#)

I agree that groups that have reached the Phase 4 stage of watershed planning should continue to be funded, since that demonstrates a certain level of success in organization and collaboration. I find it ironic, however, that the DOE would asked for comment on a process that it has apparently castrated some time ago. Perhaps the real question that needs to be asked is whether the Watershed Planning Act needs to be amended to

ensure that the DOE acts in alignment with the principles of transparency, responsibility, and pragmatic stewardship.

Greg Berdan says:

[September 2, 2010 at 11:40 am](#)

Yes the funding needs to continue. Although the larger WRIAs may have a bloated and bureaucratic mentality crippling them (maybe they should have been broken in to smaller groups), WRIA40a was cut out of the WRIA40 area and our local small scale participation has proven to be very efficient. This will have been a huge waste of time, effort and past funding if these plans are not carried out to fruition. The benefits of these Watershed plans are beneficial to all residents of this state whether they live in the immediate vicinity of a specific WIRA or not. Others have already listed many of the benefits gained from these programs above.

TVA says:

[September 2, 2010 at 9:11 am](#)

No. The initiating legislation came with timelines and budgets. The state is facing a dire budget crisis. The first programs that should be cut are those that have failed to stay within bounds. Maybe next time (if there is a next time) these groups will be more responsible with the public's money.

lee eggebroten says:

[September 2, 2010 at 8:49 am](#)

A1) No.

Planning and allotments should occur at the lowest possible level. No expensive, massive and ever-growing government agency will be able to provide the correct response to local situations. The DoE should be in an advisory role ONLY; providing the research and facts needed to make good choices.

-Lee

bob forde says:

[September 1, 2010 at 8:02 pm](#)

No. Political subdivisions of the state, are government at the best level. "Lead agencies" are more of a hindrance to successful resolution of local problems. Like any enabler DOE simply justifies its existence. In the 20+ years I have followed DOE in Clallam county, I have yet to see one of their Crisis actually get resolved. From salmon recovery to the fecal coliform ecoli, it all came down to blah,blah, blah! You say water shortages are the problem? Then build dams! But no, you folks want to destroy dams. Store water in times of plenty. This is not a new idea.

Jack Venrick says:

[September 1, 2010 at 4:35 pm](#)

I have grave concerns regarding 24 glaring short comings in your 5 public hearings including conflict of interest and lack of any statistical significance processes all of which are wrapped up in the political appearance of staged public hearings. Public hearings are NOT the way to gather information because the nature of the hearings and the inadequate sampling number and locations, ultimately lead to distorted political conclusions.

Read all about the hard truth regarding this green extreme agency

through this link to the entire comment titled "24 Questions Why – to State of Washsington DOE Changing Your Water Rights – [NO CONFINDENCE UPDATED](#)

P.S. The reply from Pete Sturtevant dated August 30, 2010, looks like a family member of Ted Sturtevant, Director of State of Washington DOE?

Bill Bartel - Resident Chelan Co. says:

[September 1, 2010 at 12:14 pm](#)

No, I don't think we should do something as simple as "just extend 4 years." I do believe addition work is needed and should be done. But I think a review of the objectives and proposals are necessary. I also believe the agencies need to be reviewed to see is there is implementation of some basics before they are rewarded with more money. Our goad is not to build an empire, but to make progress. And not just in restoration projects. Here are some needs I see:

1) Planning departments need to change their development approvals to be consistent with the direction of watershed plans. As an example, Chelan Co. Planning still wasn't requiring metering on shared wells 8 or 9 months ago.

2) Standards need to be developed for new group well water distribution systems. I've seen 8 or 10 cases of PVC water line breaks due to poor construction, or accidental hits of lines in the past few years. Simple things like adding a trace cable along the line would prevent accidents. And metering/reading of meters would catch leaks earlier. (Most of the cases I've seen the water has gone to water fields of weeds sometimes for months before discovery. One case leaked 23,000+ gallons/day.)

Bill

Dick Price says:

[September 1, 2010 at 11:56 am](#)

The process itself should continue to be funded only if the legislature gives these groups some degree of real legal authority. With all of the current laws and regulations that DOE and WDFW have to follow, there is little real meaningful effect the locals can have in the end.

What is needed is "active management" of our water resources. And this can only be effectively done at the local level, with general State oversight.

Stopthedelays says:

[September 1, 2010 at 11:45 am](#)

No. I sat with a planning group for many years. Half the time is spent revisiting and explaining technical to elected officials. The other half is spent on coming to a concsesus...leaving a waterdowned toothless plan. We were better off having the Tribes continue to meet with local and state governments and get things done on the ground. Things would occur faster with existing plans. Money needs to fund priority projects.

Further reasons to stop funding.

1) Larger groups take twice as much time to decide the obvious...they never agree on difficult issues....too many opinons not based on science...and are biased.

2) The plans are to broad...a shotgun comprehensive approach...versus priority issue specific....focus is to broad...and consultants cookie cut each others plans.

- 3) Planning is only delaying fixing on the ground what we already knew before the legislation
- 4) Much planning is done in basins...the need to plan in those basins was organized prior to the legislation that expanded interested parties
- 5) Planning takes money from doing on the ground projects.
- 6) If the basin does not have a plan by now for priority issues they wasted money.
- 7) Planning will continue with or without funding....if it is important to the basin.



- What have is a different plan for every basin...because of broad groups and local control.
- 9) Significant planning occurs by govt agencies that are slowed down by these planning groups
 - 10) This planning is duplicative to what we already know needs to be fixed..and projects are only delayed.

Marv Chastain says:

[September 1, 2010 at 8:50 pm](#)

I propose a 75% Reduction in the DOE budget. We are in a serious recession right now. We should not be loading wasting money and loading onerous rules on people who are already having a bad time. I support replacement candidates for the legislature so this bureaucratic dictatorship can have the brakes put on.

Don Russell says:

[September 1, 2010 at 10:48 am](#)

No, because the 2514 program as implemented by DOE has not been widely effective nor the money allocated to this program been well spent.

I was a citizen participant in WRIA 12's failed attempt to come up with a watershed management plan. Below was my 9/22/04 parting comment to my fellow Watershed Management Planning Unit members:

I believe that the lesson here is that unless Planning Unit members come (1) to a common understanding (a consensus) of the functioning and malfunction of their watershed, (2) develop a shared vision of what it could become, and (3) obtain the necessary commitment (and adequate funding) from all agencies and special interest groups involved to realize that vision, the Watershed Planning process is unlikely to produce positive results.

In the WRIA 12 watershed management example over \$350,000 and countless hours have been spent in a largely fruitless effort to understand and develop a plan for managing the watershed, yet no plan is forthcoming, nor has any money been made available to improve conditions in the watershed. I doubt that this is what the Legislature and Ecology had in mind when they developed the Watershed Planning process and allocated the money to fund the effort.

Mike Rolfs says:

[September 1, 2010 at 9:31 am](#)

Yes. The WRIA40a group was successful in developing a plan and is now in phase 4. We continue to meet and are actively working toward completion of the goals set forth in the plan. The public support provided in phase 4 is crucial to the success of the group. Without the formal program, it is unlikely that the various watergroups and users would work together as

they have within this program. I am excited to continue to work with our WRIA40a group to implement our Phase 4 goals.

TVA says:

[September 2, 2010 at 11:13 am](#)

So, the planning is "important" only to the extent that someone else pays for it? If the local participants do not think it is important enough to fund, on their own, after the state money runs out then it looks like the REAL motivation is, drum roll please, access to more (always more!) grant money. I suspect the consulting firms paid to facilitate endless series of meetings and churn out "studies" that, usually, sit unopened on shelves are all in favor of continued funding. That, too, should tell you something.

CC says:

[September 1, 2010 at 8:19 am](#)

YES. The key element of this question is "to continue the implementation of locally adopted watershed plans", meaning Phase 4 of watershed planning. The ONLY watershed groups that would be eligible for such funding would be, by definition, groups that successfully navigated the laborious planning process. These folks are doing some of the best on-the-ground projects in the state, projects that reflect the needs and values of their local community. The relatively small amount of annual funding available to watershed planning groups is good value, and encourages formation of local partnerships to leverage more implementation projects.

theBird says:

[August 31, 2010 at 4:57 pm](#)

Q1.

If you read the question it sounds great. In reality that is not the case. DOE has their definition of what the Leg. Intent is. Funding for Watershed planning ? Need to check their budget on how money is spent now.

Public input meetings are simply not for gathering of Public Comments. When DOE FWL show up at a Public meeting with over 20 staff members, at what cost?

I hope that DOE is posting ALL comments, and also hope this is not an effort by DOE to skate around holding Public meetings which I believe is a requirement.

The DOE involvement with PSP,

EPA and others is very questionable. With PSP getting a very bad State Auditors report, with more bad news on the way, is this good business ??

Remember this is supposed to be WATERSHED PLANNING!!!!!!

Martha Ireland says:

[September 3, 2010 at 10:11 pm](#)

AMEN.

This process has been going on far too long with nothing but negative results.

In the name of saving salmon, water shortages are being artificially created to the ecological and economic ruin of all.

No more time. No more money. SHUT IT DOWN!

NOW!

says:

Robert N. Crittenden

August 31, 2010 at 3:53 pm

No. These local watershed planning processes have been an abject failure. They should either be terminated or substantially restructured.

I have participated either as a seat-holder or as a consultant to a group who was represented at the table in five different WRIAs in Western Washington and in several of the watershed councils before them. The following comments apply pretty much all to them:

The WRIAs and watershed councils were not representative of the public but were carefully assembled so as to balance opposing elements among the public and, thereby, eliminate any effective influence that the majority might have had over the outcomes of those processes. That was done by over-representing entities that agreed with departmental policies and under-representing the general public, if, indeed, they were represented at all. Thus, they were not "local" process but processes imported from Olympia and largely directed by them or by local government agencies who collaborated with them. — If the watershed planning process is continued, it should be restructured to be representative of the local constituency.

In several of the WRIAs and watershed councils, the outcomes appear to have been pre-determined and there were no real negotiation involved. The government agencies appeared to be attempting to use the process to manufacture public consent for pre-determined outcomes. However, if that was the case, it was an abject failure: The end result was the alienation of a broad spectrum of society. Today, in rural Washington, a substantial majority of the populous have developed a deep resentment and contempt for the process and the various departments involved. — The only way to reverse this, is for the various government departments involved to begin acting transparently and legitimately.

Another problem has been that many of the members of those WRIAs and watershed councils, including some of the government employees who sat on those committees, were not competent to distinguish between valid science and invalid studies, or were unconcerned about the difference. Consequently, they often based their decisions upon scientifically invalid studies. The result is that the plans, ordinances and rules they developed were often irrational and, sometimes, arbitrary, as well. — The departments need to provide valid science and qualified expert advice. However, they have rarely done that. Their representatives have characteristically been experts in social processes, who are skilled at manipulating and directing these types of committees. The department needs to shift its focus towards providing more technical expertise and, thereby, building their credibility.

In conclusion, in each of the committees in which I participated, in the end, the department or a local government entity who was collaborating with them, dictated essentially the terms that they had originally brought to the table. — No good purpose would be served by continuing to fund these processes, unless, there are fundamental changes in how they are conducted.

Mike Rolfs says:

September 1, 2010 at 9:26 am

I had a very different experience with my involvement in WRIA40a. Several entities from two drainages in the watershed area met and agreed on process and goals. We are now in phase 4 and have enjoyed public financial support for 3 projects including flow monitoring, a reservoir study, and a diversion

repair project. The active group continues to meet regularly. Termination of the program would be unfortunate. The Management Plan that came from the earlier phases has united the various stakeholders and encouraged action toward completion of our identified goals.

Dick Pilling says:

[September 1, 2010 at 6:41 pm](#)

My experience with WRIA issues mirrors that of Mr. Crittenden whereby the DOE merely goes through the motions of collecting public input but with no intention of allowing it to sway them from their agenda.

I have been to many different presentations by DOE on WRIA, Instream flows, etc, and every meeting has the same tone which is that the science is settled and these actions are necessary and will be enacted regardless of public opinion.

But there is an opposing view and with lots of intelligent proponents. Legal scholars that say DOE does not have the authority to take such draconian steps. Scientists that point out that the much of DOE's dire assertions are mere speculation which are not supported by science and, even if true, the minor gains to be had are not worth the pain that would be inflicted on the public by the draconian restrictions proposed by DOE

Nonetheless, DOE follows an agenda that says "present plan to the public, take public comment, ignore comment, and publish plan."

WallaWalla says:

[August 31, 2010 at 12:35 pm](#)

"13 years is the blink of an eye in terms of the social and ecological development of a watershed"

It is a long time to gather data, hold meetings with stakeholders and not have some kind of plan.

I suspect some of this does indeed boil down to authority. Some of the rules that Ecology wanted to implement (like the 2007 Walla Walla rule that was curtail the proliferation of exempt wells) may be good ideas, but are largely unenforceable as they contradict statute. And Ecology's rule making authority expressly prohibits trumping existing statute. AG Opinion 2009 No. 06 is a good example. It's well intentioned (I think) but useless.

So if local planning groups can get creative plans adopted, perhaps "self enforcement" will work where DOE rulemaking won't. Because a legislative fix is not forthcoming. Still, how effective these plans can really be a big question still. I question the value of water banks and things like that. If droughts are really going to get worse (I think this is DoE's general contention and is probably not off base), how will the situation be helped by storing a water right for years, then letting people put it back to use when there is even less water to go around? Helps in the interim, but as a long term solution (unless it's a backdoor to some kind of legislative relinquishment) it has no teeth at all.

One legislative fix that should be easy to implement, and I don't know if I has been proposed, is to craft a law that requires metering (regardless of purpose, size, location, etc.) and once meters are installed, exempts the right from partial relinquishment. A lot of lip service is given about getting data. Some water user's loath contacting DoE because of the "boogeyman" of partial relinquishment. Two lines in the statute and the ability of DoE to

get reliable data (and water users to get surety) could increase dramatically.

But I stick with my earlier comment, more firmly, that no the planning period should not be extended. I'm not sure it's worth putting much more \$ into.

lisadilley says:

[September 1, 2010 at 3:09 pm](#)

I appreciate the feedback, and I would like to clarify what I meant. In the 13 years that the WRIA 22/23 group has been meeting we have moved through the planning phases on schedule, commissioned a comprehensive USGS hydrological model of the basin (portions of which have been completed and are available online), and are active participants in analyzing the flood control/storage needs of the basin. The Army Corp of Engineers feasibility study that is taking place (regarding storage solutions) is scheduled to take 12 years – that's a federal process, not a watershed process.

The thing that is new and innovative about the watershed planning groups is that solutions to local problems (such as flooding, in our case) are being addressed on a basin-wide scale. Previous projects have been local in scope, with no real understanding of how they affect the rest of the basin. This type of analysis is VITAL to long-term success of any type of watershed management. The groups that have successfully reached Phase 4 and have projects in progress will be invaluable to the policy and science communities, facilitating on-the-ground data collection and serving as models for other basins.

It is true that the watershed planning concept was not widely successful, and the majority of groups were dismal failures at getting organized. Those that did get organized, though, merit further support at the state level.

lisadilley says:

[August 31, 2010 at 10:29 am](#)

The fact is, watershed planning groups are intended to be out of the planning stage and into the implementation phase of their plans. There are some highly successful planning units that are, indeed, actively implementing – such as Chehalis and Nisqually.

These successful watershed planning groups should continue to be supported in their efforts. Someone mentioned that “13 years is a lot of time to do anything.” Indeed; however there are three important considerations: 1) 13 years is the blink of an eye in terms of the social and ecological development of a watershed, 2) one of the important functions of local-level planning is slowing down the progress of implementation plans (including those that originate at the state level) that may benefit one town or community but would be disadvantageous to other communities in the basin and 3) science is just recently evolving into useful, cross-disciplinary data that can be applied by those who know their basins best – the people who live and work there.

Funding on a merit basis or on a project basis would help successful planning units continue to be a tremendous benefit to their communities. Allowing these partnerships to form and build public interest and momentum, and then to cut them off at the ankles would be a shame.

Eco Think says:[August 31, 2010 at 9:20 am](#)

NO. Watershed planning should be financed by communities that want water.

An enormous amount of money has been spent on watershed planning. In the end, if the communities actually use the money effectively and come up with a plan, the plans are rarely consistent with the law.

Until water law is reformed, dreaming about what is possible with the water that resides in your watershed is a futile pursuit. Even with the enormous amount of money that is spent in watersheds across the state the planners will only know the tip of the iceberg of what's necessary to develop workable plans.

