

00:00:00:08 - 00:00:02:15

Ecology's-

00:00:02:15 - 00:00:04:14

ecology's water resources planner

00:00:04:14 - 00:00:07:14

for the WRIA 1 Nooksack area adjudication.

00:00:07:19 - 00:00:11:12

And joining me today are two of our
presenters, Robin McPherson.

00:00:11:12 - 00:00:16:12

Adjudication manager, and Kelly Hamilton,
Adjudication Support Unit supervisor.

00:00:17:01 - 00:00:19:01

We also have Kasey Cykler with us

00:00:19:01 - 00:00:22:20

She's the Northwest Regional water
resources section manager,

00:00:23:00 - 00:00:26:14

and she's going to be moderating
our question and answer session today.

00:00:27:04 - 00:00:29:04

Heather Clements, our web coordinator,

00:00:29:04 - 00:00:32:20

is available to assist
with any technical difficulties.

00:00:32:23 - 00:00:35:23

Just use the Q&A box to reach her.

00:00:36:15 - 00:00:41:19

And if you're using closed captioning,
you can move the box around by dragging it

00:00:41:19 - 00:00:45:07

to a part of the screen that doesn't block
the contents of the slide.

00:00:46:07 - 00:00:49:11

And just so you know, the link to the
recording will be available on our website

00:00:49:11 - 00:00:50:12

in a few days.

00:00:50:12 - 00:00:54:06

Please feel free to share the recording
and direct people to us

00:00:54:06 - 00:00:55:08

for more information.

00:00:57:03 - 00:00:58:18

Our presentation today is

00:00:58:18 - 00:01:03:00

geared toward people who use water
for more purposes than just their home,

00:01:03:15 - 00:01:06:15

and want to know about the historic water
rate documents.

00:01:06:24 - 00:01:10:08

Our goal at the presentation
is that you understand

00:01:10:08 - 00:01:12:19

that there are different types
of water documents.

00:01:12:19 - 00:01:16:08

What information can be found on them
and what is needed

00:01:16:08 - 00:01:18:12

for the adjudication process?

00:01:18:12 - 00:01:22:15

And while there are many other topics
about adjudication for this hour,

00:01:22:19 - 00:01:27:02

45 minutes to an hour will only be talking
about water documents.

00:01:27:20 - 00:01:28:18

Next slide please.

00:01:28:18 - 00:01:31:18

Robin.

00:01:33:19 - 00:01:35:01

So after a 30

00:01:35:01 - 00:01:39:04

to 40 minute presentation will transition
to the question and answer period.

00:01:39:12 - 00:01:42:09

Feel free to type
your question in the Q&A box.

00:01:42:09 - 00:01:45:09

We just know from our past experience
that that works.

00:01:45:18 - 00:01:49:22

keep in mind we won't be unmuting
any participants during the presentation,

00:01:49:22 - 00:01:53:19
so just drop count your questions
in the Q&A box at any time.

00:01:54:09 - 00:01:56:24
Casey, our moderators
going to be consolidating

00:01:56:24 - 00:02:00:00
similar questions for panel to address.

00:02:00:08 - 00:02:02:13
So let's begin our presentation overview.

00:02:02:13 - 00:02:03:00
Robin.

00:02:06:21 - 00:02:08:05
Thanks, Sheila.

00:02:08:05 - 00:02:12:22
I'm unmuted and,
you can hear me and see my screen.

00:02:12:23 - 00:02:14:10
Thank you very much.

00:02:14:10 - 00:02:16:07

Thanks, everyone, for joining us.

00:02:16:07 - 00:02:17:00

Excuse us

00:02:17:00 - 00:02:20:19

if you heard a little bit of technical,
discussion there at the beginning.

00:02:20:19 - 00:02:25:04

This is the first of our lunch
and learn, presentations.

00:02:25:04 - 00:02:28:20

And we are learning
as we go about the best way to,

00:02:29:01 - 00:02:34:03

get questions answered and get specific
information out for our audience.

00:02:34:14 - 00:02:39:10

I'm going to just be dealing really
briefly covering some very general water.

00:02:39:10 - 00:02:40:23

Right. information.

00:02:40:23 - 00:02:44:13

But this is not going to be,
the most thorough water.

00:02:44:13 - 00:02:44:21

Right.

00:02:44:21 - 00:02:46:05

And adjudication background

00:02:46:05 - 00:02:49:08

we have, we're going to have
some key concepts for you here.

00:02:49:08 - 00:02:54:03

First, we're going to talk about what's
needed for the adjudication process.

00:02:54:06 - 00:02:55:16

We will have the Q&A.

00:02:55:16 - 00:02:58:09

We have seen the questions coming
in. So that's good.

00:02:58:09 - 00:03:01:03

And then we'll be closing
after that with Sheila.

00:03:03:02 - 00:03:04:07

First thing I want to cover

00:03:04:07 - 00:03:07:10

today is what is the area
that we are talking about?

00:03:08:06 - 00:03:09:20

we call this y one.

00:03:09:20 - 00:03:11:22

Some people say, where are Ryan?

