

WATER ADJUDICATION OVERVIEW & RESOURCES - FOCUS ON RESIDENTIAL WELL USERS

EVENT AGENDA

- 5:30 Doors Open, Informational Tables
- 6:00 Presentations
 - Welcome (Becky Snijder van Wissenkerke, Whatcom County)
 - Water Rights 101 (Jill Van Hulle, Aspect Consulting)
 - Estimating Water Use (Kara Kuhlman, Aspect Consulting)
- 6:45 Q&A
 - Moderated by Mike Maisen (Aspect Consulting)
- 7:00 Informational Tables
- 7:30 Doors Close



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WELCOME



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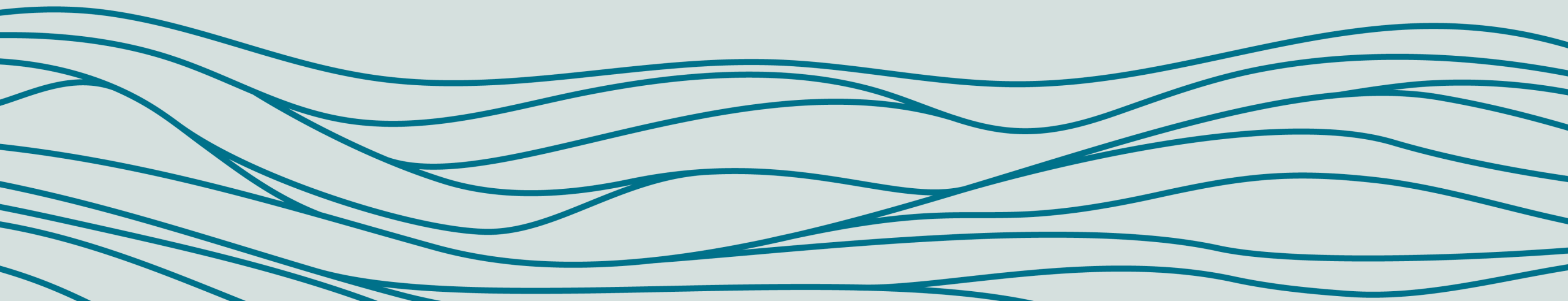
Please hold questions until the Q&A.



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WATER RIGHTS AND ADJUDICATION 101



WHAT IS A WATER RIGHT?



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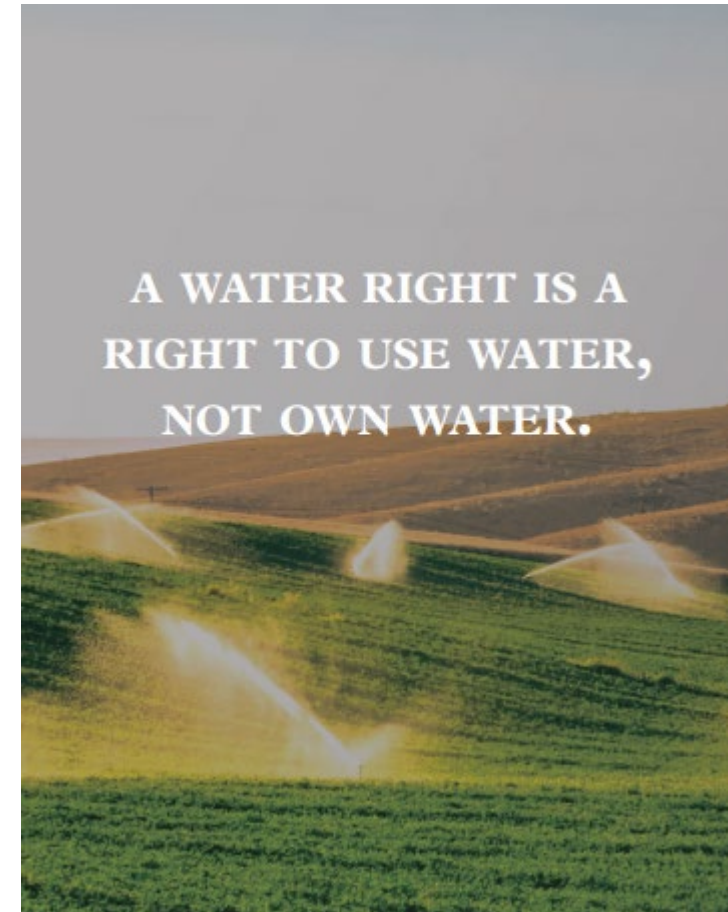
A water right is:

A right to the beneficial use of a reasonable quantity of public water for a beneficial purpose during a certain period of time that occurs at a certain place.

Water rights defines how much water you can use (Q_a/Q_i), where you can use it (Place of Use/Service Area), what your source is (Well or Stream) and what you can use it for (Purpose of Use).

Q_a = annual volume (e.g., acre-feet per year)

Q_i = instantaneous rate (e.g., gallons per minute)



[2019 Landowners Guide to Water Rights](#)

WHO OWNS THE WATER?



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In Washington water is “owned” in common by the people

- Access to use the water managed by State – generally through a permit system



TYPES OF WATER RIGHTS



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State-Issued

- **Permit:** Permission by the state to develop a water right –but is not a final water right.
- **Certificate:** Issued to document full use of permit, recorded with the County Auditor. A water right certificate is considered a property right.

Other

- **Claims:** Statements that water was used prior to 1917 Surface Water Law or 1945 Ground Water Law.
- **“Permit-Exempt” Uses:** People can develop a water right based on their use of water under the Groundwater Exemption and are legally entitled to the same rights and protections.

KEY WATER LAWS AND CONCEPTS



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- [RCW 90.03](#) – Surface Water Code of 1917
- [RCW 90.44](#) – Groundwater Code of 1945

Prior Appropriation. Washington State water law based on “*first in time – first in line*” premise, and older water rights have seniority over junior water rights

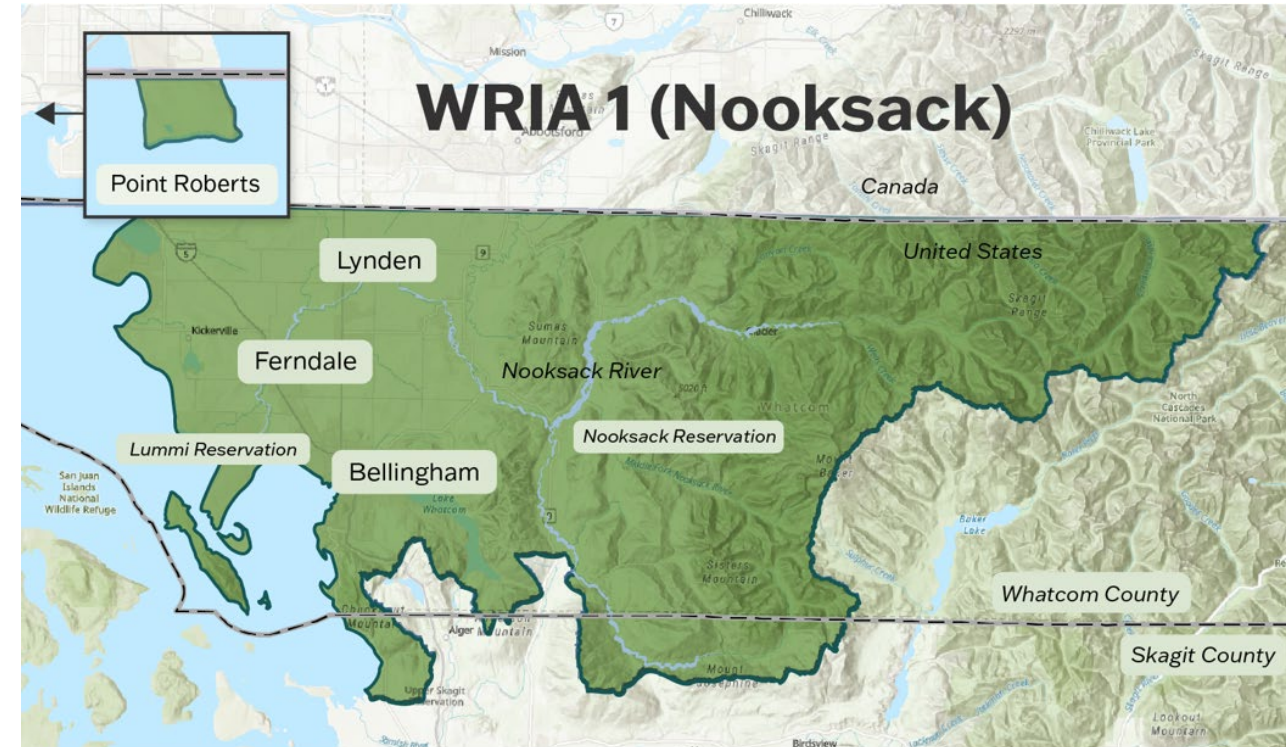
Beneficial Use. Water rights need to be put to continuous beneficial use to remain valid