Now for a smart idea. If you took all the money that is spent on watershed planning, Ecology could buy water rights for everyone in the state for the next 100 years. Planning is one of governments biggest waste of money and never solves the problem.

WallaWalla says:[August 31, 2010 at 8:55 am](#)

My first impulse is no. 13 years is a lot of time to do anything.

As for local water policy folks, unfortunately the process is somewhat self selecting. I don't think outreach (around here) was particularly effective, but I'm not convinced it matters. The individuals that are willing to participate in any meaningful way are usually few and far between. Lots of folks have stuff to say, but when it comes to grinding through meetings and sorting out verbage in documents, seems like everyone vanishes.

Dick Bergeron says:[August 31, 2010 at 8:31 am](#)

Yes and no. In an ideal world all planning would be local. Yet the reality is that onerous burdens are being placed on local watersheds from outside entities that make their own rules as they go, i.e., Ecology, EPA, Puget Sound Partnership, a multitude of NGOs, and more. Any solutions to real concerns will come from cohesive watershed planning units, which should now be advancing beyond planning to implementation as determined to be best by the people who live and work in the watershed. Since outside agencies will continue to expand control over our water and our lives, then why bother with the sham of local planning and implementation?

Dennis Schultz says:[August 31, 2010 at 7:50 am](#)

The original concept of watershed planning was good. However, the Dept of Ecology has taken the most important part of it, the actual rules for using and allocating water, away from the Planning Units. DOE does what it wants to do, regardless of what the community wants. The result is we end up with watershed rules that are unrealistic that the local community has no control of. Because of this, the Planning Units sre really unimportant in the big picture. Funding should be continued only if the Planning Units are allowed to draw up their own rules.

Jim Hagen says:

[August 31, 2010 at 7:37 am](#)

An equally important question is, in light of the dramatic limitations on available funding in general, should the DOE be looking at ways to do more with less, instead of always asking for more? Ecology often talks about meeting long-term resource needs; this is the time to begin preparing for long-term adjustments to new financial realities. This might include a more realistic assessment of what is needed to insure stream flows for fish while also meeting economic needs. Jefferson County is a classic example where protracted and expensive rule-making processes resulted in a final product that is largely theoretical-based. Management of our valuable watersheds need to be prioritized in accordance with cost/benefit ratios. This might result in more direct cause-and-effect policies rather than fulfilling agency wish lists. It's time to tighten the belt.

JimK says:

[August 30, 2010 at 9:03 pm](#)

I believe that, in theory, it would be nice to see the funding continue so communities can formulate comprehensive plans that take everything into account. Unfortunately, in practice, the power that DOE yields can negate these costly, theoretical comprehensive plans. If DOE decides that they don't like the plans they can essentially make them null and void as they see fit, regardless of the prior resource (both time and money) expenditures. Despite the fact that the funding provides for a partnership to seek 'better information to make water right decisions', DOE can choose (or not choose) to alter the plans in such a way that it makes the plans a joke and virtually impossible to predict because they may change at any time, at the whim of DOE. With this in mind I believe that the funding is wasteful. If DOE were to practice what they preach then the funding would be a great use of taxpayers money and a useful planning tool for water and land use managers.

Barbwired says:

[September 6, 2010 at 4:29 pm](#)

I agree with JimK for the most part. No more money should be spent. Too much money has been spent. Each of the areas or WRIAs pretty much repeats what the others did so all follow a prescribed process that could have been handled in a recommendation booklet. The process is flawed. Watersheds are not static and are ever changing and the process of education was more of a boring argument of facts. We started in a drought. It does not take a scientist to know that creates concentrations, and averages are not really useful.

Only the engineering companies benefit as get paid to study and teach; while the farm ranch and rural folks are busy making a living they can't get there or get there often enough to vote; so who is there are all paid government or special interest groups (also likely paid); the few "stakeholders" who try to represent themselves and neighbors are out numbered and out gunned. It is time to stop wasting the money on a undemocratic process.

No extension. Science is a study, we been studying and there is no solutions in site. It is only an opinion, but most of the counties and watersheds in the NE and CNorth of Washington will end up being the recharge area for the southern big corporate irrigators to the south. Want to save water? Eliminate lawn and swimming pools and do something about all the wastewater issues. Just the waste each person sends to the

WTPs is full of anti-depressants, birth control, and other toxic waste, it is a wonder we have any fish left and we are not growing extra legs like the frogs.

Jim Boyer says:

[August 30, 2010 at 8:43 pm](#)

Watershed planning should be given and open ended extension to allow for honest scientific data to be organized impartially before any lasting regulations are considered.

This process should not become the mockery that we saw with the agenda driven SMP renewals that were pushed on the public using biased and untested science while ignoring both citizen comments and the stated process and purpose of the SMA.

If this style of creating regulation continues the public may soon judge environmental efforts as the activists crying wolf and we will be set back, rather than making progress.

Marguerite Glover says:

[August 30, 2010 at 4:33 pm](#)

This is a loaded question. Obviously, watershed management is important! But, too often, we see plans, or portions of plans, where the local participants were guided/overwhelmed by all of the Agency (such as DOE, DFW) people. In some cases, I believe that local citizens were ignored, or were hand-selected due to a particular political/philosophic bent. In other cases, a Watershed Plan is adopted; and, then, Ecology seeks to change portions of the Plan (one example: adding metering of wells), through Instream Flow Rules, contrary to citizen and/or County input.

LizE says:

[August 30, 2010 at 3:21 pm](#)

I cannot think of any reason why watershed planning should be rushed, and local communities not given all the support they require to develop well-thought out plans for setting instream flows, protecting habitat and water uses for future generations to come.

Martha Ireland says:

[September 3, 2010 at 10:21 pm](#)

How about unsustainable costs?

How about agenda-driven bureaucrats who prevent any end result but what they wanted from the start, despite their inability to make a compelling case?

Give it some thought and you're sure to think of more reasons for NOT pumping more resources (time and money) into a dangerously flawed endless and expensive process.

Pete Sturtevant says:

[August 30, 2010 at 12:53 pm](#)

Yes. The support provided by this Act should be extended. It is important that as many basins as possible be given time to prepare comprehensive basin plans.

Ron Schillinger says:

September 3, 2010 at 2:03 pm

I say Yes. Tremendous progress has been made, but without implementation funding, this bottom-up, grass roots effort will not be successful. We want success. Thanks for asking.

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FEES - APPLICATION PROCESSING

September 6 – September 12

(09/15/2010) Please note: Feedback is no longer being accepted for this question. Thank you to all that participated. The responses we received are available below. You can also continue to provide comments or contact us at forum@ecy.wa.gov.



THE ISSUE

Most water uses in Washington State require a water right. If you live in or near a city, chances are you get your water through the water rights held by your municipal water system or public utility district but a change in how a water right is used, or acquiring a new water right for typical uses like a supply for multiple households, irrigation or commercial use, requires an application to the Department of Ecology.

Currently state taxpayers pay for more than 98 percent of the cost of processing water right applications with the cost of processing averaging about \$10,000 per application.

>> Learn more about [Water Rights in Washington](#)

>> Learn more about [General Fund budget cuts reduce processing of water right applications statewide](#)

YOUR FEEDBACK

In your comments, please answer the following question:

Q2) Should the taxpayers of Washington, through the State General Fund, continue to pay for water right application processing or should those who want to use the water of Washington pay a larger portion, even the full cost, of processing their water applications?

> > Scroll down to read all responses.

This entry was posted on Friday, September 3rd, 2010 at 3:35 pm and is filed under [Uncategorized](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. Both comments and pings are currently closed.

CURRENT TOPIC:

**WaterSmart
Washington**
ONLINE FORUM

- > [Topic Overview](#)
- > [How To Participate](#)
- > [List of Questions](#)

RESOURCES:

NEW! [2010 Report to the Legislature and Governor: Water Resources Program Functions and Funding Structure - Recommendations for a sustainable and Efficient Program](#)

[Water Resources Common Terms and Definitions](#)

[Water Rights in Washington FAQ](#)

[Budget Cuts and Water Rights Applications](#)

[Watershed Planning Act](#)

[Growing Needs for Water: Sharing a Limited Supply](#)

[Landowner's Guide To Washington Water Rights](#)

[MY BASIN – What you can do to protect your watershed](#)

[Issue Up-close: Managing our Water Successfully](#)

[Water Smart, Not Water Short - 5 Ways to Secure Water for Washington's Future](#)

[Impacts of Climate Change in Washington State](#)

[What is an adjudication?](#)

[Economic climate change hits water policy](#) - 09/02/2010 by Lance Dickie / Seattle Times editorial columnist

49 Responses to *FEES - APPLICATION PROCESSING***John says:**

[September 14, 2010 at 4:23 pm](#)

Create fee categories and use the sum of categories to determine the total charge. This method may better compensate for the amount of work needed to process the right. Larger purveyors can spread out the costs further, rights applications for small local systems would be relatively inexpensive.

amount of water sought: \$100 for each acre foot per year

status of basin:

open — \$200

partially closed — \$2,000

closed — \$10,000

place of use:

entirely within basin — \$200

partially outside basin — \$1,000 * percent outside basin/9 up to \$10,000

90% or greater outside basin — \$10,000 + \$1 per capita within service area (for purveyors)

acceptable mitigation proposed —

complete offset: entire fee discounted 50%

partial offset: discount 1% to 25% (one fourth of proportion mitigated)

John Stuhlmiller says:

[September 13, 2010 at 2:33 pm](#)

It is important to begin my comments by noting that the question should have been restated to read: "The water resources program in Washington has been largely general fund supported because water resource allocation is the key to economic development. Should the state continue to support this method of economic development and job retention to ensure a vibrant economy in Washington?" The answer to this question would be just as informative to Ecology.

In answer to forum question 2, it is important to remember that dollars do not necessarily dictate permit decisions or resource protection. Substantive reform to the present water resources program is critical before permit applicants or water right holders should be asked to fund a greater portion of the program.

The public benefit received in the issuance of a water right is tremendous and certainly warrants a strong level of general fund support.

So in short, the state should continue to support this program.

Robert N. Crittenden says:

[September 13, 2010 at 11:55 am](#)

No. In this State, water is owned by the public and it is supposed to be managed for the public benefit. Therefore, the public should bear the cost of that management. To place that financial burden upon one sector of the public would impose an illegal tax upon them. Alternatively, that could be interpreted as privatizing the water or, at least, a significant step in that direction.

Several years ago, the Legislature considered removing the responsibility for water management from the Department of Ecology and creating a new agency to provide those services. Perhaps, that issue should be revisited, now that DOE, by asking this question, has given the indication

that they are considering privatizing the water resources of the State instead of managing them for the public benefit.

Katherine Brooks says:

[September 13, 2010 at 9:11 am](#)

The State has an obligation to manage both water resources and growth and as such should provide staffing to administer the water resources program. However, it seems reasonable to have an applicant pay a fee to help offset the State's costs (not pay the entire cost). A fair share fee proposal should be developed in a committee composed of a broad range of interests (utilities, cities/towns/counties, State DOE/DOH/Commerce, Tribes, MBA, etc.)

Mike says:

[September 13, 2010 at 7:25 am](#)

Yes, a portion should be paid by applicant. However, the cost and the amount of detail required should also be based on the quantity of water requested. If not, we are only providing another avenue for expansion of exempt wells in place of providing water through well managed water systems.

Chris McCabe says:

[September 12, 2010 at 3:07 pm](#)

Fees for water right application processing should not be shifted or expanded without fundamental reform and a restructuring of Ecology's Water Resources Program and the way applications are processed.

Unfortunately, this question is structured in such a way that assumes those applying for a water right actually receive a benefit. The question does not mention important facts like, of the 7,000+ pending water right applications, 4,000 have been waiting in line 10 to 20 years for processing by Ecology.

People pay fees to the state with the understanding they'll receive something in return — be it a service or a tangible product. Water right applications are an exception to the rule in Washington. In fact, Ecology seems to have adopted internal policies over the last decade or so to find ways to say "no" to new water rights. Asking water right applicants to pay for something this uncertain would be like buying a ticket to a movie that may never come to the theater.

Recent water right fee proposals in the Legislature have been unfair because they haven't given the agency any incentive to work with greater speed or efficiency. Before Ecology asks water right applicants to pay a larger amount — or the entire amount— of processing, the agency should show buyers what they're getting in return for higher fees. Applicants deserve to know how things will be done better and should be given greater certainty and predictability when they submit their applications.

Times are tough and budgets are tight for both the public and private sectors alike. But before Ecology attempts to shift additional fees to applicants, it should first figure out how to do things better.

Water rights are a critical part of job creation and our state's economic recovery. Before increasing fees, Ecology should first focus on how to better process valid water right applications rather asking Washington's water users to pay more.

S. R. Lindstrom says:

September 11, 2010 at 9:35 pm

Hi. I think it is not fully forthright to push forced choice questions like this week's. That said, it is deserving of a couple of basic comments. There is a huge benefit to the general public when water rights applications are considered and acted upon in an orderly and timely manner. Safe and sufficient drinking water; fire flows; agricultural & silvacultural applications; commercial & industrial uses; recreational opportunities; fish, animal, & plant habitat enhancement; economic development; health & safety of the general public (including flood control & storm water management); and, preservation of scenic & natural wonders all result with orderly stewardship of our water resources. None of these benefits are advanced when applications for new use or change of use of water resources are not processed for decades.

If applicants were to be charged more, the Department of Ecology should first demonstrate a capability to process applications without the historic delays. Second, to be fair, the applicants should only be charged their fair share of the processing costs that would have been incurred during the calendar year that they made their applications. That way, there would be an incentive for timely determinations. Third, when the costs and benefits are balanced between public and specific interests (remembering that many of the applicants are serving or intend to serve the public), I think no more than 25% of the cost of processing should be borne directly by the applicant, but, again, not until the DOE can demonstrate substantial improvements in reducing the backlog of applications.

If costs of applying for or maintaining a water right become too burdensome or delays too long, the pressure will increase to drill or over-utilize permit-exempt wells, greatly adding to the potential for over-appropriation in many aquifers. Or, users will just ignore current constraints in law and mis-use or over-utilize existing rights.

Much more could be said on these issues. It is very appropriate that DOE consider these issues in the light of the extreme strains on the state general fund, but close scrutiny to these public policy issues should be cyclically applied even if the budget were flush. In closing, I would also like to second the comments of the Washington Water Policy Alliance as offered by Kathleen Collins. Thank you.

James Connelly says:

September 11, 2010 at 5:16 pm

Access to clean water is a right that every citizen of this state should have available them. Access to water is a basic human necessity and as part of the services that our state public office of the Dept of Ecology provides to it's citizens, processing those water rights is essential to fulfilling this basic need. By imposing high fees to somthing as essential as water rights will greatly prohibit Washington citizens from being able to pursue our God given right to freedom and happiness. Imposing this fee will make home ownership even more difficult, if not impossible for many Washington citizens. Not only that, this will make an already hostile business climate in this state even more hostile and will cost thousands of existing as well as new jobs. By imposing such fees new businesses who ar thinking about coming into state will have another reason why not to do business here as opposed to saying why not do business in Washington state.

Laurie Lippold says:

September 11, 2010 at 2:14 pm

Thank you for the opportunity to comment. As an advocate for health and human services, I strongly support the use of fees to relieve pressure on the general fund. Particularly given the budget situation, we need to make sure that general fund dollars are available to help those most in need, and that others are paying their fair share for the government services they receive. Water rights processing and management fees are a fair and prudent way to put many millions of dollars back into the general fund.

Thank you.

trish says:

[September 11, 2010 at 11:51 am](#)

Our land in Washington has been zoned for a reason. It directed uses – development, agricultural, commercial and housing. If the land is not rezoned it is my assumption that water will be allocated fairly. No rights will be abused. All parties who use the resource should pay for it. Meters should be placed on current wells. If users go over the limit that should pay extra. Agreeing to this, land owners who currently have a need to drill a well for water use should pay a fee that is reasonable (\$10,000 is too high). Meters need to be affordable so that may take some government funds but all users should have equal rights to this life dependent resource. If further studies need to be done in an area, a five year window should be in place as in walla walla, not cle elum. Our government should represent all citizens with equity.

wateruser1 says:

[September 11, 2010 at 11:45 am](#)

Sure, process my permit, give me my water, and send me a bill. No problem.

If the answer is no water, you can keep your bill. I'm not paying for no.

Bob says:

[September 11, 2010 at 7:45 am](#)

Just as road users pay user fees (through gas taxes), water users should bear the cost of the water they take — whether that's through a permitting fee or an ongoing use fee (that recovers the cost over time), the system should generate enough to be self-supporting without general fund dollars.