00:03:11:22 - 00:03:16:20

And, I say, why RA we call it
the Nooksack Wira because it's named

00:03:16:20 - 00:03:20:17

after the dominant river feature,
which is the Nooksack River system.

00:03:20:24 - 00:03:25:08

But it includes the entire area
up to the Canadian border,

00:03:26:05 - 00:03:31:05

and Whatcom County's drainage area down
to the southern border of the South Fork.

00:03:31:14 - 00:03:35:05

For that reason,
it includes a little bit of Skagit County

00:03:35:05 - 00:03:39:14

to the south, and it does not include
all of Whatcom County because,

00:03:39:20 - 00:03:44:10

some of that area does not drain
in to the northern watershed here.

00:03:47:01 - 00:03:49:16

The first thing I want to touch on is,

00:03:49:16 - 00:03:53:18

just the general history of water rights
and responsibilities

00:03:53:18 - 00:03:58:06

in the state of Washington
under state law, really, since 1917,

00:03:58:06 - 00:04:01:06

which was the adoption of the surface
water code,

00:04:01:15 - 00:04:05:13

the most high level principles of water
law in Washington.

00:04:05:13 - 00:04:09:11

First, waters are connected,
and that means that we assume

00:04:09:18 - 00:04:13:19

that water taken out, of the ground
or from a stream

00:04:14:01 - 00:04:18:17

can possibly impact water
on another part of that water system

00:04:19:03 - 00:04:21:21

that we know that water is not connected
from.

00:04:21:21 - 00:04:22:12

Absolutely.

00:04:22:12 - 00:04:25:05

From the Canadian border
down to Skagit County.

00:04:25:05 - 00:04:27:09

We're not saying that, but we are,

00:04:28:08 - 00:04:29:10

looking at

00:04:29:10 - 00:04:32:20

the recent generation
of science and hydrology

00:04:32:20 - 00:04:37:12

that indicates that in general,
we cannot assume that water is isolated

00:04:37:17 - 00:04:41:10

so that one water use
might affect a neighbor's water use.

00:04:42:06 - 00:04:44:22

Because of this, water is a public
resource.

00:04:44:22 - 00:04:50:13

Water is, like air or sunlight, something
that belongs to everybody, to the public.

00:04:50:22 - 00:04:56:06

Even though there are private real estate
rights related to water, the water itself

00:04:56:06 - 00:05:00:21

belongs to the public, and as such, it's

regulated by the state of Washington

00:05:00:21 - 00:05:03:21

Department of Ecology.

00:05:05:02 - 00:05:08:09

Also since 1917,

with the adoption of the Surface

00:05:08:09 - 00:05:12:00

Water Code, has been the law
about where water can be used.

00:05:12:00 - 00:05:15:16

And this is something we talk a lot
about in adjudication and in water.

00:05:15:16 - 00:05:17:04

Right documents.

00:05:17:04 - 00:05:20:19

The first principle of this
is the principle of prior appropriation,

00:05:20:19 - 00:05:24:04

which is the principle of first
in time is first and right.

00:05:24:19 - 00:05:29:05

And prior appropriation
means that older uses on a water

00:05:29:05 - 00:05:32:20

source are more secure than newer
or junior uses.

00:05:33:05 - 00:05:36:02

Newer uses are more often interruptible.

00:05:36:02 - 00:05:36:19

That is,

00:05:36:19 - 00:05:41:22

they are susceptible to interruption
when necessary, when there's not enough

00:05:41:22 - 00:05:46:16

water for everyone on the source
in order to protect senior water users.

00:05:46:23 - 00:05:50:07

It's a first in time, first
and right process so that

00:05:50:10 - 00:05:54:06

when there is not adequate
water available, which is often during

00:05:54:06 - 00:05:59:10

some seasons of the year,
that older uses are more secure and newer.

00:05:59:10 - 00:06:01:18

Uses. Junior uses are interruptible.

00:06:03:22 - 00:06:05:04

The second principle

00:06:05:04 - 00:06:08:13

under the water
code has to do with recorded water rights,

00:06:09:04 - 00:06:11:19

that is, that recorded water rights

00:06:11:19 - 00:06:15:13

are maintained by the Department
of Ecology, not by the county.

00:06:15:13 - 00:06:17:02

In Whatcom or Skagit County,

00:06:17:02 - 00:06:20:18

they do maintain, of course,
their own property, real estate records,

00:06:21:03 - 00:06:25:07

but water, right documents are maintained
by the Department of Ecology.

00:06:25:07 - 00:06:30:12

And we'll be talking today about examples
of the kinds of recorded water rights

00:06:30:18 - 00:06:33:24

that we have in a college's files,
and a little bit about

00:06:34:05 - 00:06:37:05

how to read them and what information
you can get from them.

00:06:38:01 - 00:06:43:02

Some water rights,
go back as early as 1917 or thereabouts.

00:06:43:02 - 00:06:45:09

So there are some very old documents

00:06:45:09 - 00:06:49:01

that have been microfilmed
or scanned into a college's records.