WHAT IS AN ADJUDICATION?

- Superior Court process to review all water use
- Case area is WRIA 1 (Nooksack)
- Clarifies who has a legal right to use water
- Court issues priority schedule (old to new)
- Ecology issues adjudicated certificates

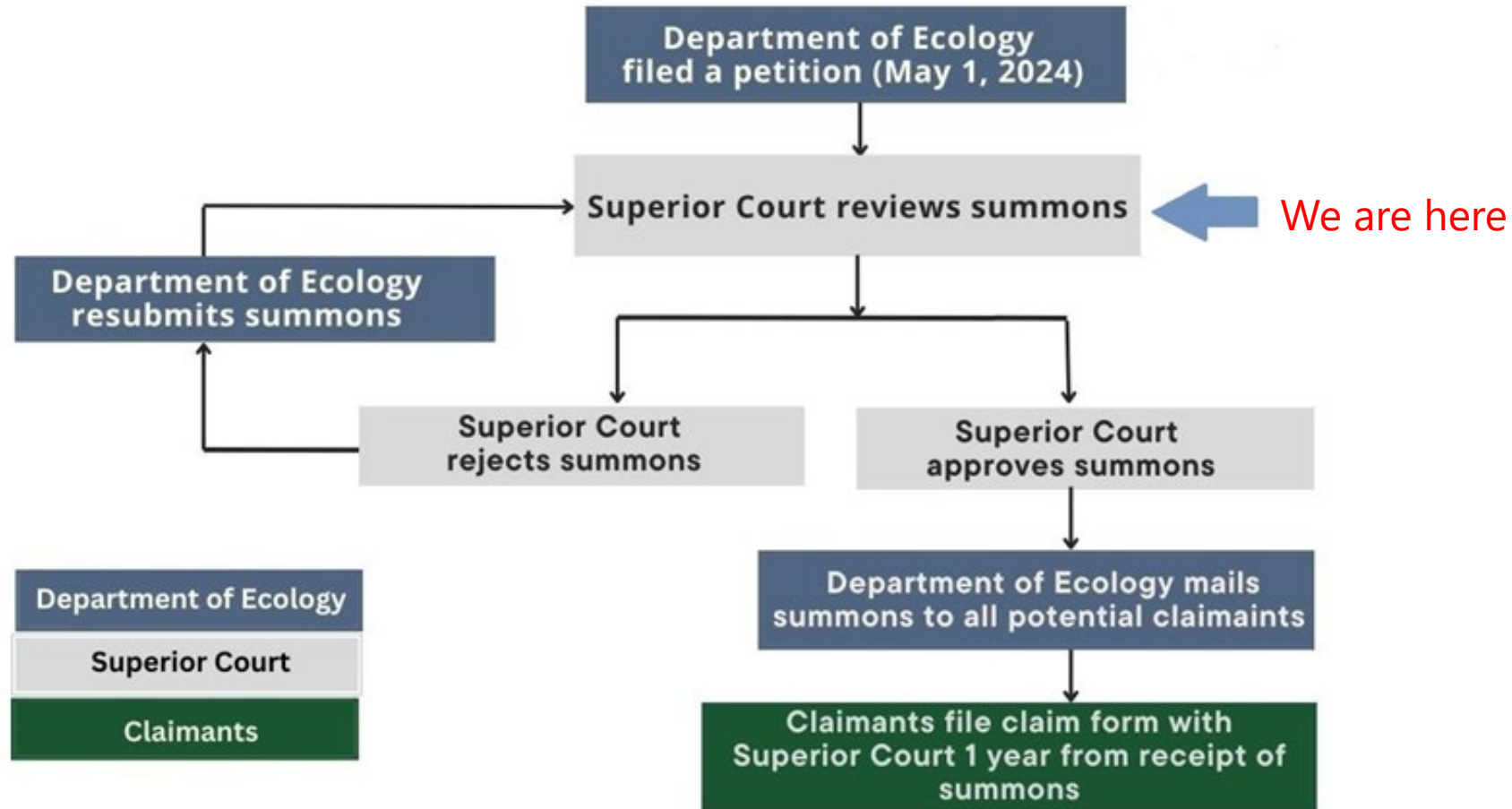


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Water Resources Inventory Area 1 (WRIA 1)

ADJUDICATION PROCESS



ADJUDICATION NEAR-TERM TIMELINE



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- Timeline may be extended by the Superior Court
- 1-year minimum period to complete and return the Court Claim forms is specified in RCW 90.03.

WATER RIGHTS STATS:



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WRIA 1/Nooksack

State-Issued Water Rights:

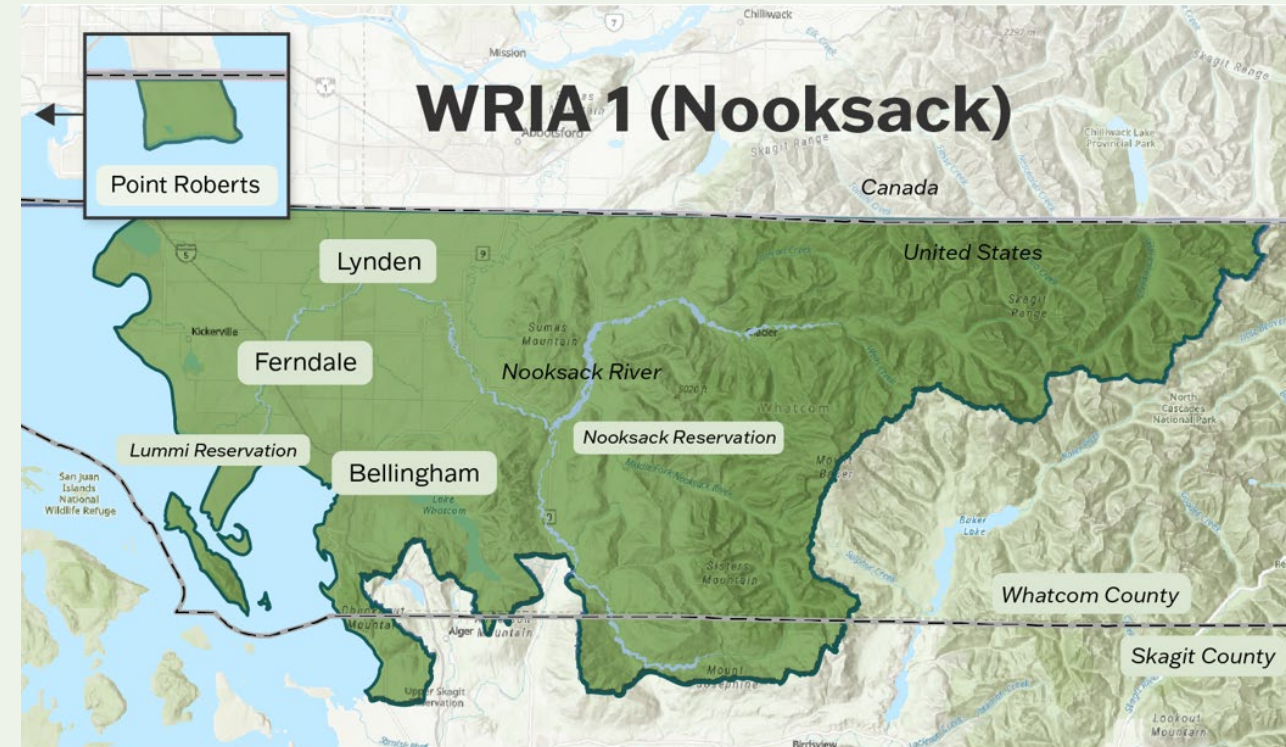
≈ 2,000 certificates, permits, changes

Claims:

≈ 4,800 claims and amendments (validity unknown)

Permit-Exempt Wells:

Number unknown, likely 10,000-20,000



Ecology expects thousands of court claims to be filed in WRIA 1

GROUNDWATER VS. SURFACE WATER



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- Any surface water use requires a water right – no practical exemptions
- Some groundwater use is exempt from needing a formal “papered” water right authorization (water right document)



GROUNDWATER PERMIT EXEMPTION (GENERALLY)



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- Water for a single or group of homes (limited to 5,000 gpd, unless otherwise specified – [WRIA 1-Specific Rules/see following slide](#))
- Water for livestock (no gpd limit or acre-foot restriction)
- Watering a non-commercial lawn/garden one-half acre in size or less (no gpd limit)
- Water for industrial purposes - including commercial agriculture (limited to 5,000 gpd)

Gallons per day (gpd)

PERMIT-EXEMPT WELLS (CONT'D)



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- Exemption is “project-based” and needs to consider entire intent
- Exemptions can be “stacked”
- No paper but still subject to the prior appropriation doctrine