Andrew says:

[September 11, 2010 at 5:58 am](#)

I thought most water rights that were actually granted in recent years were only completed after the person applying for the water right paid most of the cost. I know there is a long line of applications for water, but how many of those applying have been willing to take the lead of those who have received water recently? If there is already a way to get a water right processed by paying and people are choosing not to pay, I don't really think there is a problem. If people are willing to sit and wait until Ecology gets around to looking at their application, let them wait-especially if there is another path for people who need an answer now and are already willing to pay.

April Putney says:

September 10, 2010 at 7:09 pm

I strongly support the use of fees. Under our current budget situation, it is inappropriate and unfair for taxpayers to subsidize interests that are using our state's natural resources. Programs that provide services should be supported by fees, not by taxpayer dollars.

Michael Garrity says:

September 10, 2010 at 5:17 pm

I support applicants bearing all, or at least an increased share, of the cost of processing water rights. It is only fair for the beneficiaries of such transactions to bear the cost, and it is unsustainable for taxpayers to do so. Ecology's Water Resources Department is under-resourced already, and this hampers the Department's ability to provide for healthy instream flows and meet the needs of water users. Absent user fees that reflect something closer to the full cost of the water and its administration, the ability of Ecology carry out its mission for farms, communities, and the environment will suffer.

Kathleen Collins says:

September 10, 2010 at 5:06 pm

Availability of water is critical to economic growth, especially now. Over the years the staff has grown in numbers while their productivity has not. Last year the 48 Ecology staff statewide who are in the permit processing part of the division produced an average of 6.8 decisions per person—for the entire year. Before the staff reduction in 2009, there were 69 people who produced an average of 7 decisions per person, per year. Applicants are faced with a regulatory structure and staff that seems to be designed to delay the process and look for reasons to deny requests, frequently relying on the tortured analysis (not really even science) Mark Peterson describes above. Of the 7,000 or so applications pending, 4,000 plus have been waiting between 10 and 20 years for processing by Ecology.

Last session the Legislature improved an alternative program, cost reimbursement (now there is cost sharing for those who are ready to be processed). Under this scenario applicants with the help of consultants pay the full cost of processing, which averages about \$10,000 an application. (Keep in mind the applicant has a lot of cost they pay directly, so it is actually more than \$10K.) The Legislature also instituted a new program to allow willing applicants to pay Ecology staff the full amount under expedited processing. (The agency is moving very cautiously in using the expedited tool, so the jury is out on whether it will work.)

Recent water right fee proposals have been unfair to applicants and would provide the agency absolutely no incentive to work faster and smarter. Unlike fee legislation from previous years, they would collect a majority of the money up front with no promise of action, charge those already in line, allow the agency to change and increase fees without legislative oversight, and institute new fees that have never been charged before.

In fact, we expect to see Ecology ask for a NEW charge on EXISTING water right holders to support the two thirds of the agency that does things other than process water rights. These activities are clearly general fund obligations and such a new fee would really be a new tax. How much are we talking about? In rounded off numbers, Ecology has a \$38 million dollar budget, of which \$31 million is general fund. Of that, \$38 million total, only one third of the amount is spent on "managing water rights" which includes processing and some other activities. BTW—Current water right processing fees are not dedicated to the activity; they are put back

into the big general fund pot.

The question Ecology is asking is about substituting fee dollars for general fund dollars. Okay, then what? The question from a water right applicant's perspective is what do we get for that? What changes and improvements will occur so the staff works more productively and are incented to do so? How will the programs instituted this year work and how many applications will be handled through them? While water right processing fees could be adjusted to capture more of the cost, unless the program changes how it does business, I am at a loss to see any benefit to applicants. They will simply be paying a lot to wait...and wait. So the short answer is – no, fees should not be increased without a demonstrated improvement in processing and meaningful reforms. And a fee on existing water right holders for all the other division's activities gets a simple and clear NO.

Alex Stone says:

[September 10, 2010 at 4:26 pm](#)

I strongly support the use of fees to relieve pressure on the general fund. During a recession, we need to make sure that dollars are available to help those most in need, and that others are paying their fair share for the government services they receive.

Water rights processing and management fees are a fair and prudent way to put many millions of dollars back into the general fund.

Given our current budget situation, it is inappropriate and unfair for taxpayers to subsidize interests that are using our state's natural resources, while we are unable to pay for such basic services as education for our children.

Irrigators, companies and others who consume water and benefit from this privilege should pay the full costs of having their water rights permits processed, and the costs of managing our state's water resources.

Mike says:

[September 10, 2010 at 4:00 pm](#)

There are several aspects that I would like to address here. However, I will limit myself to two of them for the time being. Let me preface this with the statement that I am one of those hydrogeologists that deals with water rights and have done so for several decades. My comments are my own and I wish to avoid associating them with my firm to keep that fact clear.

The first issue is one of disappointment that Ecology would so obviously engage in what was labeled as a "loaded question" in my Logic 101 course. I understand that the people who have put this blogging opportunity together are relatively new at the endeavor. I will give you the benefit of the doubt and presume that the structure of this week's question is unintentionally loaded. Even then, it suggests an internal culture at Ecology that is blind to the obvious bias of the question.

The second issue is that the question and many of the responses are seriously myopic as it is discussed. The process is not merely for the benefit of the applicant (or in some lucky cases for the recipient of a water right). The process exists to protect senior water right holders. The process exists to protect habitat and the process exists to protect "the public interest". Those benefits are not part of the product received by the applicant they are a function that benefits a broader group. Further, the use of water is generally facilitating other societal functions. If you make the acquisition of a water right cost more for the applicant who intends to

grow wheat, it would be disingenuous to suggest that cost will not show up in the cost of bread. The argument of “the person who gets the water should pay for the process” also fails the fairness test in circumstances where the applicant pays for a denial. In that case, 100% of the benefit is to the protected interests.

I am merely trying to move the debate toward a more comprehensive understanding of who receives what from the processing of water right applications. All of us use water. All of us, therefore, benefit from the proper management of water resources. Much of the cost of processing water right applications is related to water resource management. In fact, the largest cost of the process in today’s regulatory environment goes to protection of stream flows. These interests are broader than just the individual applicant. Water resource management is every person’s self interest. That is largely why the legislature initially saw this as a general fund issue.

I would like to thank Ecology for providing a forum like this for us to discuss our various points of view. Let’s all try to use it wisely! (and often)

Mo McBroom says:

[September 10, 2010 at 3:50 pm](#)

Requiring applicants to bear most or all of the costs for the service of having their water rights processed is sound policy and makes good fiscal sense. The system is currently subsidized in a way that is unsustainable, and does not ultimately serve the interests of those who rely on the resource. Ecology’s water program is perennially underfunded, and water rights processing will never get its fair share of resources, especially in tight budget times. By eliminating general fund reliance, Ecology can run a program designed to most effectively and efficiently gather the info and the science to make good decisions.

While I always support government efficiencies, I believe that other commenters’ concerns about the \$10,000 average cost are misplaced. Many applications costs much less than this to process, but there are also large, complicated proposals in water short basins where a significant amount of work is absolutely necessary in order to ensure that other water users would not be adequately affected. Ecology generally does this work more cheaply than private consultants.

The general public does not understand how completely subsidized water rights processing and water management are. If and when that issue becomes fully day-lighted, there will be a public outcry. It is time for a solid, well-crafted and fully vetted fee proposal to move forward and fix this antiquated way we fund water resources management in this state.

Bruce Wishart says:

[September 10, 2010 at 3:27 pm](#)

Yes, we strongly favor the user fee approach to assure stable funding to better protect aquatic life.

bill robinson says:

[September 10, 2010 at 3:11 pm](#)

We need a reliable system to assure water is used wisely. User fees to cover the cost of this service is needed to support their use of water and the processing of the permit.

H Johnson says:

[September 10, 2010 at 2:12 pm](#)

If past performance is an indicator of what a fee proposal would do for water right applicants, than the answer would be NO. There are thousands of applicants some waiting decades for a decision and DOE is processing an average of about 7 a year.

Why should applicants pay to wait in a log jam decades old with no guarantee they will ever see their application processed. DOE has had opportunities to revise how applications are processed, yet still seem to be set on the least productive most costly version. I think DOE should look into real reforms in managing water right applications first.

Randy Parr says:

[September 10, 2010 at 2:11 pm](#)

State general fund dollars should be used to support programs that benefit us all. While we all have a stake in an orderly process for granting water rights, only the recipient of those rights gains the benefit from this public good. As an education advocate who believes the state has failed in its constitutional paramount duty, I strongly support the use of fees to relieve pressure on the general fund. During a recession, we need to make sure that dollars are available to help those most in need, and that others are paying their fair share for the government services they receive. Water rights processing and management fees are a fair and prudent way to put many millions of dollars back into the general fund while maintaining this valuable service to our state's citizens.

Scott Gordon says:

[September 10, 2010 at 12:42 pm](#)

I think the State should continue to pay for the majority if not ALL of the cost for the water right application. The State continues to make the water right more difficult to get and will only make the application more difficult in the future. If we allow the cost to be paid by the person applying then only the wealthier people will be able to afford the process. Also the state has no reason to keep costs down.

Responsibility says:

[September 10, 2010 at 12:23 pm](#)

Applicants pay for an answer. A portion of the cost to process should be bore by the applicant. However, Ecology owes the people a responsibility to protect this valuable resource and so instreams and all water holders are not impaired. So how much to portion costs is the real question.

Currently Ecology has minimal staff for processing. New legislation gutted Ecology and the wave is to allow contractors to be hired to process applications. Ecology is being subcontracted out every where...they have lost their responsibility. Privatizing the decision receives an answer fast, but the answer may be paid for....most consultants want return customers. Ecology only has retained minimal oversight and final determination. Perhaps Ecology should retake their responsibility and hire qualified engineers to actually make decisions, yes or no. Water rights data needs to be available that makes decisions based on math....not on a regions staff schedule or work ethic....which often is more political than not.

Statistics should be presented on the success of water conservancy boards. Go to the link and research WCB's. WCB's are trained citizens and charge minimal fees to reach a decision. The process takes an average of

6-9 months by volunteer citizens!

In Thurston County the Olympia Brewery water rights were all processed by the WCB. If applicants were charged more than what the WCB charges, why would they ever apply at Ecology for 10k, m/l???

Ecology and the legislature has already delegated this responsibility to consultants and WCBs. They either to need take this back and improve staff and processing efficiency, or charge less than the consultant or WCB.

First step is to reclaim their "trusted duty." Otherwise, farmed out consultants and trained volunteer WCB's will continue to make water rights decisions. How can raising fees bring in applicants when they already get better results from outside? Ecology needs to take responsibility back...and it is a uphill battle...fees will do nothing for Ecology.

PS Applicants already pay for their own consultants to documents hydrogeo/impairment and pay to provide information needed or requested by Ecology for a decision.

Misha Werschkul says:

[September 10, 2010 at 12:17 pm](#)

I am a healthcare and social service advocate and I strongly support the use of fees to relieve pressure on the general fund. It is fair to ask irrigators and companies who use water to pay their fair share for the services they receive.

The alternative – to have taxpayers subsidize interests that are using our state's natural resources – is not just bad for the environment but is also bad for state services like healthcare and education.

Water rights processing and management fees are a fair and prudent way to put many millions of dollars back into the general fund. Water permit fees should be increased substantially.

Dennis Schultz says:

[September 9, 2010 at 5:10 pm](#)

I agree with most of the points brought up by Krause, Tall, Sharman, Marble, and Clark. DOE's approach has cost this state millions in lost income. Who will invest money in land and equipment and then wait 10, 15, or more than 20 years before they find out if they will have water. DOE can spend many millions of dollars on questionable environmental projects, but very little on water right processing that will be much more beneficial for the common good. Control of the water is power and DOE exercises this power for its own benefit. Watershed planning and water right processing should be taken away from DOE and given to a new organization that has very tightly defined responsibilities and limits.

Eco Think says:

[September 9, 2010 at 10:31 am](#)

The short answer is YES. The taxpayer should not be paying for other peoples benefits.

As far as the cost to process an application being \$10,000, it is because the supply of available water is very low and demand for free water is very high. Thus the cost to determine availability/impairment is very burdensome. Ecology should be honest with the public and tell them where in the state water is simply not available(at this time). Now if Ecology would follow the law and relinquish water from people who aren't using it

OR are wasting it to preserve their right, redistribution of this now “available” water would be very straight forward and cheap. There would be a lot more water for new users and the future of Washingtonians. The prior appropriation doctrine does not say some farmer that set up shop in 1870 gets to monopolize that water forever. He must put it to beneficial use or forfeit it.

Water related programs need to be removed from the department of Ecology. What you see is merely political corruption.

Responsibility says:

[September 10, 2010 at 12:33 pm](#)

Totally agree on removing the department and taking back on the job to protect our water resources. Add that to my comment!

People already have different forums to have applications processed efficiently....and probably better than Ecology could. A new trust department should be established and repeal consultant use and WCB's. Ecology should be able to run on the same type of fee raise...along with proper funding to protect the peoples resources. What a shame that this is area is so delegated out already.

PS Most changes are transfers of “existing water rights”...can be a simple location of well or from owner X to city Z....they are not all the same or require the same evaluation or time. no new ones are issued....which is a good thing to use up what is already out there. The real problem in all this mess is the exempt wells and lack of data/meters. For another question!

Robert Goodwin says:

[September 9, 2010 at 9:17 am](#)

The question, as others have noted, is disingenuous and loaded. WDOE would be happy, I suspect, if the average cost of processing a permit rose to \$500K since it would mean more staff and management positions in the agency.

And, who selected the questions? NRDC? WEC? The Evergreen State MES faculty? Interested Water Resources staff?

Every human needs water for life support, sanitation, food production, recreation, power, and transportation. It is in the public interest to allocate among uses and users in a rational, fair and efficient manner. Issuing and amending water rights is one of the basic tools for achieving that goal. Consequently this decision-making process has a societal benefit that should be borne, in part, by the public at large.

If we're serious about water CONSERVATION then find a way to eliminate barriers to achieving it, e.g. the “Use it or lose it” insanity. Market conditions change what crops will be grown and what the water needs will be. The present legal arrangement forces the irrigator to use the entire right even if its wasteful. Going fallow has a direct positive effect on in-stream flow – clearly a beneficial conservation use – whereas leasing to downstream users – a legal “beneficial use” to protect the right during periods of the land being fallow – conserves nothing.

As a non-municipal water system trustee I have access to power-conservation rebates from BPA to reduce the costs of pumping irrigation water, but only disincentives to conserve the quantity of the water we pump! The Emperor really is wearing no clothes.

Dept of Ecology says:

September 8, 2010 at 3:37 pm

For those questioning why it costs an average of \$10,000 to process a water right application:

The water right application process is not a simple process that can be done by untrained staff. Significant scientific and technical analysis is required for each application by licensed hydrogeologists and other qualified environmental professional.

Under Washington state law, the waters of Washington collectively belong to the public and cannot be owned by any one individual or group. Therefore the law requires users of public water to receive approval from the state prior to the actual use of water. Ecology is given the authority by the state legislature to make these decisions.

Since much of the water in Washington has already been allocated or claimed, new water rights are increasingly difficult to obtain. This means that any new water right is subject to existing (more senior) rights. Therefore water right applications may be denied, or water use may be regulated or modified, if it adversely affects existing rights. This protects existing water rights against any impairment (harmful effects) by future applicants.

Ecology is required to conduct an investigation on each application to determine the physical and legal availability of water, if the proposed use will impair existing water rights and if the proposed use is detrimental to the public interest.

Many applications are for groundwater and because groundwater is not readily visible to help determine physical availability, it takes a fair amount of research and staff time in order to determine physical availability and if a new use of groundwater will impair senior uses.

In addition, many stream basins in Washington state are closed to new withdrawals (from both surface water and groundwater in the basin) during all or part of the year. In order to receive a permit, water right applicants may need to provide mitigation in order to ensure that water rights are not impaired.

The results of a water right application investigation are summarized in a Report of Examination (ROE). The ROE contains Ecology's decision on the water right request. Ecology can recommend a denial, an approval, or an approval with conditions. In addition, other (senior) water right holders, cities, water districts, farmers, Indian tribes and environmental interest groups can all appeal Ecology's decision. All of this takes time and resources.

WallaWalla says:

September 9, 2010 at 10:33 am

While I do agree that having applicants absorb more of the costs, I do have concerns about how to make that change equitably. A modest fee system would not cover the costs (if the 10K figure is indeed correct, I'll hold out to see the data). Having users pay the actual costs would require significant administrative overhead to accurately estimate and bill (and collect) those costs and I suspect would not save much money or make the process more timely.