00:06:49:20 - 00:06:52:05

Importantly, these recorded water rights

00:06:52:05 - 00:06:55:21

do not include

permit exempt uses like groundwater,

00:06:56:02 - 00:06:59:17

wells that are exempt from permitting

under the permit exemption.

00:07:00:05 - 00:07:03:15

Now, sometimes there could be,

some overlap and we might be able

00:07:03:15 - 00:07:05:01

to touch on that today.

00:07:05:01 - 00:07:09:00

But as a general rule, water

use that is permit exempt is not

00:07:11:09 - 00:07:12:03

does not have a

00:07:12:03 - 00:07:15:12

recorded right document

in it, associated with it.

00:07:15:12 - 00:07:17:03

And that is because it was exempt.

00:07:17:03 - 00:07:20:19

And the, well, user was never required
to apply for a permit

00:07:21:00 - 00:07:23:14

and will not have a permit or certificate.

00:07:23:14 - 00:07:25:20

The other important
point of record of water

00:07:25:20 - 00:07:30:03

rights is that written quantities
on a water right are not guaranteed,

00:07:30:10 - 00:07:33:06

and there are a few reasons for that.

00:07:33:06 - 00:07:37:16

one reason
is that even if water is on a certificate,

00:07:37:23 - 00:07:42:00

water use after, the late 1960s is subject

00:07:42:00 - 00:07:45:15

to the principle of relinquishment
for ongoing nonuse.

00:07:46:00 - 00:07:49:11

That's a pretty complicated concept
that we might not have time

00:07:49:11 - 00:07:53:08

to cover today, because we really want to
be just orienting people to water, right?

00:07:53:08 - 00:07:54:18

Documents.

00:07:54:18 - 00:07:57:12

The second reason
written quantities are not guaranteed

00:07:57:12 - 00:08:00:12

is that, some water rights forms,

00:08:00:20 - 00:08:03:20

they represent a self-reporting water,

00:08:03:22 - 00:08:08:23

water use that has not been reviewed
or affirmed by the Department of Ecology.

00:08:09:08 - 00:08:12:09

And, Kelly Hamilton will be talking
for a moment about those.

00:08:13:17 - 00:08:14:04

So I'm

00:08:14:04 - 00:08:17:24

going to turn today to Kelly Hamilton,
who is our adjudication

00:08:17:24 - 00:08:21:18

support unit supervisor
out of the Bellingham Field office.

00:08:21:24 - 00:08:25:11

And Kelly is going to be going
through a bit about what water rights are.

00:08:26:10 - 00:08:27:18

Kelly.

00:08:27:18 - 00:08:29:15

Thanks, Robin.

00:08:29:15 - 00:08:31:23

so what are water rights?

00:08:31:23 - 00:08:36:00

here we have the definition of what, water
rights are.

00:08:36:17 - 00:08:39:20

it is a right, to a, sorry, a water.

00:08:39:20 - 00:08:43:05

It is a legal right to use
water for a beneficial use

00:08:43:05 - 00:08:47:23

of a reasonable quantity of public water
for a beneficial purpose

00:08:48:04 - 00:08:52:18

during a certain period of time
occurring at a certain place.

00:08:53:10 - 00:08:57:21

and we'll kind of we'll talk about some of
these key points later in the slides.

00:08:58:13 - 00:09:01:13

next slide. Thanks.

00:09:01:14 - 00:09:03:06

A water rate can be,

00:09:03:06 - 00:09:06:06

for either groundwater or surface water.

00:09:06:13 - 00:09:11:14

Groundwater is water that collects

or flows beneath the Earth's surface,

00:09:11:20 - 00:09:15:13

usually withdrawn

from the ground using a water well.

00:09:16:13 - 00:09:17:19

a surface water is

00:09:17:19 - 00:09:21:06

water that is pooled

or flowing above the Earth's surface,

00:09:21:15 - 00:09:27:01

including water from lakes, rivers,

streams, creeks, and springs.

00:09:27:22 - 00:09:30:22

Next slide please.

00:09:33:00 - 00:09:36:00

There are three main types of water rate documents.

00:09:36:02 - 00:09:41:13

Water rate claims, including both short form and long form claims.

00:09:42:00 - 00:09:45:02

Water rate permits and certificates.

00:09:46:01 - 00:09:49:01

Next slide please.

00:09:49:18 - 00:09:52:03

A water rate claim is an old claim

00:09:52:03 - 00:09:57:00

form filed with ecology
between 1967 and 1998,

00:09:57:23 - 00:10:00:00

showing a water use that

00:10:00:00 - 00:10:03:03

predates ecologies permitting system.

00:10:03:17 - 00:10:08:10

These document
a person's assertion of a water use prior

00:10:08:10 - 00:10:11:17

to 1917 for surface water, and prior

00:10:11:17 - 00:10:14:17

to 1945 for groundwater.

00:10:14:24 - 00:10:17:16

These documents are important
for demonstrating

00:10:17:16 - 00:10:20:17
an early use of water that predate

00:10:20:17 - 00:10:23:17
those water codes.