- Supreme Court says still subject to proof of no impairment to surface waters and the legal availability of water

GROUNDWATER PERMIT EXEMPTION: KEY WRIA 1 RULES



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Criteria	Well drilled and building permit issued after June 26, 2020	Well drilled between Jan. 19, 2018 and June 26, 2020 Or Building permit issued before June 27, 2020	Well drilled before Jan. 19, 2018
Water limitation per day	500 gpd indoor use	5,000 gpd	5,000 gpd
Annual average daily use limit per home	-	3,000 gpd*	-
Irrigation allowed per home	1/12 acre**	½ acre	½ acre
Total group use limits	3,000 gpd indoor use ½ acre of irrigation**	5,000 gpd ½ acre of irrigation	5,000 gpd ½ acre of irrigation
Read the fine print	WAC 173-501-065	RCW 90.94.020	RCW 90.44.050

GROUP WELLS AND SHARED SYSTEMS



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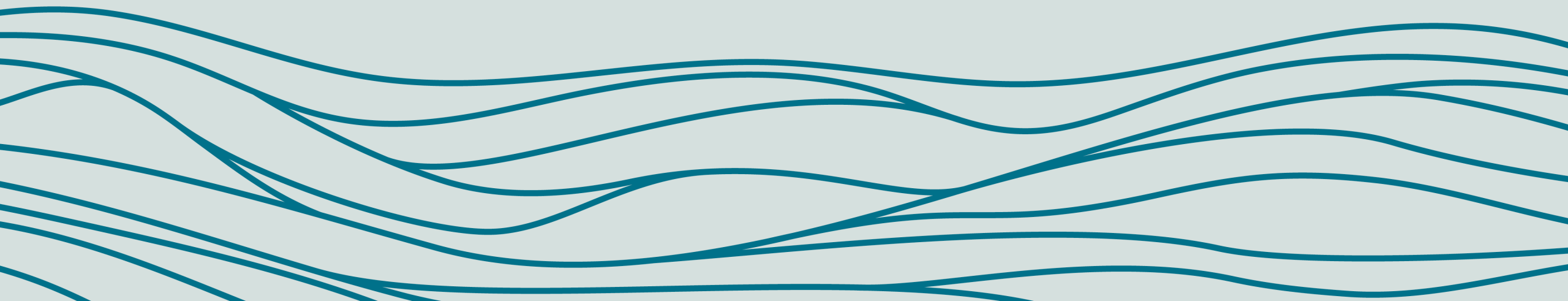
- Group A water systems (15 or more connections)
 - Authorized Representative signs court claim form
 - Water right document
- Group B systems (less than 15 connections)
 - Who fills out court claim form: may depend on organization
 - May have water right or be permit exempt
- Small shared wells
 - Each homeowner fills out court claim form for their use