PKamin says:

September 8, 2010 at 1:53 pm

Water Right applicants should be required to pay a majority share of the cost associated with processing their application. This policy would significantly reduce number of meritless applications that are currently awaiting DOE processing. For the old \$50 application fee, why not take a shot at getting a water right?

However, the use of some general funds is justifiable in processing water rights. Each water right that is processed adds to the general knowledge of that water source, and can and should be used in considering other water right applications and water supply issues in that particular basin.

The proposed “cost reimbursement” model should also address the long standing issue of newer water right applicants being responsible for paying for the processing of any/all senior applications before their application could be processed. Cost sharing of the expenses associated with water rights processing from a particular source or basin is appropriate. If a water right applicant doesn't want to share in the prorated cost of processing their application, their application should be “leap frogged” by those who do participate in cost reimbursement processing. The non-participating application is not processed, and those applications junior to them are processed while ignoring the senior application dates.

Efficiencies in processing would certainly be welcome. In this economy, I'd like to see a public/private bidding process. Could a hungry hydrogeologist prepare a water right certificate of examination more cost effectively than Dept of Ecology staff? Perhaps.

Finally, water rights should be accompanied with a requirement to efficiently utilize the water access being granted. While state law mandates water use efficiency for municipal water purveyors; irrigation users, industrial users, and private well users all have not efficiency standards, or goals. In that the vast majority of Washington's water is NOT used by municipal purveyors, this loop hole should be addressed.

Mark Peterson says:

[September 8, 2010 at 1:21 pm](#)

Currently applicants do pay nearly all of the costs of processing an application for change to water rights. Central Regional office has all but shut down their permitting operations. The only DOE expense associated with these change applications are board trainings and review of decisions. DOE review of decisions would become far more efficient if such a review were limited to addressing meaningful impairment issues.

Allocation of DOE efforts should be determined by the quantity of water at stake in the proposed application. Key to this concept is the acceptance that at some point the amount of water at issue is truly negligible to the public's interest and not worthy of further DOE opposition. Negligible should be defined as the amount of water that if even the foreseeable cumulative impacts of similar quantities occurred there would still not be a meaningful threat to existing rights. This threshold concept is the same as is used in SEPA

In most cases instream flows are cited as the rights most likely impacted by proposed changes. Further, instream flows quantify to a substantial degree a particular watershed's ability to sustain freshwater production. Applications to DOE have been filed at the state wide rate of about 300-400 change applications per year. It seems very difficult to argue that within the next 50 years any water shed would see more than 1000 applications to change and most water sheds would receive far fewer than 100. These numbers all provide a basis for evaluating the potential cumulative impacts of the change process relative to water sheds.

If the threshold for “negligible” impact was .01% or one ten thousandth of

the 20 year lowest flow of the river gauge downstream of the proposed change location then all foreseeable changes for the next 50 years would be unable to produce a measurable impact. The following example is intended as a test drive of this approach.

Example: Assume a 2 cubic feet per second, 400 acre foot per year right for the irrigation of 100 acres of orchard from "Tributary River" on parcel A, adjacent to the river. Application to change from surface to ground to support 20 residences and pasture use on parcel A. The balance of the water is proposed to be transferred to a downstream well within 500 feet of the Columbia for municipal use. The downstream gauge in the tributary has recorded a 20 year low flow of 300 cfs. The Columbia's relevant gauge low flow record is 50,000cfs.

Parcel A proposes 5 acre feet, .01 cfs for domestic and 1.8 cfs 270 acre feet for 90 acres of turf irrigation.

Problems for parcel A portions of the changes under current allocation of DOE resources:

1. change in season of use represents a potential impact in the non-irrigation season to instream flows.
2. Consumptive use may increase for the domestic portion of the right if the proposed septic systems are ever replaced by a sewer system that transports effluent away from the historic return flow path which may also create a potential impact on instream flows.
3. Timing of the return flows may change due to changes in place of use
4. Timing of the withdrawal impacts on the Tributary river may be effected by the shift to the ground water source for potable water.
5. Change in crop may produce an enlargement of consumptive use.

Under the threshold approach the Tributary River water shed threshold would be .0001 times 300 cfs. The proposed domestic uses for parcel A are identified at .01 cfs which is less than the .03 cfs threshold so these first 4 issues would be negligible and not an impediment to approval. The irrigation component would exceed the threshold so further inquiry into enlargement is required until the quantity at issue is less than the threshold.

Parcel B's use of .19 cfs as municipal will have similar issues under the current allocation of DOE resources, but because the Columbia threshold would be 5 cfs these uses would also be approved.

Timing, enlargement and impairment considerations usually involve a relatively small portion of the overall right. Moreover, changes generally produce numerous benefits for other rights that more than offset the potential impacts. The smaller the instream flows the greater the attention that would be paid to these details until it was clear that the threshold of negligible was reached.

When the potential impacts are so small relative to any other water right interest then the expenditure of public resources to oppose them no longer makes any sense and in fact greatly damages the credibility of the DOE water resources program; profoundly inhibiting its ability to do other work that has far greater merit. This policy could be implemented as a Guidance document rather than a rule as it would not adversely impact any pending application. Further, to oppose its implementation a party would have to demonstrate a stakeholder interest in negligible water that on further analysis probably is amply mitigated by the very nature of downstream change applications.

JOHN T MUDGE says:

[September 8, 2010 at 11:38 am](#)

Fees should apply. Exempt well fees should be modest – less than \$100. Other wells should cost more but not \$10,000. Fee should relate to amount requested. All requests should be on a level playing field meaning municipalities should pay the same fees as industrial requestors, etc.

However, the full cost of \$10,000 is absurd. Department costs are excessive as are all costs of government operation – you have no competition or any other incentive to cut costs. Fees should be based on the amount requested and process water use applications should pay more. Irrigation uses should pay less.

Bruce says:

[September 8, 2010 at 11:13 am](#)

There is nothing wrong with the premise of them paying for the cost, the problem is Ecology's ridiculous way of implementing it. Instead of having an established fee upfront that represents the cost of making a determination they make you pay for the processing of all apps in front of you then yours.

So yes, have them pay for it, but do it by establishing a fee to be charged with the submittal of an application.

Eldon Roush says:

[September 8, 2010 at 10:43 am](#)

Fee should be based on amount of water requested and there should be a waiver for citizens that are impoverished with low wages!

Judy Turpin says:

[September 8, 2010 at 10:27 am](#)

Water permit fees should be increased substantially. I supported an effort years ago in the legislature to raise the fees so that they covered half of the cost but unfortunately it failed to pass the House. I also have supported term permits in the past. These ideas are not new but neither is the opposition. The current budget situation brings urgency to making changes but this is hardly a new issue. The general public and other water users in the area in question have a stake in having high quality processing of applications, but the party making the application should be paying the majority of the costs.

Clarice Arakawa says:

[September 8, 2010 at 9:40 am](#)

I think that the cost should be shared by the private owner who will benefit directly from those rights, and the public who more indirectly has a stake in what happens with the water on the specific site. Perhaps some ratio could be figured out that might be considered fair, where the private owner paid a given portion of the application fee, and the public paid some portion of the fee. After all our rights are shared rights, we all have a stake in the water, air and earth that we share.

WallaWalla says:

[September 8, 2010 at 8:25 am](#)

I think it would be appropriate for water right holders (myself included) to bear a larger (all?) portion of water right processing. A couple of caveats/thoughts.

1. Water right applicant should not bear the cost of appealing the decisions made by Ecology. I know it may sound paranoid, but it would create a possibility where outside entities could easily litigate needlessly to prevent the issuance/transfer of rights or make it too expensive to bother.

2. It could “unclog” the applications line. For example some basins show requests for new water rights, AFTER the date the basin was closed to new appropriations. What’s that about? I may not understand the WRTS info so maybe I’m wrong.

3. I know there will be concerns about cost affecting business/ag, but should tax payers subsidize these costs, or should it just be worked into the business plan, i.e. if it’s too costly/unprofitable, do something else?

4. While the average may be \$10,000 I suspect there is more to it, for example what’s the median value/cost? It would be interesting to see more information on how this number was calculated, how the data is distributed.

sam deeds says:

[September 7, 2010 at 6:09 pm](#)

THIMC–

\$10,000 to process a permit???

Ecology has been working on a permit application SINCE 1970!!!!!!!!!!!!!!

How about increasing the efficiency of the agencies involved in the permitting process.

Yes, potential users should pay ALL of the permitting expenses.

Todd Krause says:

[September 7, 2010 at 1:40 pm](#)

Dear Ecology,

We believe that it is acceptable for those requesting use of public waters bear a portion, or even the entire cost of processing a water right application. However, we also believe that the scope of work required to process such an application should be clearly defined. An applicant should not be expected to pay to satisfy the curiosity of a reviewer, nor for additional information requested by those protesting a water right. Those protesting or disputing the findings of a qualified examiner should have to pay a disinterested third party to examine the validity of the claim. The disinterested third party should be agreed upon by both the applicant and the protesting body. For example, in theory, groundwater withdrawals for irrigation from an aquifer in Lewis County would, in theory, increase the amount of evapo-transpiration and therefore increase rainfall in Whitman County. Obviously, requiring such an effect to be investigated and reported should not be a burden placed upon an applicant. We also believe that the scope of work for which the applicant needs pay must be clearly scientifically justified. Since a large portion of the cost in processing an application is the amount of time required to process the application, we also believe that clearly defined response times for Ecology and any protestors should be put into place where the objection or protest becomes null if it is not substantiated or resolved in the time limit allowed. If water is not available for beneficial use, the examiner and Ecology will find that the application should be denied. If water is available, it should not be made “unavailable” through endless delays, protests, and requests for additional information.

Dave Tall says:

[September 7, 2010 at 11:10 am](#)

Why would an application cost \$10,000? Is it because a bloated

government bureaucracy is enforcing unnecessarily stringent environmental regulations?

Dave Sharman says:

[September 7, 2010 at 11:06 am](#)

It is my understanding that a single water right application may cost as much as \$10,000 to “process” and that some water rights applications made years ago, still have not been “processed”. I believe your question is premature simply because the public has no clue what is involved in “processing” and why it could possibly cost up to \$10,000 per application – and can you explain the delay of literally years in processing some applications? Until you explain and demonstrate a system of processing that is cost efficient and timely, the cost certainly must remain with the General Fund.

S. Marble says:

[September 7, 2010 at 11:01 am](#)

Over the past several decades, Department of Ecology has shown itself to be an overreaching, out of control bureaucracy that exploits their charge to oversee water rights in order to increase their departmental power over all land use throughout the state. When places like Forks, where annual rainfall is measured in feet rather than inches, are deemed to have water shortage issues, clearly the problem is water management, not water shortage. Remove water rights processing from DOE purview and watch that \$10k figure come under control.

charlene clark says:

[September 7, 2010 at 9:48 am](#)

Why in the world would the applicants pay a ridiculous fee of \$10,000 to support what is obviously State inefficiency? Why are these applications not processed in a timely way? I suggest that the State revise their process to lower costs and respond within a reasonable time period.

Marguerite says:

[September 7, 2010 at 9:18 am](#)

This is another leading question, geared at getting everyone to answer “yes.” I question why it costs an average of \$10,000 per application to do the processing. And, many of the applications that have been sitting there for many years, will continue to do so, regardless of the amount of money spent.

Jim Boyer says:

[September 7, 2010 at 7:59 am](#)

“...those who want to use the water of Washington”

Wow, this one was loaded up right at the start. If Washington owns the water, does it own the clouds as soon as they hit the border – or do the clouds form over the oceans making the waters “international”?

Randy says:

[September 7, 2010 at 6:45 am](#)

Those that want to use the water should definately pay a larger portion of

the cost. The rates charged today are extremely low. However before agreeing that they should pay the full cost of processing (\$10K) Ecology really needs to look at reducing this cost. In addition the State should look into requiring water rights to be renewed every 4 or 5 years and that Ecology be informed about the sale or subdivision of land that have water rights attached. This would greatly increase the accuracy of the data needed to manage water rights.

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FEES - SERVICES

September 13 – September 19

(09/23/2010) Please note: Feedback is no longer being accepted for this question. Thank you to all that participated. The responses we received are available below. You can also continue to provide comments or contact us at forum@ecy.wa.gov.



THE ISSUE

The Water Resources Program at the Department of Ecology works to protect and manage the water resources of the state of Washington by providing a host of services such as:

- o The processing of water right applications,
- o Monitoring surface and groundwater use to assure water availability for people, farms and fish,
- o Ensuring compliance with permit conditions, laws and rules,
- o Collecting and storing water related information,
- o Developing policies and procedures, providing technical assistance to the public,
- o Supporting watershed planning, and
- o Regulating water well drilling.

About 85 percent of the work of the program is currently funded through taxpayer revenue.

- >> Learn more about [Water Rights in Washington](#)
- >> Learn more about [General Fund budget cuts reduce processing of water right applications statewide](#)

YOUR FEEDBACK

In your comments, please answer the following question:

Q3) Should those who benefit from the management services provided by the Water Resources Program be required to pay a higher portion of those costs?

- >> Scroll down to read all responses.

CURRENT TOPIC:

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- [Water Resources Common Terms and Definitions](#)
- [Water Rights in Washington FAQ](#)
- [Budget Cuts and Water Rights Applications](#)
- [Watershed Planning Act](#)
- [Growing Needs for Water: Sharing a Limited Supply](#)
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This entry was posted on Monday, September 13th, 2010 at 9:33 am and is filed under [Uncategorized](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. Both comments and pings are currently closed.

25 Responses to *FEES - SERVICES*

Thomas Gehring says:

[September 18, 2010 at 4:25 pm](#)

I believe that funding for this should be spread out evenly throughout the state. There are of course the initial benefactors of the program but there are secondary benefactors that cannot be as easily quantified. We need to be mindful of not creating more beurocracy to support unneeded staffing but on the flip side to recognize that getting a grip on this complex subject requires human resources. As now being involved in municipal government for the last four years, I can see how some people tend to expect the government to idealistically take care of everything for them. In my small community it takes a match in people donating their time and energy to push things through. This is how we take ownership. We shouldn't expect to throw a bunch of money at something and expect it to work. I think that funding should be utilized to empower people in their own community to make a difference. Balance can be achieved in this by not taking a stoic approach about a particular story but by addressing growing issues that are quite complex. Good resource management takes an open-minded approach.

Dennis Schultz says:

[September 18, 2010 at 11:03 am](#)

This whole discussion points out how DOE has failed to perform doing their legislatively mandated duties. They have put off and refused to process water right applications for many years. Now they want the legislasture to allow them to charge 'fees' of questionable legality to the applicants that applied in good faith years ago.

This brings up a number of questions: Can they make they legally make the fees retroactive? Is this a violation of the RICCO Act? Other Government agencies have been sued under this Act. Will they only be applied to future applicants? How will DOE separate actual fees for service from their general expenses?

The best solution to this mess is to take control of water away from DOE and give it to a new agency that has very clear guidelines about what its responsibilities are and the rules under which it will operate. This new agency should not include any of the current DOE management. In the viewpoint of most of the water users in this state they are 'tainted' with their past failures.

wateruser1 says:

[September 17, 2010 at 5:19 pm](#)

Sure. Let the fish pay.

Who benefits? Me? yeah. When you shut me off, the senior guy downstream benefits. Charge him. Instream flows benefit fish.

And if you don't manage, who benefits? The illegal user? The junior right? The guys who work for them?

Figure out who benefits.

Lee Hatcher says:

September 17, 2010 at 4:27 pm

I think this should vary depending on the type of service and amount of water being used. Generally yes, it is a good idea and would fit in with continuing to fund watershed management for at least four more years. Some of the revenues should be allocated to local watershed management groups. This would provide the beginnings of base funding that would stabilize these groups. Watershed management will be needed throughout this century. A system that includes local responsibility and state level support will work best. I also think that all citizens of Washington should pay some portion of the cost for managing water, since we all must have water and benefit from sound management practices which are currently being developed.

City of Kent/T. Mortimer says:

September 17, 2010 at 3:25 pm

City of Kent Comment. According to the Department of Ecology, water management services provided by the agency include adjudications, instream flow setting, dam safety, managing water rights (decisions on new/change applications/replacement/exempt wells), drought response, enforcement, data collection, well construction, watershed management and supporting water use efficiency (reuse). Although each of the above "services" arguably provides some benefit to the State, including the public at large, we would not agree that each of the above programs provides a "benefit" to water right holders that warrants an annual water right fee. Indeed, many of the "services" constitute broad based public programs, rather than providing direct benefits to water right holders and/or directly regulating their conduct.