00:10:24:06 - 00:10:26:13
please note that a water rights claim

00:10:26:13 - 00:10:32:01
is different than a court claim form
that will meet need to be submitted,

00:10:32:07 - 00:10:36:22
filled out and submitted to the court
as part of the adjudication process.

00:10:37:03 - 00:10:40:05
They have very similar names,
but they are different things.

00:10:42:00 - 00:10:43:06
Next.

00:10:43:06 - 00:10:46:05
slide, please.

00:10:46:05 - 00:10:50:04

This is an example of a short form
water rights claim.

00:10:50:17 - 00:10:56:01

Short form claims lack many details,
including the source location,

00:10:56:07 - 00:10:59:01

the date of first putting water to use,

00:10:59:01 - 00:11:02:01

and the quantities
claimed under the claim.

00:11:03:03 - 00:11:06:21

short form
claims are for small quantities of water,

00:11:06:21 - 00:11:09:21

including water, for domestic use

00:11:10:01 - 00:11:14:24

in home use, up to 5000 gallons
per day, water for stock watering,

00:11:15:10 - 00:11:19:08

and water

for irrigation of up to a half an acre

00:11:19:15 - 00:11:22:15

of lawn and garden.

00:11:24:07 - 00:11:28:07

It should also be noted

that water rate claims are attached

00:11:28:07 - 00:11:32:16

to the land described on the document,

and therefore do not need

00:11:32:16 - 00:11:35:16

to be transferred over to new land owners.

00:11:36:19 - 00:11:39:19

Next slide please.

00:11:41:21 - 00:11:44:21

so this is an example of a long form

claim.

00:11:44:22 - 00:11:48:23

As you can see,

these have much more detailed information

00:11:48:23 - 00:11:50:19

than the short form claims do.

00:11:51:20 - 00:11:52:17

including

00:11:52:17 - 00:11:55:17

information like the name and address

00:11:55:17 - 00:11:59:02

of the original applicant

or the original claimant.

00:11:59:02 - 00:12:00:24

Excuse me.

00:12:00:24 - 00:12:03:24

because, again,

claims are attached to the land.

00:12:04:06 - 00:12:07:09

The name and address does not need

to be under

00:12:07:09 - 00:12:10:09

the current land owner's name in order,

00:12:11:05 - 00:12:14:05

to be, attached to the land.

00:12:14:13 - 00:12:17:04

it also includes quantities,

00:12:17:04 - 00:12:19:16

including the quantity claimed

00:12:19:16 - 00:12:22:16

and the, quantity currently used.

00:12:23:20 - 00:12:26:20

the source, location and type.

00:12:27:15 - 00:12:29:15

the bottom circle is the place

00:12:29:15 - 00:12:32:16

of use of this claim document.

00:12:32:23 - 00:12:37:01

And at the very bottom,

the bottom area arrow describes

00:12:37:01 - 00:12:39:07

the purpose of use or what?

00:12:39:07 - 00:12:41:07

What, What use?

00:12:41:07 - 00:12:43:24

They're claiming the water for.

00:12:43:24 - 00:12:46:24

next slide please.

00:12:48:12 - 00:12:51:11

So the most important parts of a water
rate document

00:12:51:11 - 00:12:54:15

are what we call the water rate PS and QS.

00:12:55:23 - 00:12:58:23

and not all water
rates will have all of the PS

00:12:58:23 - 00:13:03:07

and QS that every water rate
will have at least a few of these.

00:13:04:23 - 00:13:05:09

under the

00:13:05:09 - 00:13:08:09

PS column, we have the priority date,

00:13:08:09 - 00:13:12:18

which is usually the date
a water rate application was submitted to.

00:13:12:18 - 00:13:14:10

Ecology.

00:13:14:10 - 00:13:17:07

the point of diversion or withdrawal?

00:13:17:07 - 00:13:20:21

describe the location

that is authorized under the water.

00:13:20:21 - 00:13:21:18

Right.

00:13:21:18 - 00:13:26:04

The location of the well or the source

that is authorized under the water.

00:13:26:04 - 00:13:27:03

Right.

00:13:27:03 - 00:13:30:13

the place of use describes

where water can be used.

00:13:30:21 - 00:13:35:04

The purpose of use describes

what water can be used for.

00:13:35:13 - 00:13:39:22

The period of use describes what,
when the water can be used,

00:13:40:12 - 00:13:44:20

and any provisions on a water rate
document.

00:13:44:21 - 00:13:47:21

Certain requirements for using the water

00:13:49:00 - 00:13:49:22

under the QS.

00:13:49:22 - 00:13:53:20

Com we have the key
or instantaneous quantity,

00:13:54:01 - 00:13:56:23

or the rate of withdrawal or diversion.

00:13:56:23 - 00:14:00:15

It's usually described in gallons
per minute for groundwater

00:14:00:21 - 00:14:04:11

and in cubic feet
per second for surface water rights.

