

**In spite of continued costly, time consuming, contested water determinations and debate over the complexities of Washington's, *prior appropriation*, groundwater law; important breakthroughs have recently transpired, giving greater consideration toward addressing the needs of our state's growing population and supplying its rural residents with more feasible avenues for legally accessing the rural waters of our state.**

Washington State Ground Water Association (WSGWA) shares in the growing optimism toward recent water supply accomplishments that provide important pathways toward securing core, *life sustaining*, domestic water needs for Washington's rural population. Foremost in the accomplishment category, during 2012, was our state's successful adoption of the *Dungeness Water Management Rule* in Clallam County. This years-long effort was achieved because of combined community, city, county, state, tribal and senior water right holder involvement. The Dungeness Rule "assures water supplies for current and future uses throughout the region that benefits people, community development, agriculture and fish." This accomplishment in many ways *mirrors* our state's 2009 legislative success in the Walla Walla Basin and the formation of the "Walla Walla Watershed Management Partnership." (References 1, 3 and 13)

Another water-use advancement effort applies to *Washington's 39 county governments* seeking state legislation during 2013, which would provide greater county latitude toward establishing quantity limits for new water uses to single or group domestic situations, including the creation of local water banks, water conservation boards, watershed planning groups or conservation districts through a county's planning authority. This proposed legislation represents a growing commitment by Washington's counties to effectively handle their regional water challenges in response to the (Kittitas County) September 21, 2009 State Attorney General Office (AGO) ruling that emphasized "The Growth Management Act provides counties with, not only the authority, but the responsibility to protect the quality and quantity of water."

**~ ~ ~ Important facts to consider when making rural water decisions ~ ~ ~**

- Today, statewide, more than a *million residents* depend upon domestic (exempt) *well water* as their sole daily water use source. Stated candidly, an ever-growing number of rural residents require that assurances be given toward their right to access *de minimis* amounts of (life giving – life saving) water. (Reference 6)
- Washington is a *Prior Appropriation Doctrine* (Western Water Law) state, where one's right to water is based upon the "*first in time – first in right*" water law principle. Subsequently, **new residents**, who settle in rural regions across our state are facing growing disadvantages over water certainty. Unfortunately, *first in time – first in right* stipulations toward rural water access must be seriously re-evaluated to satisfactorily address peoples' access to water in a state whose resident population has grown by **350%** during the last 65 years. (Reference 10)
- In 2002, the *United Nations Committee on Economic, Social and Cultural Rights* proclaimed: "**The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use.**"
- The average American household consumes **349 gallons** of water per day (gpd). (Reference 4)
- "Public system (water) users use no less water than owners of **domestic water wells.**" In fact, while a public water user's waste water is piped away, *domestic well water users* are able to conserve up to **90%** of their water as *recharge water*, replenished back into a nearby aquifer to be **used onsite**, again. (Reference 2)

**Piped water facts and considerations:**

- "As much as **50%** of water in piped systems is lost through leakage." (Reference 12)
- "There's an estimated **240,000** water main breaks each year in the United States." (Reference 11)
- "Our nation's drinking water systems will require an investment of **\$334.8 billion** over the next 20 years." (Ref. 11)

- “More than 20% of our nation’s water treatment systems **violated** key provisions of the *Safe Drinking Water Act* over the past 5 years.” (Reference 9)
- “Public water systems are expensive to build and maintain,” often costing in excess of **\$1 million per mile** to install piping, while generating an **adverse** construction and environmental footprint. (Reference 14)
- “In rural areas where pipelines are especially long, in order to reach locations where overall water usage is low, water can become **stale**. A more serious problem can occur when *chlorinated water* meshes with organic materials to **form gases** called *Trihalomethanes*.” (Reference 14)
- “Improving the **security** and resilience of our nation’s drinking water is vital for reducing consequences, threats and vulnerabilities to potential terrorist attacks.” Domestic **well owners** should maintain the right and ability to access their water during an **emergency**. (Reference 15)
- “**Water wells still have a place**...there are going to be times and places where there is no way the PUD is going to be able to put water in.” (Skagit County Commissioner, Sharon Dillon, 8/4/09 quote in the Skagit Valley Herald.)

### **Developing greater water management efficiencies:**

- “Local governments, as opposed to state governments, are increasingly **assuming** water-supply duties.” (Ref. 3)
- Over time, as population and development **increases**, “collaborative, basin-specific (water) approaches that include public education and outreach often improve stewardship and governance. **Good science** and data analysis provide solid platforms to this collaborative, inter-identity decision-making.” (Reference 3)

### **Achieve greater access to groundwater sources**

- Encourage **county governments** to develop and manage water mitigation approaches instead of private water banking methods – where water often is treated speculatively and can result in excessive usage costs for rural property owners.
- Utilize **sound well drilling** practices that allow for accessing abundant water from deeper aquifers to recharge shallower aquifers in critical basins.
- Placing greater focus on using “ASR (Aquifer Storage and Recovery) wells for underground **storage** and water **recovery** represents a scientifically proven water management practice that further restores the balance in water quantity, water quality, air quality, and ecosystem health.” (Reference 5)
- “ASR wells restore and expand the function of an aquifer that has experienced long-term **declines** in water levels...” (Reference 8)
- “Wells can **augment stream flows** with compatible groundwater by pumping shallow groundwater back into a stream during lean water flow periods.” (Reference 7)

**“Permit exempt (domestic) wells are the lifeblood of small development and agricultural activity. Restricting such use only hinders economic activity in rural regions without benefitting water resource management”** (Washington Farm Bureau’s water rights and management position taken in Ecology’s 2012 Publication no. 12-11-001)

Statistical and quoted references: 1.) Washington State Department of Ecology – 11/19/12 News Release on the Adoption of the Dungeness Water Management Rule –and– 8.) Ecology’s Position Paper on “Aquifer Storage and Recovery” (wells). 2.) Universities Council on Water Resources Journal of Contemporary Water Research & Education, August 2012, summary, “Existing Regulation of Exempt Wells in the United States.” 3.) Same source and date as (2) with summary entitled: “Conflicts Associated with Exempt Wells: A Spaghetti Western Water War.” 5.) Same source and date as (2) with summary entitled: “Use of Exempt Wells As Natural Underground Storage and Recovery Systems.” 13.) Same source and date as (2) with summary entitled: Mitigating for Growth: A Blueprint for a Ground Water Exchange Pilot Program in Montana.” 4.) Colorado Oil and Gas Conservation Commission Water Quality, Oil and Gas Development Report. 6.) Exempt Wells Problems & Approaches in the Northwest, May 17,18, 2011, Conference Summary. 7.) Basic Hydrologic Concepts and Water Resource Management 2007 Convention Presentation to the Idaho Ground Water Association. 9.) The New York Times, 12/8/2009 article entitled: “Millions in U.S. Drink Dirty Water, Records Show.” 10.) 2012 U.S. Dept. of Commerce, United States Census Bureau summary. 11.) The New York Times, 4/8/2009 article entitled: “Aging of Water Mains Is Becoming Hard to Ignore.” 12.) The International Institute for Sustainable Development, Water-L News, Issue 6. 14.) National Ground Water Association 2010 Position Paper entitled: “Private Wells and Public Water Systems.” 15.) U.S. EPA Position Paper on “Infrastructure and Water Security.”

“Washington State Ground Water Association” (P O Box 813 – Burlington WA 98233) **2013 Fact Sheet and Legislative Position Paper.**  
Glen Smith, *Legislative Affairs Coordinator*, (206) 910-5050.