Adjudication, flow setting, data collection, enforcement, etc provide no direct "benefit" to water right holders nor is that the statutory intent of such programs. To the contrary, such programs are clearly regulatory in nature, intended to support broader state interests. Further the "benefits" of programs relating to drought enforcement, watershed management, and well construction are disparate among communities and user groups within the state, and often provide no direct or indirect "benefit" to water right holders. Obviously, the watershed management program provides no benefits to water right holders in King and Snohomish Counties where no such programs exist due to tribal opposition and other factors. And although dam safety, reuse, and data collection are in the public interest, it is arguable whether these programs provide "benefits" to all water right holders, particularly given the fact, for example, that inland reuse simply does not appear viable from a regulatory context. It should further be noted that virtually all water right decisions in the state for new applications and change applications are now subject to cost reimbursement, a program whereby Ecology's "management service" costs are fully recovered.

Overall, the assumption that above programs provide "benefits" to state water right holders that justify an annual water right fee appears legally problematic. More specifically, such an "annual fee" would appear to constitute a "tax" as opposed to a "fee for service" and thus may not be consistent with law. In this regard, the Washington State Supreme Court has made it clear that if the primary purpose of a law is to collect revenue to finance broad based public programs or improvements, rather than to regulate the person paying the charge, the charge may be recognized as

an unlawful tax. The context of the above question, and more specifically Ecology's stated interest in imposing an annual water right fee appears clearly intended to raise revenue for several arguably "broad based public programs," as opposed to regulating/benefiting the conduct of (all) individual water right holders. Further, absent a direct relationship between the fee charged and the service received by the person paying the charge, a "fee" can be found to constitute an unlawful "tax".

Given the broad scope of the "management services" Ecology is seeking to financially support, and the highly attenuated, if even existent direct relationship between many of those "services" and water right holders, it does not appear legally appropriate or sound public policy for Ecology to make a blanket assumption that (1) all water right holders (directly/indirectly) benefits from such services; and (2) that the recovery of costs for such services can properly occur via an (annual) fee schedule. Ecology may be better advised to increase program revenues by establishing a fee system where there is a clear and direct nexus between the service and applicant "benefit" and/or regulated conduct, and where the costs for such service can be effectively quantified. For services that do not provide a direct "benefit" or operate to clearly/directly "regulate" a water right holder's conduct, Ecology may be compelled to determine how such costs can be addressed in the form of a properly framed tax measure.

As a final comment, it now appears that the great proportion of DOE's programmatic efforts are focused on protecting and/or regulating unappropriated water that remains in streams/groundwater in order to protect stream/fish flows. It therefore seems reasonable that this programmatic priority or benefit of "resource protection" should be a subject of general fund support, as opposed to fees on individual water right holders.

Eco Think says:

[September 18, 2010 at 8:57 am](#)

When Fish and Wildlife charges fees to take the fish is it a tax?
When Natural Resources charges fees to take their timber is it a tax?

Michael Garrity says:

[September 17, 2010 at 3:00 pm](#)

Yes. It makes good fiscal and policy sense for beneficiaries of the water management system to pay for a higher portion of the cost of managing the resource from which they benefit. Higher user fees should be structured to provide adequate and stable funding for Ecology, which has lacked the resources needed to efficiently and effectively manage water for out-of-stream and instream purposes. Fees should also be structured to provides a clear financial incentive to use water more efficiently.

Katherine Brooks says:

[September 17, 2010 at 2:33 pm](#)

How will DOE define who benefits from the management services? Does this include the general public that expects water to be available? Or is it the individual water purveyors who are trying to meet the water demands for growth or the farmers who are trying to have enough water to produce food for a growing population? The State has an obligation to manage water resources and as such should provide necessary resources (i.e. adequate staffing) through the General Fund. It is also reasonable to

expect applicants for new water rights or changes to help pay via a user fee (fair share and balanced amount). However, it is equally reasonable for the payers of these user fees to expect that their applications be processed in a timely and predictable manner. Water law and Growth Management Act provisions are at a disconnect and need to be reconciled.

TVA says:

September 17, 2010 at 11:44 am

Typical of DOE, the public comment exercise is window dressing only. The Department has already prepared a set of funding recommendations to the legislature (<http://www.ecy.wa.gov/pubs/1011022.pdf>). It is this type of dishonesty that has robbed DOE of credibility and led a lot of Washington's citizens to say, if anything, DOE's budget should be slashed. Until the agency is cleaned of its activist personnel and demonstrates it can work honestly with the public, I join that group.

WallaWalla says:

September 17, 2010 at 2:41 pm

That report (IMO) has some big problems.

Like a sliding scale where we are charged less if we use less? Sweet! Oh waitaminute, should you or I "conserve" for 5 years we lose that portion (Qa, Qi, Place of use, season, even purpose).

Unless we put it in a trust or water bank. Which opens users to partial relinquishment since a trust requires an extent and validity test.

The one water bank I'm aware of doesn't require a test, but when you pull it out and someone complains...blammo! Extent and validity. And now maybe it's been in the bank long enough that the user doesn't not have the records (or the property is sold and its a new user) to prove one way or the other if the water was used. And the burden is on the right holder to prove they did use it, not on Ecology to prove you didn't.

Oh and while Ecology states "Washington state lags behind California, Oregon and British Columbia in requiring users of water resources services to pay for the services." We also lag behind Oregon who has NO partial relinquishment and we're light years ahead of California which (for the most part) doesn't even regulate ground water use at all.

I'm beginning to think Ecology is being quite selective with it's facts to make a sketchy argument more appealing.

The fact is if you flush a toilet, or take a shower in this state you are a water user. Ecology manages the resource for the users...and that's everyone. Not just the single user (or municipality...they'll be paying a fee too...right?) who has a permit to pump water out of the river/well. Those users are just first in the chain, and the easiest target to go after in a tight budget year.

Sigh.

Eco Think says:

September 16, 2010 at 9:01 am

Should those who benefit from the management services provided by the Water Resources Program be required to pay a higher portion of those costs? Misleading question. First it insinuates WR program has the funding to manage Washington's water... FALSE. It gets from the taxpayers about 1/3 of what's necessary to manage the waters of the state. Second this question appears to insinuate a fee structure would would partially pay for that 1/3 of underfunding...RIDICULOUS.

A fee for the use of Washington's water is the ONLY way the WR program can manage the water and get adequate funding to do so.

The downsides of no fee for use? water supply monopolies, waste, mismanagement, no more water for future users...etc etc etc. The list is endless. The idea that the state gives away ANY resource for free is absurd. In a market driven society there must be a price for any resource that isn't endless. It's the peoples water. Demand that it gets managed correctly. Ask for a fee for use.

Zena Hartung says:

[September 15, 2010 at 5:02 pm](#)

The problem for DOE is too great a mandate for too little funding. By charging for water management Ecology will be doing what the private sector does: fee for service. Other responders describe the water management as a public good and public should pay. But they do not stop to consider that most individuals in this State are paying sales tax for all the services provided by the State, and the dollars do not stretch, especially in a depressed economy. A fee means those who benefit get charged. It should improve the service as well.

Mark Peterson says:

[September 14, 2010 at 1:45 pm](#)

The services listed above as provided by DOE water resources are misleading. My response to the previous weeks question pointed out that applications for new water are typically denied as most basins are closed to new appropriations in the central region. The only other applications are for changes to existing rights which CRO has essentially stopped doing. Persons who need a change now go through water conservancy boards at thier own expense. DOE review often feels more like a turf battle that DOE undertakes against conservancy boards as DOE does not provide complete information to the boards upon request (e.g. Landsat photos and other relevant file materials) and often denies changes for impairment issues that are theoretical at most.

The stream guages are not monitored by DOE. Other rights are insufficiently monitored to assure any meaningful benefit by DOE. DOE is dependant upon citizen complaints for water use violations and even then has little authority to do anything except when the violation is very clear.

DOE efforts on compliance are largely letter writing which is useful but not particularly labor intensive.

Collection and storage of relevant information is a key role for ecology, but accessing this information is difficult. Ecology began to put this information on line along the columbia river but that website is no longer functional as designed. Collecting and disseminating information in this manner is wonderful for the majority of citizens who want to voluntarily comply but the fact that DOE does not fix the website and expand upon it demonstrates that their priority is controlling the resource and not educational or even voluntary compliance related.

I agree with the majority of the comments that the benefits that are supposed to happen are a general benefit to all persons and are rightfully funded by the general fund. I see DOE efforts to secure funding elsewhere as an effort to further insulate it from the persons it is supposed to serve.

The problem is priorities. If DOE priorities ever felt like they were consistent with the publics there would be no trouble finding funding. Instead DOE spends much of its resources fighting battles over water quantities that are too small to measure even cumulatively. If DOE focused on empowering water users and local government with knowledge of water rights and taking stands on water use that is meaningful to the public then they would be seen as part of a solution rather than a publicly funded special interest group.

Scott Gordon says:

[September 14, 2010 at 12:12 pm](#)

Intersting. Since the State Department of Ecology has stated many times that they are NOT GIVING OUT ANY NEW Water rights, whats the argument really about.

If we do not stop their abuse of power. we will all be out of luck. I am already hearing from people in eastern wa who allowed a water meter to be placed volunterily on thier well. Only to recieve a water bill within months. They destroyed the meter.

Todd Krause says:

[September 14, 2010 at 8:35 am](#)

The majority of Ecology's workload is managing a public resource for the public benefit. While there may be a few "services" that would be suited to a "pay to play" format, the vast majority of Ecology's management services should be borne by the tax payers. In order to meet thier mandates, Ecology should align their priorities and resources with those of the citizens whom they serve.

Dennis Schultz says:

[September 14, 2010 at 6:27 am](#)

DOE provides very few direct services to the users of water. Most of the work they do is for the 'public good'. Asking water users to pay for Ecology's operations, is like making only parents pay for education, or, only the people calling the fire department to support the fire departments. How much of DOE's budget is spent on projects and studies that affect whole watersheds or multiple properties, where many of the people don't want them, or, don't even know they are being conducted? We have to get out of the mindset of "What's good for Ecology is good for you".

Eldon Roush says:

[September 14, 2010 at 5:12 am](#)

Again...fees are fine but should be based on applicant's/users ability to pay!

Dick Price says:

[September 13, 2010 at 4:36 pm](#)

Since we all drink water, this program can and should continue to be mainly supported from the general fund. An annual fee for water right

holders is not a good idea in general, and it apparently does not apply to exempt well owners. Water right holders are increasingly unsure about the validity of their certificates and claims. I don't think additional level of staffing that would be required to manage the collection of these new fees would be worth it.

However, the current water rights application and change fees are very low, and an increase of approximately 10 times seems reasonable. I don't think they have been increased in decades.

More funding, or changing the funding source, will probably not help solve the problems with water management in this State. What we really need is a new system of "active water management" rather than the current "passive water management." There are real opportunities to better fund and better utilize our water resources through a new system of regional watermasters who actively work with the local people and local governments, water banks in each WRIA, temporary permits, temporary water rights, and other incentives for the better and more efficient use of our water. To help accomplish this, Ecology really needs more experienced engineer-types on staff and less attorneys and professor-types. More hands-on practical input on Ecology's decisions would help.

Tim Boyd says:

[September 13, 2010 at 3:03 pm](#)

A "fee" implies a service or benefit will be received. Such is not the case for most water rights applicants — the backlog now tops 7,000 applications and a majority of those applicants have been waiting in line for 10 years or more. The only permits processed quickly by DOE in recent years have been at full cost reimbursement to the agency by the applicant.

A majority of what Ecology does in the Water Resources Program isn't processing applications for new appropriations, changes or transfers of water. It is, as stated by the agency, "protecting the waters of Washington" for the people of the state. Given that programmatic focus, it isn't unreasonable that a majority of the program costs are and should be paid by the taxpayers, the citizens at large. Shifting that funding burden onto a small number of water rights applicants is unreasonable.

Putting water to beneficial use, especially for irrigated agriculture, is great investment in the state's economy and benefits all our citizens. Water rights have helped transform otherwise arid, lower value ground into some of the most productive farm land in the world. Maintaining in-stream flows for fish passage and future populations are important, but DOE needs to restructure the program to find more policy balance and reform the program to find more staff efficiencies. Substituting fees for shrinking support from the State General Fund is NOT the answer in today's struggling economy.

John Roskelley says:

[September 13, 2010 at 1:21 pm](#)

In my opinion, yes. As a former county commissioner, many of our programs functioned on user fees or a high percentage of user fees, including the Building and Planning department, sub-departments of Engineering, sub-departments of Utilities, and the recreation and golf divisions in the Parks, Recreation and Golf Department (among others). The hostility toward DOE indicated above should not be a basis for refusing revenue from those who benefit from the work. Private enterprise runs on customers (users) and government would do well to charge its customers for its services, not rely on the common tax dollar. Our taxes

have too many demands from services which cannot derive significant revenue (courts, law enforcement, etc.), so anytime there is a specific user – they should “pay to play”.

Robert N. Crittenden says:

[September 13, 2010 at 12:14 pm](#)

The same response, as to the second question:

In this State, water is owned by the public and it is supposed to be managed for the public benefit. Therefore, the public should bear the cost of that management. To place that financial burden upon one sector of the public would impose an illegal tax upon them. Alternatively, that could be interpreted as privatizing the water or, a least, a significant step in that direction.

Several years ago, the Legislature considered removing the responsibility for water management from the Department of Ecology and creating a new agency to provide those services. Perhaps, that issue should be revisited, now that DOE, by asking this question, has given the indication that they are considering privatizing the water resources of the State instead of managing them for the public benefit.

S. Marble says:

[September 13, 2010 at 10:17 am](#)

Absolutely not!!! Citizens of the State of Washington are not served by allowing this out of control state agency any deeper into their pockets. This agency needs less funding until the culture in the department changes to allow people back into their “water for fish, farms, and forget people” policies.

Kathy Humphrey says:

[September 13, 2010 at 10:14 am](#)

Give Ecology more money and they will simply use it to be more obstructionistic in water rights acquisition and water rights changes. The State deced to take over managing all water rights in WA, the State should be resposible for funding a process that gets bogged down in ECYs own nitpicking, adversarial process.

While I recognize the necessity to conserve and protect our most precious resource, I don't see a correlation between conservation and protection and water rights issues as determined by ECY. We (in America) are expected to increase our population by 50% to 450,000,000 residents. Obviously, this will affect WA similarly. I don't see a proactive plan or objective for meeting the needs generated by this crisis. Aquifers are being drained by exempt wells, even exempt wells for development.

In the meantime, I see no proactive development of reservoirs to retain water supplies from snow melt and river water or to capture the downstream flow from the glacier that is the headwaters of the Columbia.

Kathy Humphrey says:

[September 13, 2010 at 10:19 am](#)

My computer posted my response before I had completed it. Don't know how, I didn't strike anything.

If we don't get our act together between ECY, municipalities and other concentrated areas of domestic water use, the needs of

agriculture, and the needs of industry, the logical outcome of this lack of pre-emptive, proactive planning will be water wars, fought in the courts at no small cost to all involved.

Marguerite says:

[September 13, 2010 at 9:43 am](#)

Another leading question, designed to get everyone to answer, "of course!" And, then, Ecology will go to the Legislature, and say that they have a mandate to increase fees for management services. Ask the people of Chimacum, Hadlock, and Sequim, if Ecology is working to provide water for farms. Many of us don't see that at all.

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WATER BUDGETS - SUPPLY AND DEMAND PROJECTING

September 20 – September 26

(09/27/2010) Please note: Feedback is no longer being accepted for this question. Thank you to all that participated. The responses we received are available below. You can also continue to provide comments or contact us at forum@ecy.wa.gov.



THE ISSUE

The state's Office of Financial Management estimates that the state's population will grow by about 1.7 million people in the next 20 years. In order to determine how much water this growing population will need and where in the state the water will be needed, the Department of Ecology needs to gather and analyze data about water supply and demand trends. This is called "supply and demand projecting."

>> Learn more about [Long-Term Forecasts of Washington Population and Net Migration](#)

>> Learn more about [Water Use Trends in Washington 1985–2005](#)

>> Learn more about [Washington's Water Supply](#)

YOUR FEEDBACK

In your comments, please answer the following question:

Q4) Should Washington state make investments in 'water supply and demand projecting' to not only determine how much water will be needed for population growth, but also for economic growth and fish habitat?

> > Scroll down to read all responses.

This entry was posted on Monday, September 20th, 2010 at 8:36 am and is filed under [Uncategorized](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. Both comments and pings are currently closed.