00:14:05:21 - 00:14:08:23

the second
quantity that's usually on a water rate

00:14:09:00 - 00:14:14:18

is the annual quantity or how much water
you are allowed to use within a year.

00:14:15:03 - 00:14:18:12

This is always described in acre
feet per year.

00:14:19:08 - 00:14:23:19

which is one acre, one foot deep of water.

00:14:24:11 - 00:14:28:08

is also can be calculated by multiplying

00:14:28:08 - 00:14:32:05

it by 325,851 gallons.

00:14:32:22 - 00:14:37:14

to come up with a gallons
per day or sorry, gallons per year.

00:14:37:20 - 00:14:39:17

Quantity.

00:14:39:17 - 00:14:42:17

next slide.

00:14:44:13 - 00:14:47:18

So a water rate permit gives permission

00:14:47:18 - 00:14:51:18

to use water to pursue a certain project.

00:14:52:20 - 00:14:54:18

a project,

00:14:54:18 - 00:14:55:02

sorry.

00:14:55:02 - 00:14:58:16

A permit will include a development
schedule, including,

00:14:59:07 - 00:15:02:13

dates to begin construction
and complete construction

00:15:02:23 - 00:15:06:02

and to put the water
to full beneficial use.

00:15:07:01 - 00:15:11:01

A water rate permit may lead to a water
rights certificate

00:15:11:08 - 00:15:14:04

if the water use is fully perfected.

00:15:16:22 - 00:15:20:04

a water rate permit is personal property

00:15:20:11 - 00:15:24:12

and does need to be transferred
with the sale of the property.

00:15:24:24 - 00:15:29:05

we have forms, and ecology,
that you can fill out

00:15:29:05 - 00:15:32:23

and submit with the new property
owner to get that permit transferred.

00:15:34:24 - 00:15:37:24

next slide please.

00:15:38:20 - 00:15:41:03

So this is an example of a water rate

00:15:41:03 - 00:15:45:19

permit, and I've, circled
some of the key, P's

00:15:45:19 - 00:15:50:04

and Q's of the water rate,
including the priority date.

00:15:50:22 - 00:15:53:18

the instantaneous quantity and annual

00:15:53:18 - 00:15:56:18

quantity or key and QA.

00:15:57:01 - 00:15:59:12

the purpose and period of use

00:15:59:12 - 00:16:02:12

is indicated with the arrow.

00:16:02:13 - 00:16:05:10

this is the kind of the top
half of the permit.

00:16:05:10 - 00:16:08:10

next slide please.

00:16:08:10 - 00:16:11:01

and here is the bottom
half of that permit.

00:16:11:01 - 00:16:14:16

it describes
the point of diversion or withdrawal.

00:16:15:01 - 00:16:18:06

Then the place of use
and then at the very bottom

00:16:18:06 - 00:16:22:05

is the development schedule
where it gives dates to begin

00:16:22:05 - 00:16:26:15

the project, complete the project
and put the water to full beneficial use.

00:16:27:16 - 00:16:30:16

next slide please.

00:16:31:08 - 00:16:35:16

Once a permit is perfected,
a water rights certificate may be issued.

00:16:36:03 - 00:16:37:17

Like water rate claims.

00:16:37:17 - 00:16:41:10

Water rights certificates
are attached to the land and do not need

00:16:41:10 - 00:16:44:10

to be transferred

with the sale of property.

00:16:44:23 - 00:16:47:23

next slide please.

00:16:48:24 - 00:16:51:10

Again,

I've circled some of the P's and Q's,

00:16:51:10 - 00:16:54:21

including the priority date,

the source type.

00:16:55:00 - 00:16:58:00

This one is for an infiltration trench.

00:16:58:11 - 00:17:00:21

the QA and key.

00:17:00:21 - 00:17:04:19

the purpose

and period of use is also described.

00:17:05:10 - 00:17:08:08

and then this one is for an irrigation
water.

00:17:08:08 - 00:17:14:13

It also, indicates the number of irrigated

acres authorized under the certificate.

00:17:15:08 - 00:17:18:08

next slide please.

00:17:18:08 - 00:17:21:08

And this is the bottom

half of that certificate

00:17:21:12 - 00:17:24:05

that describes, point of withdrawal,

00:17:24:05 - 00:17:27:05

diversion location, the place of use.

00:17:27:06 - 00:17:30:10

And then this one has

an example of a provision,

00:17:31:18 - 00:17:32:10

of the water.

00:17:32:10 - 00:17:33:17

Right.

00:17:33:17 - 00:17:36:21

it's a provision regarding,

it being a family

00:17:36:21 - 00:17:39:21

farm permit.

00:17:40:11 - 00:17:41:13

next slide.

00:17:41:13 - 00:17:44:13

Robin, I believe it's back to you.

00:17:44:13 - 00:17:46:01

Thanks, Kelly.

00:17:46:01 - 00:17:47:13

Okay.

00:17:47:13 - 00:17:48:15

Thanks for covering that.

00:17:48:15 - 00:17:51:24

And so what I want to talk about
now is a little bit about how water rate

00:17:51:24 - 00:17:55:10

documents will be integrated or applied

00:17:55:10 - 00:17:58:19

into the upcoming adjudication process.