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ESTIMATING PERMIT-EXEMPT RESIDENTIAL WATER USE



ADVANCE NOTICE: COMPLETING YOUR COURT CLAIM FORM



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- Date of first water use
- Current use and highest past use
- Current and greatest areas irrigated
- Locations of withdrawal
- Location of use
- \$25 to file, waivers available

DATE OF FIRST USE



- **When was house built?** County Assessor database ([Whatcom County Real Property](#))

▼ Improvement / Building

Improvement #1: 1 STORY State Code: 8380 1432.0 sqft Value: N/A

Exterior Wall: PL/T1 Floor Cov Adj: Base Allowance

Foundation: CONPR Full Baths: 3

Half Baths: 1 Heating/Cooling: HPUMP

Number of Bedrooms: 2 Roof Covering: COMP

Type	Description	Class CD	Sub Class CD	Year Built	Area
→ MA	Main Area 1	AVG -	*	1983	1432.0
→ Deck	Deck	AVG -	*	1983	340.0
→ Porch CvrC	Porch Covered Concrete	AVG -	*	1983	54.0
→ ATTCH	Attached Garage	AVG -	*	1983	672.0

DATE OF FIRST USE



- **When was house built?** County Assessor database
([Skagit County Property Search](#))

Improvement 1 Attributes Summary			
Building Style	TWO STORY		
Year Built	1980		Foundation
Above Grade Living Area		3,845 Square Feet	Exterior Walls
Finished Basement			Roof Covering
*Total Living Area		3,845 Square Feet	Heat/Air Conditioning
Unfinished Basement			Fireplace
*Total Garage Area		832 Square Feet	Bedrooms
Bathrooms	2 FULL BATHS, HALF BATH		