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- [Economic climate change hits water policy](#) - 09/02/2010 by Lance Dickie / Seattle Times editorial columnist

16 Responses to *WATER BUDGETS - SUPPLY AND DEMAND PROJECTING*

David McClure says:

September 27, 2010 at 9:47 am

Yes, the state should make investments in water supply and demand forecasting. However, it should be done at the local/watershed level. Access to water can be a significant factor limiting economic development and communities' ability to actualize their visions for the future.

theBird says:

September 24, 2010 at 1:40 pm

We hear DOE will charge "fees" to fund more staff time to ?. DOE has a theory that you measure success by the amount of Dollars spent on WRIA. No amount of Tax Payer dollars spent can overcome FAILURE. Now you want to charge Fees for water usage. Come on November

Dept of Ecology says:

September 24, 2010 at 11:37 am

Water supply and demand projecting is nothing new to the Department of Ecology. Perhaps this week's question should have read: "Should the state fill in the gaps of existing supply and demand projections and roll up existing supply and demand reports into one comprehensive statewide supply and demand projection?"

Under RCW 90.54.040 (1) of the Water Resource Act of 1971, Ecology received this directive from the Legislature:

"The department, through the adoption of appropriate rules, is directed, as a matter of high priority to insure that the waters of the state are utilized for the best interests of the people, to develop and implement in accordance with the policies of this chapter a comprehensive state water resources program which will provide a process for making decisions on future water resource allocation and use. The department may develop the program in segments so that immediate attention may be given to waters of a given physioeconomic region of the state or to specific critical problems of water allocation and use."

To date, the department has been developing a comprehensive state water resources program in segments. Many utilities, cities, counties and other interested entities have made investments in water supply and demand projecting. The department's Office of the Columbia River has done this for the Columbia River. To see the water supply and demand report for the Columbia go to <http://www.ecy.wa.gov/programs/wr/cwp/crwmp.html>

So while there is currently an assortment of many regionally specific supply and demand projections that exist, there is no statewide supply and demand projection.

Marguerite says:

September 25, 2010 at 10:58 am

Unless you want to bring water to those who need it, across watersheds, there should not be a "statewide supply & demand projection." Those projections should remain regional. Some areas of the state have only one aquifer. Some have two or three. Some areas have NO defined aquifer. Some do not have enough recharge to their aquifer(s). Others are replenished with abundant rain and snow from the mountains in their watershed. Yet, Ecology takes a similar approach to most watersheds—assuming there is not enough water, requiring mitigation for water use, and allowing a "reserve" of water for future growth.

Where there truly is water, this approach deprives or over-regulates, those who look forward to retiring on a farm—small or large—and, growing their own, safe, produce. So much for “Water for People, Farms, and Fish.”

JimK says:

[September 24, 2010 at 1:07 am](#)

No! My reasoning is related to another question. Why does the State think they are better at this than local/regional governments/municipalities? Is it because the State is better suited to making broad based decisions? In this case I'm assuming DOE is asking this question because they would be the ones responsible for projecting water supply and demand. So a partisan, appointed group is better suited than a regionally focused, elected group of officials? As Mr. Johnson eloquently stated earlier, 'DOE is an environmental protection agency'. They already have too much power and there is ample evidence that they clearly don't understand economics and how it integrates with protecting the environment. I keep hoping that DOE's reality is my dream because I want it to end!

As a side note, I have read every comment to date for this and every other question. Every answer for this question seems to be a resounding 'NO'. Does DOE plan to actually do anything with these answers or are we simply wasting our time by thinking that we may actually contribute to policy? I appreciate and agree with the desire for a democratic process but public discourse is meaningless without follow through.

Robert A. Johnson says:

[September 23, 2010 at 9:16 am](#)

Water resources need to be managed for all uses, but particularly for economic development. Without a strong economy, there can be no money to support population growth or environmental protection. We are living that reality right now; cutting programs to the bone, including social, environmental and planning programs.

The Department of Ecology should not be in charge of water. It is an environmental protection agency. Environmental protection, including water for fish and clean water is only one facet of water management. DOE should be involved as appropriate to the needs and goals of the agency, but not in charge of the program. There needs to be a fundamental change in how water is managed in Washington. It has not worked in the past, is not working currently, and will not work in the future regardless of how much funding is given to Ecology. Having the fox guard the henhouse is not the right way to go about this, in my opinion. Ecology is too vested in promoting its own agenda to adequately consider other water issues.

Especially now, we should be managing water to improve the economy, create jobs and increase tax revenue. Only with a healthy economy can environmental protection agendas be undertaken effectively. With no jobs and diminishing revenue, we all loose, including the environmental community. The first thing needed is to take the water program out of Ecology and put it under an agency (if it must be under an agency) that promotes economic development.

Eco Think says:

[September 23, 2010 at 8:26 am](#)

Should Washington state make investments in 'water supply and demand

projecting'? Really? Is this a serious question?

How else would you manage something? I assumed that DOE was already doing this. Again, what exactly does DOE do that constitutes "management" if they are not already evaluating how much resources there are and how they can be sustainably used? Holy \$#&&! I guess I assumed that DOE was managing things...

Imagine if "managers" weren't doing supply and demand forecasting for your mutual fund or the social security fund? Are you kidding? Dereliction of duty! I thought I knew how this organization runs. Boy am I wrong.

S. Marble says:

[September 22, 2010 at 2:29 pm](#)

Thank you DOE for another push poll type question illustrating what a disingenuous bunch occupies this agency. Ecology, long ago, gave away any credibility they might have had. No-don't let DOE make any projections on future water supplies. They aren't credible. Instead, let's contract some studies showing the saving in the bloated state spending by reducing the funding to out of control agencies that invent problems whose only solution is to produce bigger budgets and more agency control over the population.

eldon roush says:

[September 21, 2010 at 6:59 pm](#)

ABSOLUTELY NO!!! Too much power in the governments hands already!!

Kevin Bell says:

[September 21, 2010 at 2:10 pm](#)

The question of whether the State of Washington should do long-range water resource planning is entirely separate from the question of whether or not Ecology or F&W are the right agencies for the job. Therefore, I don't see comments slamming Ecology as particularly relevant here.

I'm actually surprised that this is even a question. Water is an inherently public resource, and control belongs in public hands. Very few local governments contain complete, isolated watersheds or aquifers within their jurisdictional boundary. The only viable options for sustainable water supply, whatever your priorities happen to be, are either new watershed or aquifer-based institutions with planning and enforcement authority, or state oversight.

Balanced water planning is essential, and it must include sustainable rivers, sustainable fish and wildlife, sustainable groundwater, and a sustainable economy as core requirements for that planning. It must explicitly address the risks that we face and how we respond to those risks, and internalize both the insurance that we are willing to pay to reduce those risks, and the actual costs associated with our current water use vector, as part of the decision-making process.

An example of how to do it wrong is already quietly underway: In Washington, and all across the West, the realization that climate change will dramatically reduce average snowpack (our traditional seasonal water storage infrastructure) has brought every brain-dead, overpriced, destructive, ridiculous water storage reservoir proposal ever rejected over the last century out of the woodwork. A few of these projects might make sense now. Most are still stupid ideas. All of them are moving forward now, under the radar. Without a serious and rational water resource

planning process, some of them are going to get built anyway.

WallaWalla says:

September 23, 2010 at 2:00 pm

No conversation is meaningful outside of the proper context. Ecology is asking the question, so who would administer the program can be safely assumed and therefore past performance is highly relevant.

As a note, I think someone from Ecology stated that above ground water storage was being examined as a possible solution to the newly studied (but long known) ground water issued in the Yakima. Since you seem disinclined to support above ground water storage, again the source of this question seems fairly relevant.

WallaWalla says:

September 21, 2010 at 12:54 pm

To what end?

Is the "projecting" going to be used to assist water management in the current statutory framework?

Is it going to be used as a lever to attempt to modify the water code? If so, how?

Someone must have some kind of plan for the results of this study "if this then this, if that then that."

If not...then definitely no.

Mike Movius says:

September 21, 2010 at 11:11 am

So, what are the expected outcomes of such a study? Is the purpose to impose more government-focused regulations or to increase the amount of rainfall? Obviously, this is a power grab by state bureaucrats and a way for politicians to claim they've "protected" us. Give us a break!

Stop this foolishness by reducing government spending and dependence on a tired political agenda.

Robert N. Crittenden says:

September 20, 2010 at 10:51 am

No. In light of the Departments of Ecology and Fish and Wildlife's past performance, it would be foolish to entrust "water supply and demand projecting" to them. — During the Watershed Planning Process, those Departments repeatedly produced models or surveys of water resources or fish habitat that were not scientifically valid. Furthermore, in some cases the outcomes of those models and surveys appeared to reflect departmental policy.

"Water supply and demand projecting" should be left to local governments and water supply companies. — Although, they may be less well funded, they are unlikely to be less qualified. However, what is probably most important is that they are likely to be more motivated, as they are closest to the people who must live with the consequences of their decisions.

Marguerite says:

September 20, 2010 at 9:06 am

Many of us on the Olympic Peninsula do not believe that Ecology has been accurate in their estimates of water supply projections, to date. And, it has been deemed to be “too expensive” to capture & store the large amounts of water that drain down from our mountains. What about the payback for increased economic growth and fish production, derived from “more” water? Some areas can “store” water in their upper aquifer, in side channels, wetlands, etc. Also, the QUALITY of fish habitat is important. Shade, deep pools, woody debris, proper amount of gravel—these things are not provided by more water, or by restricting exempt wells. Isn't Ecology's Water Resources Program in charge of water quantity and quality, and not habitat?

the bird says:

September 21, 2010 at 10:56 am

Proof that DOE has wasted their funds. They want to spend more??

WIRA 17 is such a failure they changed their name. Oh im sorry re-branded.

The only residents that like DOEs decisions live on municipal water or on state grants.

Most people in Jefferson County think that DOE should start over and let the people(as the Leg. intent was and is) decide about water solutions not POLITICS!!! Keep the lawsuits coming!!!



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GROUNDWATER PERMIT EXEMPTION

September 27 – October 3

(10/04/2010) Please note: Feedback is no longer being accepted for this question. Thank you to all that participated. The responses we received are available below. You can also continue to provide comments or contact us at forum@ecy.wa.gov.



THE ISSUE

The "permit-exempt" well provision of Washington state's 1945 Groundwater Code was also known as the homestead exemption because it allowed a rural homeowner to dig a water well for personal use without obtaining a water right permit, provided the homeowner limited water use to 5,000 gallons per day (gpd) for in-house use and a sufficient amount for a half acre lawn and garden.

While these wells have supported rural development and housing for decades in many parts of the state, they have contributed to a depletion of the groundwater in those watersheds where rapid population growth is occurring.

Typical rural water use ranges from 200 to 500 gpd for in-house use but because Ecology has no authority to reduce the 5,000 gpd limit, the agency has only one tool to reduce the proliferation of permit-exempt wells in water short basins: close the entire basin to new groundwater withdrawals.

Learn more >> [Groundwater Permit Exemption](#)

YOUR FEEDBACK

In your comments, please answer the following question:

Q5) Should Ecology have rule-making authority through amendment to the Groundwater Code to reduce the volume of water that can be withdrawn under the permit exemption in those watersheds where available waters are close to exhaustion?)

This entry was posted on Monday, September 27th, 2010 at 10:14 am and is filed under [Uncategorized](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. Both comments and pings are currently closed.

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29 Responses to *GROUNDWATER PERMIT EXEMPTION***Carl Arndt says:**[October 2, 2010 at 7:44 pm](#)

The answer is NO. I have read all of the replies, and it is evident that a wide variety of opinions are presented, however I did not see a lot of emphasis on

Ecology's "SCIENCE", I know that some of the data gathered from local watersheds/river-flows etc. are

based on "high water" winter run-off rather than an average year yearly flow. I have been personally informed that the water usage levels for WRIA 18

have low summer levels factored in the equation.

So what gives, it appears to me that the same folks who are touting the glories of the Elwah dam removal

project and the harebrained "salmon" restoration programs being perpetrated, are also using the same science to obfuscate what is presented to the public.

It is necessary to validate EVERY STUDY, AND VERIFY THE RESULTS. IF PROJECT HAS BEEN COMPLETED CHECK IT'S SUCCESS OR FAILURE. YOU WILL FIND FAR MORE FAILURES THAN VIABLE, LIVABLE, AFFORDABLE SOLUTIONS.

Jill Van Hulle says:[October 1, 2010 at 3:34 pm](#)

Why not revise that whole section to finally clarify what a reasonable permit exemption ought to be instead of trying to develop different levels for different watersheds? The issue isn't whether small scale domestic users have to forgo watering the lawn it's "exemption stacking" where the State ends up with a whole host of different interpretations of what is exempt.

Eco Think says:[October 3, 2010 at 7:58 am](#)

Because that would make sense. Are there any lawmakers that can do this?

S. Marble says:[September 30, 2010 at 12:47 pm](#)

Exempt wells comprise approximately 1% of water use in this state and much of this use is recharged back into the aquifer via septic systems.

Why is all this energy and effort expended on such a miniscule portion of water use? Do the arguments to expand not elected, unaccountable DOE's authority to make water law and give them a 'user fee' revenue stream nuts or what?

walla walla says:[September 30, 2010 at 1:55 pm](#)

Two words, Easterday Ranches.

Dennis Schultz says:

September 30, 2010 at 7:45 am

Ecology has mis-handled water usage in this state for years. It is ridiculous that DOE can ignore Water Right applications for years and get away with it. If they are given any more power, it will be more of the same. Keep the law making powers in the Legislature where the voters have some control.

DOE keeps ignoring the fact that the Permit Exempt well is the lifeblood of the small farmer. As a small market farmer, I depend on my well to irrigate. It limits my size, but it at least allowed me to start farming. I have been waiting for a Water Right for 13 years and will probably die of old age before DOE looks at it. I agree that we need better data on how these wells are used. But, no one trusts DOE to meter and not later start charging us for the water. Our local Watershed Rule (WRIA17) has stopped any new small farms from starting up. This is the beginning of the end of our local Farmer's Market as the current vendors start dropping out. Most small vendors only last a few years in the market and there is a steady turnover of new vendors.

Remember a typical Permit Well user irrigating a small farm only irrigates during the summer, and then not every day. He may only use 2-300,00 gallons if he runs at 5,000 gpd and a large percentage is returned to the ground. 12" of rainfall on a 5 acre plot, amounts to over 1.6 million gallons. The argument is used, that a lot of irrigation water is evaporated – compare this to the evapotranspiration rate of 5 acres of Douglas Firs. A good argument can be made for clearing our forests to 'save' the water.

I firmly believe that we should realistically manage our water. DOE has shown that they are incapable of doing this. They just write restrictive rules.

A water management plan should consider:
 How much water we have and where it is located
 How much is available for use
 How it is currently used and who has claims on the water
 The interaction between users
 When and where water is needed
 Future requirements
 And, water use should be under local control, not DOE.

Sharyn Fuller says:

September 29, 2010 at 10:50 am

Absolutely not!! The drive to take everything away from the hands of individuals and place the resources under control of the government is completely backward to the premise of our government: limited governmental rights given to the government by the people. Since Ecology isn't even an elected group and doesn't seem to have any oversight, I emphatically do not want this to happen.

Sue Forde says:

September 29, 2010 at 10:38 am

Absolutely not! The law gives exempt wells 5000 gal/day. Unless that law is changed, it should stand. Ecology is an unelected, unaccountable agency, and the rules made are most often based on computer modeling, which can be tweaked to reach predetermined outcomes. This issue is about control, not shortage of water. Most people are careful with water consumption already. There's no need to oversee and micromanage peoples' lives; it goes against both our US Constitution and our State Constitution's principles.

Eco Think says:

[September 29, 2010 at 10:18 am](#)

After recently talking to a DOE employee this idea sounds ridiculous. DOE is incapable of monitoring or enforcing water rights on the largest users. Why would they even propose the ridiculous idea of pretending to regulate the smallest users which there are probably a million of.

The exemption was created because relatively smart people realized the smallest users or uses could NEVER be managed. If we had smart people in the legislature today, they could easily solve this problem by creating a new "domestic" exemption that guarantees someone gets x amount of water for "living" purposes. This new exemption could be written to be free of the bastardized water code. Now people could go back to their constitutional right of Life, Liberty and the pursuit of happiness. Then you can let those that are flood irrigating hundreds of acres fight amongst themselves. Not keep people from having a home.

