

**From:** Marguerite Glover [REDACTED]  
**Sent:** Saturday, June 23, 2012 11:59 AM  
**To:** Wessel, Ann (ECY)  
**Subject:** Formal Comment on the Dungeness Water Management Rule--Diversions are far less now

Ann Wessel, WA State Department of Ecology  
Dear Ann,

Please consider this as a formal comment. Thank you.

The first Dungeness River water diverted for agricultural irrigation was the Sequim Prairie ditch of 1896. The 1924 adjudication of Dungeness Water Rights allocated the potential for 581 cubic feet per second of surface water to be withdrawn from the Dungeness River, with a potential to irrigate up to 26,000 acres (information is from the July 2007 Jamestown S'Klallam Tribe Report called "Protecting and Restoring the Waters of the Dungeness." (Note that "The History of the Dungeness Area," by Welden and Virginia Clark, says it was 518 cfs. Bob Caldwell's research said that it was 518.16 cfs.)) Obviously, this was more water than was in the River, and was not sustainable.

In 1998, an MOU between the WA State Department of Ecology and the Dungeness Water Users Association was established. In it, the irrigators agreed to not withdraw more than 50% of the River flow, at any time. They also agreed to maximum acreage and diversion amounts. The legal limit was set at 0.02 cfs draw/acre. This is far less than many water rights certificates have on them. Many of those old water rights have been relinquished, due to non-use.

Currently, the WA State Department of Ecology and the Members of the Dungeness Water Users Association are working on a new Memorandum of Agreement. In 2011, the total acres irrigated in the Sequim-Dungeness Valley was 6,559. In recent history, irrigation withdrawals have hit up to 93.5 cfs, for some individual ditches. But, the normal withdrawal, per Gary Smith, in the last five years, is 40-50 cfs. At the March 14, 2012 DRMT meeting, Cynthia Nelson (DOE) said that with all the irrigation and conservation improvements, even with evaporation in some parts, peak diversion has only been about 70-75 cfs. This is certainly far less than the "over-appropriation" of 518 cfs! Each year, due to irrigation efficiencies, relinquishment, piping, and less withdrawal from the Dungeness River and other streams, the Dungeness Watershed has seen less usage/consumption of river and stream water.

At the March 14, 2012 DRMT meeting, Bob Caldwell reported that 45.6 cfs was conserved, and put into trust (See page 3 of the approved meeting notes for that date.). 1/3 of this water will be available for the Water Users Association to use or to sell. 2/3 of the conserved water was "given" to instream flow. Why is this water not a credit towards our entire water budget? Why are we setting up a complex and expensive mitigation system, enforcement system, and Water Exchange, when the amount of exempt well buildout for the next twenty years was expected to be a maximum of .3 CFS (from an email written by Tryg Hoff, previous Ecology economist for the Dungeness Rule, on March 01, 2012)? Even if the expected consumption by all new wells in the Valley would be 2 CFS, this number is very insignificant, compared to the 15.2 cfs that was just saved for instream flow, for the Dungeness River.

Looking at the Fourth Final Draft of the new MOA, Ecology acknowledges that the "conserved and saved water as of December 31, 2010 is 45.6 cfs, representing 13,904 annual acre feet (AF)...""Concurrently with execution of this MOA Ecology will provide the WUA members a written decision acknowledging and documenting the 15.08 cfs and 4598 annual AF in temporary trust for WUA members for future uses as provided in this MOA."..."the WUA members shall execute necessary deeds or water right conveyances to Ecology for the purpose of transferring from temporary trust to **permanent** (my bolding) trust for instream flow purposes 2/3 of the saved water (30.52 cfs, 9306 AF)."

30.52 cfs for the river. And, we are going to be penalized for "taking" from the River how many cfs? It's negligible, and has already been compensated for, thanks to the hard work of the irrigators. The new MOA will allow the irrigators to take up to 93.5 cfs, as long as that is no more than 50% of the River. They will also be allowed to irrigate up to 7,000 acres (Estimates of historic peak irrigated acreage was from 8,800 to 14,000 acres (Entrix, 2005)). In addition to the 50% agreement, the WUA members (irrigators) will not allow the River to fall below 60 cfs, below the USGS Gage (which is above the irrigation diversions). So, when the River is at 99 cfs, the irrigators will be allowed to take no more than 39 cfs.

In addition to these stipulations, when the WUA members take any water out of their temporary trust, to sell to the Water Exchange, or otherwise use for mitigation for groundwater uses, that same amount of cfs will be added to their actual diversion amounts. Using our previous example, the irrigators could now not take 39 cfs; instead, they would be allowed up to 37 cfs (if the River was at 99 cfs). So, the benefit is mostly going to the River. The River, its fish and habitats,

are very important. Equally important, should be the continued life and livelihood of large farmers, hobby farms, and all the people who live in the Sequim-Dungeness Valley. All of them trying to enjoy our beautiful rural lifestyle, complete with fresh eggs, organic vegetables, fruit, beef, and other animals--nourished by water. Tryg Hoff, in a February 29, 2012 email said that "exempting in-house domestic use would only consume 2/10 of 1% of the river over a 100 year build out." This man was an accomplished economist for Ecology, for decades. I certainly agree with him that the impact on property values (and parallel reductions in taxes for some properties, that will have to be made up by the rest of the taxpayers), quality of life, the cost of the mitigation, water right transfers through the Water Exchange, additional staff and hours needed at our County Department of Community Development, and much more, certainly outweigh the small benefit achieved from this proposed Dungeness Water Management Rule. The benefits we all attain without the Rule are much more tangible, than what is written in the Cost Benefit Analysis.

Sincerely,

Marguerite A Glover