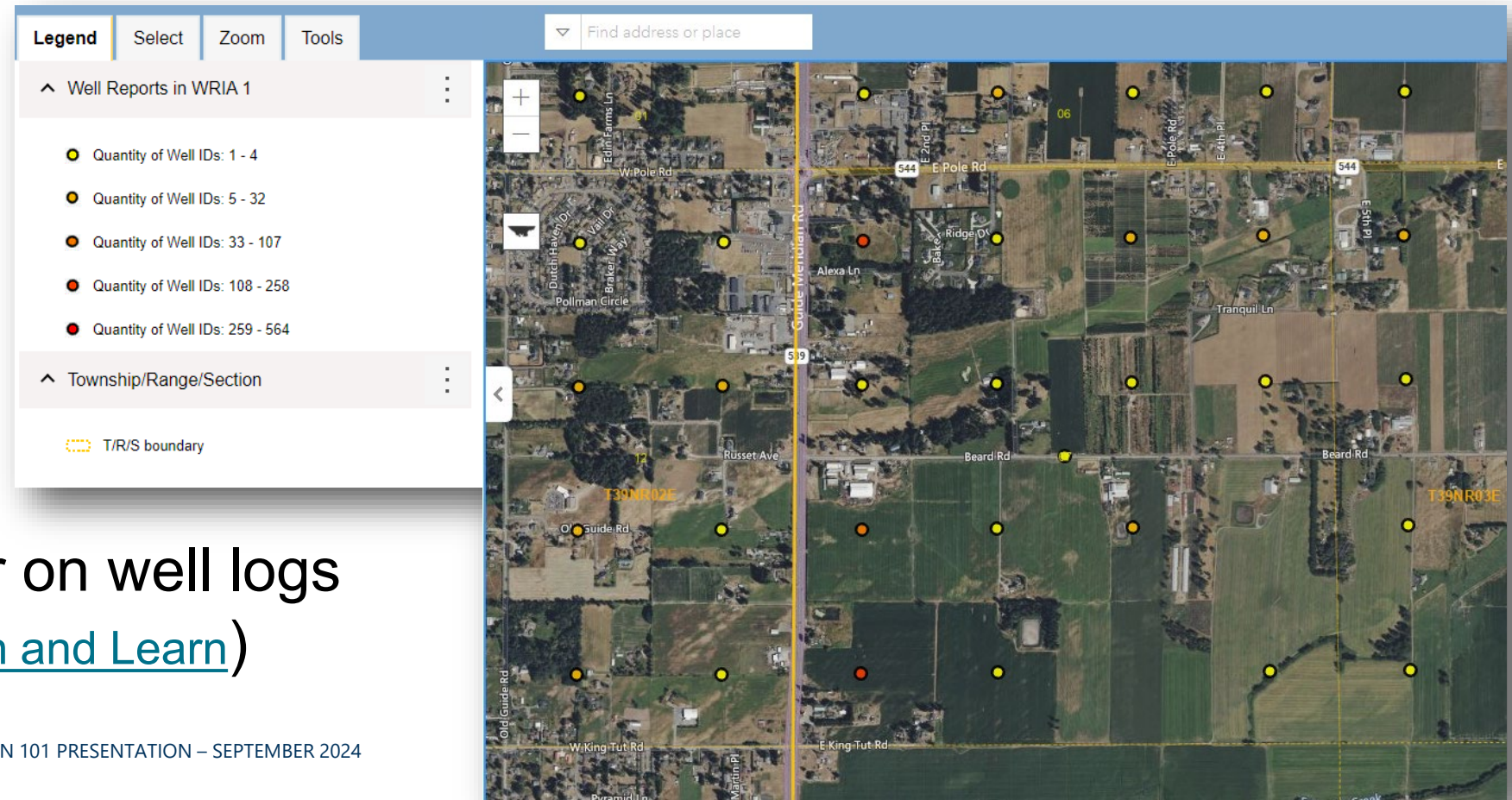
DATE OF FIRST USE



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- **When was well drilled?** Ecology well log database ([Well Report Search Options \(wa.gov\)](#)) and Nooksack Adjudication Map coming soon:



Ecology webinar on well logs
([June 20, 2024 Lunch and Learn](#))

CURRENT AND PAST WATER USE



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- Measured water use – if you have a water meter, you can use this information (**Note: meter data is NOT required to complete your court claim form**)
- Estimated water use – (whatcomcounty.us/water-calc)

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Residential Water Use Calculator

1. Non-irrigation (mostly indoor) water use
 - Simplified (per capita) – 60 gallons/person/day
 - Detailed – user enters household specific water use
2. Lawn/garden irrigation water use

RESIDENTIAL USE CALCULATOR



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Disclaimer

This water use calculator is for general information only and based on federal guidance, state guidance, and/or other references. Calculations are estimates that are valuable for comparison purposes but are not meant to reflect exact water usage. Whatcom County disclaims any warranty of merchantability or warranty of fitness of the information or data generated by this calculator for any particular purpose, either express or implied. No representation or warranty is made concerning the accuracy, currency, completeness or quality of data depicted. Any user of the calculator assumes all responsibility for use thereof, and further agrees to hold Whatcom County harmless from and against any damage, loss, or liability arising from any use of this calculator or the resulting data.

Overview

This calculator helps you estimate your residential water use for both indoor water use and small lawn/garden water use. For more information on how the water use estimates in this calculator were developed, please see the [Residential Water Use Calculator Frequently Asked Questions](#). Your information in this online calculator is solely for your use and not saved or stored in any way. If you want to print this form for your own records, instructions are at the bottom of the page.