No to DOE. Yes to the lawmakers.

dogstolethings says:

[September 29, 2010 at 9:59 am](#)

The need to monitor and meter water use is an issue that affects everyone. Call them overburdened, spread thin, or lazy if you will, but the Department of Ecology has the responsibility to serve the best interest of the public and the environment and maintain open public forums for all of their policy making issues. Widespread use of exempt wells is a problem in many areas and developers can easily utilize those antiquated regulations to their advantage, which can result in large impacts to existing wells. I agree with some of the comments here that existing exempt wells should have grandfathered use in perpetuity, but construction of new wells should be more closely regulated. Ecology should have the authority to reduce withdrawals in basins where flows and levels have reached a critical minimum threshold. This is consistent with the methods and authority of agencies in other states, precedents have already be set across the country.

bob forde says:

[September 30, 2010 at 10:58 am](#)

In a state where often many areas are underwater in the rainy season, you would think that ecology would store water for use in times of need. The last thing this society needs is more regulation from degreed people that have little care about local problems. Marv is right: water issues are best dealt with at the local level. For the 20+ years I have followed the antics of ecology the one thing that is clear is that their people(experts) come and go and retire but we the people must live with their poorly crafted policies. Bob, Sequim

Marv Chastain says:

[September 29, 2010 at 9:37 am](#)

One size does not fit all. Water control and distribution should be controlled locally – not by an arrogant, sometimes stupid bureaucracy from Olympia. Ecology's agenda goes way beyond what the agency was set up for and is a danger to all rural citizens of this state. I agree that laws should be made by the legislature.

Marv

Eco Think says:

[September 29, 2010 at 4:41 pm](#)

Whoever put Water Resources in Ecology made a huge mistake. Other states don't do it this way.

Leaving resource allocation up to politicians is a horrible and inequitable idea. Resource allocation should be left to market driven forces. The problems you see in the Water Resources program start at the top of our government.

Richard Hale says:

[September 29, 2010 at 8:53 am](#)

It seems as though the Municipalities are tripping over themselves on the way to the bank while letting existing residents down, they should have grandfathered wells and moratoriums on building new residences. Its the old money talks and existing public trust don't matter. Your elected officials at work for you. Yes, when a shark bites down, its closes its eyes. Just sayin...

Jim Boyer says:

[September 28, 2010 at 8:27 pm](#)

ABSOLUTELY NOT! Agencies staffed by unelected officials who are not responsible to voters having rule making authority is unconstitutional, and dangerous.

With the ability to make rules comes, enforcement authority which is necessarily followed by police power. Such an idea could go in the wrong direction fast, followed by the need for more funding to support new divisions of regulation, enforcement and more.

This topic should be put to rest quickly.

Progressive says:

[September 28, 2010 at 11:19 am](#)

The LEGISLATURE should be mature enough to admit that 5000 gpd was not carefully determined in 1945 to be the amount needed for the uses listed (single in-house plus garden, etc.) and so the LEGISLATURE should amend that number itself! The 1945 water code should be updated so that its vagueness, resulting in loopholes, cannot be manipulated for unintended benefits (or the most obvious ones at minimum).

Data Man says:

[October 1, 2010 at 4:08 pm](#)

Agree with Progressive totally. What do people think of a 5K a day in Arizona. Way to much and DOH can advise on the needs for a family.

Amend the entire statute and reclassify exemptions....and amounts to each class.

Finally, the best thing we can do now is require ALL wells to have meters. Make all pay over 8 years or something.

backroader says:

[September 27, 2010 at 6:58 pm](#)

If Ecology can't regulate exempt wells, who will? The people writing in so far all seem to live in areas where there is an ample water supply. The situation in Okanogan county is far different. Most of the county receives only 10 to 15" of rainfall a year. During drought years, of which there are many, the groundwater supply is often exhausted and wells, springs and streams go dry. Yet the county is a prime target for large developers who mis-use the exempt well statute to get their projects veted.

Many watersheds are already over-appropriated with water rights, and the senior water rights users are being shorted when large residential/recreational developments move into their watershed. From personal experience I have seen what can happen when a developer is allowed to drill a series of exempt wells for a subdivision with no consideration of how this will affect neighboring farms and residences. The county planning dept. ignores Ecology's requirement that large subdivisions require water rights, and unless the neighbors take it to court there is no way they can prevail in this county. If the counties regulated the exempt well rule, Ecology might not need to institute a rule, but in this case that is not happening.

WallaWalla says:

[September 28, 2010 at 9:27 am](#)

If the conditions are that dire (I have not doubt) then the Basins you speak of should have long since been closed to new appropriations, and that does include exempt wells.

I'm from a similar basis (over appropriated and then some by the mid 20th century) and overage of 15" of rain. Yet inexplicably, Ecology drafted rules to allow the continued use of exempt wells in dense zoning. And we have a housing surplus to boot and a low (1%) growth rate.

Makes no sense.

backroader says:

[September 28, 2010 at 8:00 pm](#)

No, it doesnt make sense. Did anyone protest or fight it?

Ecology does seem to buckle to political pressure... and the county commissioners buckle to the developers!...so unless there is a lot of citizen group noise, or actual lawsuits they will go the easy route, in this case allowing exempt wells where there shouldnt be.

eldon roush says:

[September 27, 2010 at 4:49 pm](#)

NO..NO..NO and if it does happen...all prior wells and existing dwellings better be grandfathered!!!!

Jean Irvine says:

[September 27, 2010 at 2:23 pm](#)

I totally agree that Ecology already has way too much power. Law makers are accountable to their constituents but Ecology can do what they please. People should have the rights to water crops and livestock or just a small

lawn. We need to retain the up to 5,000 per day exemption that we already have.

John says:

September 27, 2010 at 2:15 pm

I suspect the proposed rule making authority above would be a far greater burden on Ecology than it would be a welcome addition to the agency toolbox. As others have pointed out, if there is not sufficient water to allow additional consumptive uses, then the basin should be closed to further appropriation — including disallowing new permit exempt withdrawals. Any other discretionary department action not specifically prescribed by the legislature is likely to escalate the intensity of legal challenges along with increasing the general level of political discord and distrust.

There is a basic fairness issue at work here, having to do with equal treatment under the law — think of the possibility — various basins around the state with different and changeable permit exempt amounts. Any and all differences in hydrologic analysis, administrative process, local financial resources, and area influential personalities could become issues in the ensuing skirmishes.

Other problems can also be foreseen, such as how to treat those who can document or give reliable evidence that their daily exempt usage has been perfected at a greater amount than that allowed under any reduced volume limits? How about those who cannot? Or should only new wells be limited to the lesser amounts? And how could Ecology be expected to equitably enforce the lower limits?

I believe the authority to limit permit exempt withdrawals should remain with the Legislature, and the Legislature should do so. At a minimum I suggest they give Ecology authority to designate an intermediate permit-exempt level where a consistent designated quantity — perhaps 350 gpd — would be available for new *household* use. The legislature could direct Ecology to implement this restriction immediately for the many closed and partially closed basins around the state.

I realize this isn't a likely event, so this additional suggestion is even less likely to come to pass, but here goes: The legislature could also tackle the uncertainty around the various uses associated with the permit exemption, and clarify their intent that 5000gpd be the combined total exemption for all uses specified in RCW 90.44.050 — as alluded to in RCW 90.44.105:

"The amount of the water to be added to the holder's permit or certificate upon discontinuance of the exempt well shall be the average withdrawal from the well, in gallons per day, for the most recent five-year period preceding the date of the application, except that the amount shall not be less than eight hundred gallons per day for each residential connection or such alternative minimum amount as may be established by the department in consultation with the department of health, *and shall not exceed five thousand gallons per day*."

Robert N. Crittenden says:

September 27, 2010 at 12:28 pm

No. In the drainage basins that I am familiar with, the supposed "exhaustion" is an artifact of their scientifically invalid models and studies and the instream flow rules that they based upon them.

In addition, WRIA 18, (that is the Dungeness Valley on the North Olympic Peninsula) was not satisfied with merely an exhaustion of "paper water" but advocated programs that depleted the groundwater resources and,

then, used that to foster the false perception among the public that the groundwater was being depleted by domestic overuse. The cause of these changes is more likely found in the replacement of irrigation ditches with pipes and the shift to more efficient irrigation methods. These programs, which they advocated, reduced the infusion of water into the upper unconfined aquifer and eliminated most of the tail-water. The result was that the groundwater level dropped, some domestic wells went dry, and some small streams and wetlands dried-up. However, domestic wells usually tend to raise the water level in the upper unconfined aquifer and, at rural densities, domestic uses of the land consume less water per acre than irrigated farmland. The problem was not agricultural irrigation but the Department's programs for "improving" their methods of irrigation.

Furthermore, domestic wells are too important to rural life for them to be governed by agency rule-making. But even if that were not the case, we should consider the Department's track-record for rule-making before enlarging their authority. — In every WRIA in which I participated, they or the local agencies who were collaborating with them, attempted to set the minimum instream flows at more than the average natural flows. The worst case was the Sammish River, for which they attempted to set it at approximately ten-times the average natural flow. — They have a record of making unreasonable rules, even absurd rules.

In conclusion, the Department of Ecology's rule-making authority should not be enlarged, until they start doing valid science, stop creating environment problems that provide a justification for their continued existence and funding, and start writing reasonable rules. But, even when they have demonstrated that they have made these changes, domestic-wells are too important an issue to be dealt with by agency rule-making.

Bruce says:

[September 27, 2010 at 12:09 pm](#)

I don't believe so. Ecology already has the statutory authority to close a basin if water resources are close to depletion. Albeit, the 5,000 gpd exemption is generous for most residential uses, but amending the quantity of groundwater withdrawal would be a slippery slope. At what point would the general public begin to suffer under the curtailment? How would Ecology monitor it? I say no.

Todd Krause says:

[September 27, 2010 at 12:08 pm](#)

No. To second other comments, rulemaking authority lies with the legislature. Most people would agree that Washington Water law needs to be changed; however, those changes should be executed by the legislature. Permit exempt wells receive a large amount of attention; however, they are a very, very small percentage of the water withdrawn for beneficial use. If there truly is no water available in a basin, it should be closed. The small percentage of water saved by going from 5,000 gpd to some lesser amount is not an appropriate focus. Also, my understanding is that when Ecology considers the amount of water available, they assume that every exempt well uses 5,000 gpd. Average exempt well use is far below 5,000 gpd. Exempt well analysis should also include re-charge from exempt wells, if it does not do so already. A more logical and scientific approach to "troubled" basins would be to look at the largest water users (on a percentage basis) first, as well as the accuracy and validity of the in-stream flows that have been set. Trying to limit exempt wells in a given basin is not a scientific approach when these users are, I believe, just 1-2% of the water use problem.

WallaWalla says:

[September 28, 2010 at 9:23 am](#)

If what you say is true, that's even more cause to not expand DoE rule making powers. If they use 5000gpd to estimate appropriation, then say (as in the local basin rule) that nobody uses more than 1250gpd, which one is accurate? In fact here (WW) I believe that the 1250gpd INCLUDED outdoor use, but the rule they drafted with these limits forbid outdoor use without purchased mitigated water rights. Additionally they never codified in the rule how much water you had to "buy."

Seems the DoE has issues deciding what numbers to use. Or worse, simply uses the ones that suit the situation rather than implementing a comprehensive approach.

I also agree about use. If the 1250gpd use is accurate, you'd need exempt wells every few feet to make much of an impact, especially if the law is changed to prevent a dairy from drilling an exempt well and pumping 360AF/yr. But that is a legislative fix.

WallaWalla says:

[September 27, 2010 at 11:13 am](#)

Nope. Close the basin to new wells if it's over appropriated (ecology has that authority). Allowing smaller amounts doesn't help if there is already not enough water. Create banks/use trusts to store water for future consumptive uses. Ecology seems to have all of the needed tools to handle this issue.

In any event, if there is a change needed to the exempt well statute, then new limits should be set by the legislature and should apply to ALL new exempt wells in the state.

This is a big enough deal, and could have such wide ranging impacts, that it should not be left up to a single state agency (no new rule making powers).

Marguerite says:

[September 27, 2010 at 10:53 am](#)

Absolutely not! Laws should be made by lawmakers, not by Ecology. If the waters in a region are truly "close to exhaustion," and not just on paper, or by surmise, then, Ecology has a duty to close that basin to new wells, unless "new," "wet" water can be found, through mitigation or purchase. Ecology has not proven, in many areas, that individual wells are harming streams and rivers. Yet, they say that they are. Ecology already has more than enough power. People should be allowed (as in the WA Groundwater Code) to use their in-house water, and to provide stock water, and to water up to 1/2 acre of garden, lawn, or orchard, as long as that watering doesn't harm senior water rights. We need to retain the up to 5,000 gallon/day exemption that we already have.



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IDEAS TO BECOME MORE EFFICIENT AND COST EFFECTIVE

October 4 – October 12

(10/13/2010) Please note: Feedback is no longer being accepted for this question. Thank you to all that participated. The responses we received are available below. You can also continue to provide comments or contact us at forum@ecy.wa.gov.

October 4 – October 12



THE ISSUE

The mission of Ecology's Water Resources Program is to support sustainable water resources management to meet the present and future water needs of people and the natural environment, in partnership with Washington communities.

In the past five weeks, the Water Smart Washington Online Forum has taken comments on water management issues such as shifting more of the costs of processing water right applications and other services of the Water Resources Program from the taxpayers of Washington state to those who benefit directly from those services, to giving Ecology better tools to integrate permit-exempt groundwater withdrawals with overall water management.

The final Forum question is seeking ideas on how the Water Resources Program can become more efficient and/or cost effective in delivering any or all of its **ten distinct, statutorily required services**. Those services are:

1. Clarifying water rights through court adjudication,
2. Setting instream flows,
3. Ensuring dam safety,
4. Managing water rights,
5. Preparing and responding to drought,
6. Ensuring compliance with water laws,
7. Providing water resources data and information,
8. Regulating well construction,
9. Working with local groups, tribes and other agencies to develop and implement watershed plans,
10. Supporting water use efficiency.

CURRENT TOPIC:

**WaterSmart
Washington**
ONLINE FORUM

- > [Topic Overview](#)
- > [How To Participate](#)
- > [List of Questions](#)

RESOURCES:

- NEW!** [2010 Report to the Legislature and Governor: Water Resources Program Functions and Funding Structure - Recommendations for a sustainable and Efficient Program](#)
- [Water Resources Common Terms and Definitions](#)
- [Water Rights in Washington FAQ](#)
- [Budget Cuts and Water Rights Applications](#)
- [Watershed Planning Act](#)
- [Growing Needs for Water: Sharing a Limited Supply](#)
- [Landowner's Guide To Washington Water Rights](#)
- [MY BASIN – What you can do to protect your watershed](#)
- [Issue Up-close: Managing our Water Successfully](#)
- [Water Smart, Not Water Short - 5 Ways to Secure Water for Washington's Future](#)
- [Impacts of Climate Change in Washington State](#)
- [What is an adjudication?](#)
- [Economic climate change hits water policy - 09/02/2010 by Lance Dickie / Seattle Times editorial columnist](#)

For detailed background and description of these 10 Water Resources Program services, see Appendix A in [Ecology's 2010 Report to the Legislature on water management reform](#). This appendix provides a description of these ten activities, including current funding and fee structures, as well as potential funding and fee options.

YOUR FEEDBACK

In your comments, please answer the following question:

Q6) Based upon the information provided in Appendix A of the 2010 Report to the Legislature and Governor how can Ecology's Water Resources Program be more efficient and/or cost-effective in managing the water resources of Washington state to meet the present and future water needs of people and the natural environment?

This entry was posted on Monday, October 4th, 2010 at 8:47 am and is filed under [Uncategorized](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. Both comments and pings are currently closed.

14 Responses to *IDEAS TO BECOME MORE EFFICIENT AND COST EFFECTIVE*

WallaWalla says:

[October 11, 2010 at 1:55 pm](#)

I mumbled early on that I'd be in support of fee's if some of the regulatory absurdity (partial relinquishment) was abandoned. Item #6 under appendix A (page 38) does mention that as one of the preferred solutions. Though puzzlingly it appears only in specific cases.

I also like the idea of water masters being able to regulate non-adjudicated rights. Adjudicated or not, you need to live with your priority date. In fact, if Ecology can regulate, relinquish, and otherwise manage (regardless of adjudication status) I think general adjudications would largely be unneeded.

I did note that there seems to be some disconnect about FTE and Ecology's ability to process applications. Under that portion of the Appendix in question (Water Resources Program) there are only 9 FTE and \$2.6M listed. Kind of a contrast to the earlier table that lists up to 50+ FTE and compares that to the number of applications processed.