00:17:59:12 - 00:18:02:09

So this is the high level general

00:18:02:09 - 00:18:05:16

timeline of the wire one adjudication.

00:18:06:02 - 00:18:10:00

As many of you might have heard,
the adjudication was filed last week,

00:18:10:00 - 00:18:13:06

May 1st, in Whatcom County Superior Court.

00:18:13:23 - 00:18:18:06

The next step in the adjudication
is for the court to order a summons,

00:18:18:09 - 00:18:21:07

which will be sent out by certified mail

00:18:21:07 - 00:18:24:11

to identified defendants
in the adjudication.

00:18:25:07 - 00:18:30:05

Those forms, we anticipate,
will be sent out, as soon as this summer.

00:18:30:21 - 00:18:33:24

some of that is going to be,

up to the court.

00:18:33:24 - 00:18:37:17

So it's not fully

under a college's direction at this time.

00:18:38:13 - 00:18:43:20

we will be doing more outreach before
and at the time of our mailing.

00:18:44:05 - 00:18:49:01

But the important thing for this purpose
is that we will be sending a summons

00:18:49:01 - 00:18:53:21

by certified mail, which will include the
claims form and instructions

00:18:55:08 - 00:18:56:12

under the law, which

00:18:56:12 - 00:19:00:04

was actually amended last year in 2023.

00:19:00:11 - 00:19:03:18

Water users will have one year
from the time

00:19:03:19 - 00:19:06:19

the court order service

to fill out the forms,

00:19:07:02 - 00:19:11:24

and so the claims form will arrive

with a deadline or a date on it,

00:19:12:06 - 00:19:15:17

and water users will have that information

00:19:15:17 - 00:19:19:22

in the form and instructions to know

when the form needs to be filled out.

00:19:20:04 - 00:19:22:11

But it will be a one year period.

00:19:22:11 - 00:19:25:09

And so for purposes of this,

we would estimate

00:19:25:09 - 00:19:28:24

that forms would be sent

by certified mail in 2024,

00:19:29:08 - 00:19:32:16

and then they would be due to be returned

in 2025.

00:19:34:00 - 00:19:36:18

The forms will need to be returned
to the Whatcom

00:19:36:18 - 00:19:40:20

County Superior Court,
and the forms will come with instructions.

00:19:40:20 - 00:19:44:10

As far as filing, a procedure goes.

00:19:44:24 - 00:19:49:15

There'll be multiple options for filing
a court claim form in the adjudication.

00:19:50:02 - 00:19:54:09

There will, of course, be a paper copy,
a document that can be filled out

00:19:54:15 - 00:19:58:23

and returned as filed in the court,
physically on a piece of paper.

00:19:59:14 - 00:20:02:09

There also will be a, I believe,

00:20:03:18 - 00:20:04:14

the form that

00:20:04:14 - 00:20:08:01

will be completed with, syllable
like a syllable form

00:20:08:08 - 00:20:11:11

that individuals can get online
and use a computer

00:20:11:11 - 00:20:14:23

to click on different fields
and type that through.

00:20:15:09 - 00:20:20:22

And they could either, print that out
and file it on paper, or they could e-file

00:20:20:22 - 00:20:25:03

through Whatcom County Superior courts
new e-filing system.

00:20:26:03 - 00:20:29:10

The last option that will be available
for filling out forms

00:20:29:10 - 00:20:33:13

will be the new guide and file system
that is being developed

00:20:33:13 - 00:20:37:21

by the Administrative Office of the courts
and Whatcom County Superior Court,

00:20:38:07 - 00:20:39:03

and that will have

00:20:39:03 - 00:20:43:18

an interactive interface

that will ask the questions and answers.

00:20:43:18 - 00:20:48:24

And the answers can be typed in

and will then populate into a claim form,

00:20:49:02 - 00:20:52:02

which then can be submitted for filing.

00:20:52:16 - 00:20:56:09

I'm saying this at this point,

just to give a general idea

00:20:56:09 - 00:20:59:22

of the different kinds and methods

of filing that will be available.

00:21:00:03 - 00:21:04:05

There's going to be a lot

more information, out there about this.

00:21:04:11 - 00:21:07:23

If you missed something I just said
or it sounded confusing.

00:21:08:19 - 00:21:12:18

I understand and just trust that
we'll have more information available.

00:21:12:22 - 00:21:16:08

Especially there will be information
available in the claims,

00:21:16:22 - 00:21:20:22

forms, itself
when it is sent by certified mail

00:21:22:20 - 00:21:23:21

after the form is

00:21:23:21 - 00:21:27:06

submitted to the Whatcom
County Superior Court.

00:21:27:15 - 00:21:31:19

It's the role of the Department of Ecology
to review that form

00:21:32:00 - 00:21:35:00

and make an initial recommendation

to the court.

00:21:35:13 - 00:21:39:24

So ecology will have ecology staff
reviewing the court claim form

00:21:40:09 - 00:21:45:13

and making an initial review
of the history and legal use of the water.