SIMPLE METHOD



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Required Question (Needed for both Simplified and Detailed calculation methods.)

How many people (total) are in your household?

Press the Calculate button to compute your estimated indoor residential water use.

Calculate

Clear Form

Your Household Water Use (Simplified Method applying 60 gpd/person):

Gallons per Day

Acre-Feet Per Year

240

0.27

DETAILED METHOD



Showers and Baths

How many showers are taken each day in your household?

You can add whole numbers as well as a half value as needed e.g., "4" or "4.5".

What is the average length (in minutes) of each shower?

If you are not sure, enter 7.8 minutes per shower.

What is the flow rate (gallons per minute) of your showerhead?

If you are not sure, enter 2.5 for low flow or 5 for standard (older shower heads.)

What is the total number of baths taken each week by members of your household?

What is the size of the bath (gallons)?

If you are not sure, enter 30 gallons (based on 40-gallon capacity bathtub).

Additional questions about use of toilets, faucets, washing dishes, laundry, home car wash.

DETAILED METHOD



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Press the Calculate button to compute your estimated indoor residential water use.

Your Household Water Use (Simplified Method applying 60 gpd/person):

Gallons per Day

Acre-Feet Per Year

240

0.27

Your Household Water Use (Detailed Method/Using Your Answers):

Gallons per Day

Acre-Feet per Year

158

0.18

LAWN/GARDEN IRRIGATION



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Enter Lawn and/or Garden size

Combined size of lawn and garden (square feet):
Default value 10,890 sq ft (0.25 acres).

Press the Calculate button to compute your estimated Lawn/Garden Water Use.

Calculations based on Washington Irrigation Guide, Ecology's Guide 1210, Bellingham station, pasture/turf, 85% average application efficiency

LAWN/GARDEN IRRIGATION



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Lawn and Garden Water Use Estimate Results

Size of lawn and garden (acres):

0.25

Annual Quantity in acre-feet per year (ac-ft/yr):

0.31

Also, if you use water for irrigating more than a lawn or garden or for commercial agricultural purposes, please use the [Irrigation Water Calculator](#) to estimate your water use.

HOW TO CALCULATE ACREAGE



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- **Whatcom County Adjudication Resources Explorer:**
whatcomcounty.us/adjudication – select “Adjudication Resources Maps” from left column

A screenshot of the WRIA 1 Adjudication Resources Explorer web application. The interface shows an aerial map with a blue polygon drawn around a house and its driveway. A text label above the polygon reads "Area 0.39 acres". The map is overlaid with a grid. The top navigation bar includes the text "WRIA 1 Adjudication Resources Explorer" and a link "(click here for direct link)". On the right side, there is a "Draw & Measure" panel with various tools and settings. The panel includes a "Select draw mode" section with icons for different drawing tools, a "Preview" section with a grid of colored polygons, and a "Show area measurement" section with a toggle switch, a unit dropdown menu set to "Acres", and a "Show perimeter measurement" section with a toggle switch. The map also shows street names "Douglas Rd" and "Walker Rd".

OTHER CALCULATORS



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(whatcomcounty.us/water-calc)

- Irrigation Demand Calculator
- Livestock & Miscellaneous Uses
(coming soon)

For water right documents (e.g., permits, certificates, statement of water right claim): Ecology's Nooksack Adjudication Map coming soon

WHAT CAN YOU DO NOW TO PREPARE?



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- You cannot file a Court Claim yet. Court Claim forms are expected to be mailed late 2024/ early 2025 – you will have 1 year to complete and return the forms.
- Use the resources available from Ecology and Whatcom County to learn about the water adjudication process
- Call or email with questions (see next slide)
- Start collecting information about your water use
- Optional: Register for e-filing with the Superior Court whatcomcounty.us/4391 – select “E-file and Serve Instructions”

THANKS!



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Contacts:

These presentation slides will be linked here



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