I just cannot buy that right holders are benefitted directly by every segment of Ecology's Water Programs. Most basins have no enforcement. Many are closed to new rights. Those users (billed under the blanket plan) would receive none of the more costly services their dollars would fund.

What we need is a tax (if back fill funding is needed) and/or a fix to the operational processes in place. Or a onetime blob of cash to fund an outside contractor to clean up the permit backlog. I suspect that's the real solution.

wateruser1 says:

October 10, 2010 at 10:39 am

The best way to increase efficiency: How about you get Ecology to just do what me, my county commissioner, and the growers association want. Give me my water, for free and for ever, and get out of the way!

Mark Peterson says:

October 8, 2010 at 11:51 am

Page 15 of the 2010 report to the Legislature includes a table of DOE FTEs correlated with applications processed for the last 10 years. It is provided to support the DOE proposition that additional money will result in additional work getting done. The data does not support that proposition. In 1998 19.5 FTEs processed 210 total applications for a productivity rate of 10.77 applications per FTE. In 1999 there was a surge in FTEs to 26.9 and a corresponding surge in processing to 273 but productivity sank to 10.15 applications per FTE. In 2000 productivity recovered to 10.71 applications per FTE. In 2001 there was a 3.7 FTE decline but productivity rose to 12.71. In 2002 there was another surge of FTEs to 56.9 which has remained pretty much the same since that year through 2008. This 2002 surge also brought with it a surge in work done with 874 applications being processed and a corresponding surge in productivity to 15.36 applications per FTE. The big story in the data is that in the next six years of data the FTEs remain roughly the same but productivity steadily declines to only 8.95 applications per FTE. This is a 42% decline in productivity in only 6 years.

I believe the problem can be traced to management policies that fail to provide adequate direction to the staff on where to focus their energies. New hires are likely to be competent in the basic concepts necessary to successfully process an application. Unfortunately Water Resource decisions are susceptible to being side tracked by minutia. As the new hires acquire greater sophistication they demand more and greater information that has less and less to do with the general merits of the application and generally involves inconsequential quantities of water. A management strategy like the one I outlined in previous comments would prevent this phenomenon and keep state dollars focused on legitimate state interests rather than a potentially endless quest for scientific perfection that happens to serve the ends of those who are opposed to getting the work done. I can provide numerous specific examples of enormous DOE and applicant resources being expended on issues that relate to fantastically small quantities of water in the context of change applications.

The upshot of this is that the data demonstrates that without a policy restraint of the kind I suggest a larger and more stable FTE number will likely bring applications to a stand still within a relatively short period of time.

City of Kent says:

October 8, 2010 at 11:40 am

Before undertaking new programs or expanding program activity, we would encourage the agency to evaluate the performance of the water resource staff in each regional office, assess relative productivity rates, and engage in an internal audit that addresses the disparities that existing information indicates exists in relative performance – particularly relating to water right change applications. Hopefully such scrutiny will reveal performance and internal system issues that can be remedied through personnel and/or system modifications. Such audits/performance reviews should be performed on annual basis and results made available to the legislature/public. Before new fees are assessed, such an audit should be performed and metrics developed to evaluate future

performance/efficiency achievements to ensure any new funding results in substantive improvements. We would also encourage that Ecology make an effort to determine what resource management services and information are available and/or being performed by local governments and other state agencies before new and/or expanded programs are contemplated. As a last comment, the needs of water right holders could be significantly aided by completing the digitizing of all existing water right records, and creating a internet access service where such records can be accessed without requiring Ecology staff assistance.

WallaWalla says:

[October 8, 2010 at 12:17 pm](#)

This is an excellent idea. With respect to the idea "you cannot manage what you cannot measure" I wonder how much of this data exists already.

S. Marble says:

[October 8, 2010 at 11:04 am](#)

When you build a racecar, because of the weight issue, there is a tipping point at which adding more horsepower is counter productive. Similarly, when Ecology expends inordinate amounts of time and energy trying to corral the minute percentage of water use resulting from exempt wells, the obvious conclusion is that the agency doesn't have efficiency at the top of their priority list. Maybe, if car loads of DOE staff weren't driving around the state in order to dominate "local committees" or schmooze and propagandize the population with their dog and pony shows, personnel would be available to process these applications.

Add to these activities, DOE's dedication to disseminating faux science. The expansion of the concept of hydraulic conductivity's influence on salmon populations fails to pass the smell test. Ecology's focus is on consolidating power to control people, not administrating water. Imagine telling rural people that watering gardens, as has been done since the dawn of civilization, will prevent the fish from spawning! Look at the effort Ecology expended in trying to understate the recharge of septic systems into the aquifer. Imagine requiring meters so we can monitor and micro manage the various users of the last 1% of human water use.

The department has created a credibility issue. If truly DOE wants to concentrate on their mandates in this era of reduced budgets, they would cease the never ending expansion of their authorities and programs.

Marguerite says:

[October 6, 2010 at 7:46 pm](#)

I really have a problem w/Ecology obtaining more money and more control, without outside scientific input. It bothers me a lot that Silverdale and surrounds can have, and use, so much water, when they don't have the runoff from the mountains like we (Sequim) do. But, Ecology thinks we have very little water. We have three aquifers! and, runoff from our mountains, which receive lots of rain and snow. Why is the Department of Commerce budget being cut so much, and Ecology's is not? Don't we need jobs, while we are protecting the environment and our water?

Port Angeles Business Association says:

[October 5, 2010 at 4:42 pm](#)

The following comments from the Port Angeles Business Association are in

answer to the Department of Ecology's request for ways to increase the efficiency and cost effectiveness of their Water Resources Program. Each comment is a response to a specific section of Appendix A of the 2010 Report to the Legislature.

Appendix A, page 1, paragraph 1: "The late summer before fall rains arrive, etc." Please look at the 4.9.10 Seattle Times article by Freitag and Montgomery, which proposes numerous small dams to provide water for fish during late summer.

Appendix A, page 19, paragraph 3: "In stream flows are used to determine how much water needs to remain in streams to meet environmental needs, etc." While the enabling legislation and this document present the expectation of balance between environmental and social needs, the three (WRIA's 17, 18 & 19) planning efforts on the North Olympic Peninsula have failed to attain this balance. The "technical assistance" provided by Ecology's scientists was actually a mandate to provide the optimum needs for fish. Our recommendation for efficiency is for Ecology to develop plausible site-specific criteria, based on empirical data, to determine "water-short" basins and then abandon in-stream flow rule activity in those that are not water short.

Appendix A, page 20, paragraph 2: "Grant clearer Authority to regulate permit-exempt groundwater wells, etc. We believe, and have seen no empirical data to the contrary, that exempt well use does not have the real time connection to in stream flows assumed by Ecology. Our recommendation for effectiveness is for Ecology to do the science necessary to determine specifically where, in any specific watershed, exempt well use will reduce in stream flows sufficiently to cause unacceptable impacts to fish.

Appendix A, page 20, paragraph 3: "Adopt a statewide rule that sets in stream flows for all watersheds currently without in stream flow rules." Developing and approving policy without science is an egregious violation of the goals of effectiveness and efficiency. We recommend that you do not do this.

Page 34, paragraph 2: "Conduct synoptic flow studies, etc." To attain effectiveness in balancing environmental and social needs, we recommend that these studies be done as a precursor to setting in stream flows. This will allow an accurate determine of when and where flows are needed, when and where withdrawals are acceptable, and when and where stream restoration and enhancement projects will be effective.

Page 34, paragraph 4: "Support water supply development, conservation, and storage solutions." We recommend that you consider the small dam option in the 4.9.10 Seattle Times article by Freitag & Montgomery, and stream restoration efforts that focus on re-establishment of the stream structure before setting in-stream flows.

Page 47, last paragraph: Water law, stream hydrology, and fish biology are complex fields and a large amount of technical assistance, etc." We agree. However, our experience has been that the technical assistance has been a one-sided advocacy for environmental benefits and increased control of local activities by Ecology. Our recommendation is for Ecology to assist local planning groups in understanding the environmental risks associated with a range of in-stream flows and allow the planning groups to determine the flow that provides an acceptable balance between environmental and social values.

Eco Think says:

[October 5, 2010 at 2:24 pm](#)

From reading your 2010 report it appears you have 10 primary "activities". Each one of these "activities" actually looks like a program! How does DOE expect to do a good job of 10 areas of water management when the funding provides for 2 or 3 to be done right? Why doesn't DOE make "Water Quality" an 11th activity and add 5 more people state wide to manage that function?

DOE management has obviously failed miserably. They haven't acquired the resources necessary to do the job. Believing you can get to your destination with only a 1/4 of a tank demonstrates they don't know what they are doing and will fail. The number #1 activity in the report to the legislator should be "acquire necessary resources". Why cant your program see this?

Talking about efficiency and being cost effective is ludicrous. Why not ask a starving person how they can make their cup of rice go further?

Fundamental change is needed.

Progressive says:

[October 4, 2010 at 3:21 pm](#)

First, Appendix A reads like a pipe dream... get more reasonable. That said, clean water and air are taken for granted, assumed to be infinitely available especially in rural areas. It will take a long time for the concept of paying for water management to be publicly accepted, but if existing laws are to be enforced (#1 priority), you must do it. Proposed fees will cause very little impact to users, but the principle will create havoc.

Robert N. Crittenden says:

[October 4, 2010 at 3:14 pm](#)

Scientifically valid studies would be a more efficient use of the Department's time and resources than doing otherwise, because, invalid studies do not go unnoticed by the public but provide a nucleus and basis for their opposition to the Department's programs. Furthermore, in many cases, those studies must eventually be replaced by valid ones.

Part of the problem lies with other State and Federal agencies, local governments, Tribes and contractors, some of whom have embraced the principles of Conservation Biology. I do not know whether the Department of Ecology has done so, too. However, it appears that they may have. If that is the case, they should reconsider that decision.

Conservation Biology and science are mutually exclusive and incompatible approaches. In particular:

- 1) In Conservation Biology, science is mission-oriented. That is, you decide what result you want, first, before a study is done and, then, you devise and conduct a study that will give that desired out-come; and
- 2) A central principle from Conservation Biology is the idea that the complexity of nature exceeds human understanding. Therefore, if you conduct any study at all, you begin with the assumption of complex interactions. However, the preferred approach is to attempt to mimic nature and, also, to solve whatever the underlying problem may be, by molding the behavior and values of the public, through a group-decision-making process conducted at the local level but guided by the Department.

The first violates the impartiality of science and the second violates Occam's Razor, as well as being offensive to many members of the public. — Having examined Conservation Biology, I find that it too closely allied to Nihilism to have a legitimate place in public-policy making.

So, I recommend that, the Department abandon the principles and methods of Conservation Biology and adopt those of science. That should help rebuild the Department's reputation and, in the long-run, lead to the more efficient use of their resources.

Eco Think says:

[October 5, 2010 at 1:56 pm](#)

Mr. Crittenden you sound like a very smart guy. What you propose here, although may be true, are very optimistic.

My understanding of the Water Resources program at DOE is that it is grossly underfunded. I ask you how would one get 5 star studies/results with 2 star funding?

And how do you expect to get real science when the politicians are calling the shots?

Robert N. Crittenden says:

[October 5, 2010 at 10:36 pm](#)

Yes. It is optimistic. But, I was looking at the long-term and considering the question of, "What changes do they need to make to improve their performance?"

Yes. I agree that the Department's political leadership, could easily prevent those changes from occurring. However, many of their programs have been going in the same direction for several decades and have become senescent. Furthermore, the political climate is changing. Thus, they are approaching the time when a change in direction will be needed.

If the will is there, I believe that the necessary changes can be made, because, I have seen a large department of a university make such fundamental changes. I, also, believe that the funding level they recently had and may once again at least partially have in the future would be sufficient to attract qualified individuals. The present economic downturn, although, it puts a damper on new studies and programs, could also be used constructively to make the necessary changes in their staff. Thus, I expect that they will have a period of contraction and internal change rather than of new studies, rules, and programs.

The point is, that they need to do that with a view to where they intend to go in the future.

Don Phelps says:

[October 4, 2010 at 9:49 am](#)

It seems an inordinate amount of time is spent reviewing proposed change applications in order to reduce the quantity of water by some small amount. At the same time very little enforcement is undertaken to assure that folks using water illegally are brought into compliance with the laws of the state and the amount of water is enormous as compared to the small amounts a transfer is reduced. While Ecology says they respond to someone complaining about illegal water use that is not the way to

enforce the law. Bottom line is a lot more of the "Publics" water could be managed for the greater good through better enforcement.

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Water Smart Washington - Washington State Water Management Reform

Open for comment September 17 – 5pm on September 28, 2010



PLEASE COMMENT ON THE REPORT

The Washington Department of Ecology is working to reform its water management practices to meet increasing demands for water in a time of limited new water supplies.

Ecology has put its recommendations for improving the efficiency and effectiveness of the Water Resources Program in a report to the Legislature and the Governor: "[Water Resources Program Functions and Funding Structure-Recommendations for a Sustainable and Efficient Program.](#)"

The Water Resources Program's ongoing mission is to work with Washington communities in support of sustainable water resources management to meet the present and future water needs of people and the natural environment.

Efforts to fulfill the mission have been handicapped in recent years by inconsistent funding resulting from dependence on the State General Fund and the need to update 19th century-based water laws which are inadequate to meet 21st Century challenges.

The recently released report makes recommendations to the Legislature for improving the funding of water resources management and making the Water Resources Program more efficient in the delivery of ten basic services.

- o **NEW!** [Department of Ecology News Release – September 17, 2010](#)
New Ecology report recommends active water management to reduce reliance on taxpayer funding; ensure adequate water

YOUR FEEDBACK

Comments and Feedback

Ecology will be distributing this report to stakeholders and interested parties in order to receive comments and feedback to further inform and guide our program as we prepare for the upcoming legislative session.

Please note: Comment deadline extended through October 5, 2010:

Ecology has received several requests for additional time to respond

CURRENT TOPIC:

**WaterSmart
Washington**
ONLINE FORUM

- > [Topic Overview](#)
- > [How To Participate](#)
- > [List of Questions](#)

RESOURCES:

NEW! [2010 Report to the Legislature and Governor: Water Resources Program Functions and Funding Structure - Recommendations for a sustainable and Efficient Program](#)

[Water Resources Common Terms and Definitions](#)

[Water Rights in Washington FAQ](#)

[Budget Cuts and Water Rights Applications](#)

[Watershed Planning Act](#)

[Growing Needs for Water: Sharing a Limited Supply](#)

[Landowner's Guide To Washington Water Rights](#)

[MY BASIN – What you can do to protect your watershed](#)

[Issue Up-close: Managing our Water Successfully](#)

[Water Smart, Not Water Short - 5 Ways to Secure Water for Washington's Future](#)

[Impacts of Climate Change in Washington State](#)

[What is an adjudication?](#)

Economic climate change hits water policy - 09/02/2010 by Lance Dickie / Seattle Times editorial columnist

to the recent Water Resources Program report. In response, we have extended the comment deadline to October 5, 2010.

Comments received through that date will be included in a report supplement to the Legislature and Governor.

Ecology will continue to accept comments on the report through the end of the year, to further inform and guide our program as we prepare for the upcoming legislative session.

We encourage you to provide us with comments and feedback within this timeframe. We then intend to compile feedback and comments received into a supplement and/or addendum to the report, and will provide this supplemental information to the Legislature and Governor.

Please provide any comments and feedback that you have on the [Report](#) by 5pm on October 5, 2010.

> > **Tell us what you think by leaving a new response at the bottom of this page. If you want to reply to a posted response use the [Reply](#) at the end of each response. You can also:**

- o **Provide your comments with attachments via e-mail to Barbara.Anderson@ecy.wa.gov**

This entry was posted on Friday, September 17th, 2010 at 3:00 pm and is filed under [Uncategorized](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. You can skip to the end and leave a response. Pinging is currently not allowed.

3 Responses to *Water Smart Washington - Washington State Water Management Reform*

Eco Think says:

[October 5, 2010 at 2:35 pm](#)

Reform water practices? Don't flatter yourself. When water resources is removed from DOE it might be able to start doing it's job. Try looking at other states.

[Reply](#)

Progressive says:

[September 28, 2010 at 11:31 am](#)

Don't ask users to pay until you are actively managing existing water rights. Is there any oversight once one is issued? Is metering data received, reviewed, acted upon, in perpetuity? If so, I can see why you need to charge an annual fee and agree you should get it.

[Reply](#)

Peg Manning says:

[September 19, 2010 at 1:35 am](#)

Don't exhaust yourselves worrying about us. The notion that you need even more money in order to "manage" our water for us is really silly. We can do it ourselves, without paying you more taxes.

[Reply](#)

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