00:21:45:13 - 00:21:46:08

Right.

00:21:46:08 - 00:21:48:22

And submitting

00:21:48:22 - 00:21:51:22

a report, to the court for review.

00:21:51:22 - 00:21:54:10

Now, there's something
that's not on this slide, and that is that

00:21:54:10 - 00:21:58:02

there is an additional three year
evidentiary period.

00:21:58:21 - 00:22:01:10

some forms,

00:22:01:10 - 00:22:05:21

we put 2025 as the first possible date
that ecology could be reviewing forms,

00:22:06:06 - 00:22:09:15

but we anticipate that most water use

00:22:09:15 - 00:22:13:08

will be subject to a three year
evidentiary period.

00:22:13:08 - 00:22:17:21

For more information
to come in, and explain,

00:22:18:09 - 00:22:22:11

the history of water use
on the adjudication and court claim form.

00:22:23:16 - 00:22:25:17

But I did 2025 in this

00:22:25:17 - 00:22:29:04

because it is possible, of course,
that some people will do so sooner.

00:22:29:23 - 00:22:34:14

then, the period, then

the end of that next three year period

00:22:35:13 - 00:22:38:13

is after that time, the ecology reviews

00:22:38:18 - 00:22:41:18

the court claim form

and makes an initial report

00:22:41:24 - 00:22:45:09

that water users will have a chance

to object

00:22:45:09 - 00:22:49:00

to acknowledges, finding

and on their own or others

00:22:49:00 - 00:22:52:15

like their neighbors water rights,

and bring that information to the court.

00:22:53:12 - 00:22:56:13

The court will make the final decision,

ruling on water rights.

00:22:59:17 - 00:23:01:05

So the next thing I have here

00:23:01:05 - 00:23:05:22

is an example of an adjudication court
claim form with some questions in it.

00:23:06:19 - 00:23:09:22

many of you may know that we presented
draft court

00:23:09:22 - 00:23:12:22

claim forms to the public,
this last winter.

00:23:13:07 - 00:23:16:17

We have received comments on those,
and we're reviewing those,

00:23:16:17 - 00:23:18:21

and they're under revision right now.

00:23:18:21 - 00:23:22:14

So it's important to me to point out
that these are example questions.

00:23:22:21 - 00:23:27:06

The reason that we want to do this
today is really to help people understand

00:23:27:12 - 00:23:32:21

how existing historic documents,
like the ones that Kelly was talking

00:23:32:21 - 00:23:36:16

about, will be integrated
into the new adjudication

00:23:36:16 - 00:23:39:14

process through the court claim form.

00:23:39:14 - 00:23:43:24

So what I have on screen here
are questions numbered three and four.

00:23:44:19 - 00:23:48:00

I'm not sure those exact numbers
may change again.

00:23:48:04 - 00:23:52:02

The court claims form itself will arrive
with instructions that go with it,

00:23:52:09 - 00:23:57:10

but it will look probably very similar
to this as to the legal basis.

00:23:57:10 - 00:24:00:08

And, question for when this use began.

00:24:01:16 - 00:24:02:16

The first question

00:24:02:16 - 00:24:06:22

here, legal basis of the water
rights, is something that the law requires

00:24:06:22 - 00:24:09:22

us to ask on the adjudication
court claim form,

00:24:10:08 - 00:24:13:22

and for this purpose, we've indicated
three separate

00:24:14:05 - 00:24:17:19

possibilities for the legal basis
of the court claim form.

00:24:18:06 - 00:24:21:12

And the first one here
is a water rate document.

00:24:22:18 - 00:24:25:15

and so if you or any

00:24:25:15 - 00:24:30:19

claimant has a document on this water
use that you want to use

00:24:30:19 - 00:24:34:06

to substantiate your water rights
or that you need to use.

00:24:34:17 - 00:24:37:11

It would be important to check this box.

00:24:37:11 - 00:24:42:22

Now this includes

both claims recorded under 9014,

00:24:42:22 - 00:24:46:20

which are the court claims

they say water rights claim on the top.

00:24:47:04 - 00:24:50:04

Kelly had those

they were called on her screen

00:24:50:10 - 00:24:53:01

either short form or long form.

00:24:53:01 - 00:24:56:07

There were repeated

claims registry periods

00:24:56:07 - 00:25:00:03

that opened between the 1960s

and the 1990s.

00:25:00:03 - 00:25:06:07

So are there are different ways those
kind of water right claims could, appear?

00:25:07:08 - 00:25:09:09

those are the kind of

00:25:09:09 - 00:25:12:23

have a different legal nature
than permits or certificates,

00:25:13:03 - 00:25:17:08

but for purposes of this form,
to keep it very clear and very simple,

00:25:17:08 - 00:25:21:05

we've asked for water rate document
in one single place.

00:25:21:15 - 00:25:26:12

The same is true on our CW 9044
090 declarations

00:25:26:12 - 00:25:30:15

which are kind of rare, but the law
has asked us to list these out anyway.

00:25:30:15 - 00:25:34:11

So if you or someone that you know

has a 90, 4409

00:25:34:11 - 00:25:37:11

own declaration, it would go here as well.

00:25:37:22 - 00:25:42:09

And so if this adjudication
claim in the future

00:25:42:09 - 00:25:46:13

2025 is associated
with an old water rate document,

00:25:46:20 - 00:25:49:20

it's important
to put the document number right here.

00:25:50:03 - 00:25:52:13

Now we'll have more assistance available

00:25:52:13 - 00:25:55:16

to help people do that
because we understand that water, right.

00:25:55:16 - 00:25:58:16

Documents can be, confusing.

00:25:58:18 - 00:26:02:07

So in addition to the kind of information

we're providing today,

00:26:02:07 - 00:26:07:15

which is to PS and QS of the water right
there also will be assistance available,

00:26:08:09 - 00:26:12:21

at ecology and at Whatcom County,
Public Works to help

00:26:13:03 - 00:26:17:08

us understand what might be looking at
what you might be looking at in the water.

00:26:17:08 - 00:26:18:12

Right.

00:26:18:12 - 00:26:23:10

For instance, a water rights certificate
like Kelly, was demonstrating

00:26:23:18 - 00:26:28:07

would have a permit associated with those,
and those would have a number on them.

00:26:28:14 - 00:26:31:11

They would only need to be listed here
once.

00:26:31:11 - 00:26:32:20

under this number.

00:26:32:20 - 00:26:36:10

The goal is that ecology
staff could go back and find that number.

00:26:37:00 - 00:26:39:12

and that water rights file to be,

00:26:39:12 - 00:26:43:08

looking at when reviewing this
new adjudication court claim.

00:26:45:12 - 00:26:48:15

So the second, option on legal

00:26:48:15 - 00:26:51:21

basis of water, right, is something
we're not talking a lot about today.

00:26:51:21 - 00:26:54:21

It's the groundwater permit exemption.

00:26:55:03 - 00:26:59:02

and the groundwater
permit exemption would be for water uses

00:26:59:02 - 00:27:03:15

that are of, well water
subject to the permit exemption.

00:27:03:15 - 00:27:08:03

And they, you or other users
would check this box here to indicate

00:27:08:03 - 00:27:11:03

you claim under the groundwater
permit exemption.

00:27:12:05 - 00:27:14:12

The third category here is for other.

00:27:14:12 - 00:27:16:23

That's for anything else.

00:27:16:23 - 00:27:20:20

and there are a variety of reasons
that an individual might do this.

00:27:20:20 - 00:27:23:12

And that is
if they don't have a water right

00:27:23:12 - 00:27:26:01

or don't think they qualify
for the permit exemption,

00:27:26:01 - 00:27:29:07

they could have another possible
legal basis.

00:27:29:13 - 00:27:32:21

Legal theory or historical information
that they would like

00:27:32:21 - 00:27:34:12

the court to consider.

00:27:34:12 - 00:27:36:15

And this is where
they would indicate that.

00:27:38:16 - 00:27:39:13

The second question

00:27:39:13 - 00:27:42:13

here, is just an example of,

00:27:42:15 - 00:27:47:05

something that will be asked on the court
claim form about when the use began.

00:27:47:13 - 00:27:49:08

And what I want to point out here

00:27:49:08 - 00:27:53:01

is that this would harken back
to the original water, right?

00:27:53:01 - 00:27:54:03

Documents.

00:27:54:03 - 00:27:57:18

If somebody checks
number, this top box here

00:27:57:18 - 00:28:01:15

indicating that their current water right
use is supported by a document,

00:28:02:06 - 00:28:03:02

it would be important to

00:28:03:02 - 00:28:06:24

look at that water rate document
to understand how to fill out.

00:28:06:24 - 00:28:10:01

Question four when did this use began?

00:28:11:13 - 00:28:14:09

now the law requires the court claim form

00:28:14:09 - 00:28:18:02

for adjudication

to ask a number of these questions.

00:28:18:24 - 00:28:23:13

so the first question here is,
if known, when did construction

00:28:23:13 - 00:28:27:03

or withdrawal of the withdrawal
or diversion works began?

00:28:27:15 - 00:28:30:15

Now, not everybody would know this,
but people with,

00:28:31:01 - 00:28:35:12

water users with a water rights
certificate, it could have information

00:28:35:12 - 00:28:39:12

about when construction
or withdrawal or diversion works began.

00:28:39:22 - 00:28:43:22

If this is a water right
that went from a permit to certificate

00:28:44:07 - 00:28:47:01

through a proof of appropriation process,

00:28:47:01 - 00:28:51:01

the permit probably had a construction
schedule on it at some point,

00:28:51:08 - 00:28:52:23

and the proof of appropriation

00:28:52:23 - 00:28:55:23

and certificate
probably have this information in it.

00:28:56:01 - 00:28:59:15

So this is an example of
when a water user would use

00:28:59:22 - 00:29:03:08

information from their historic
right water rate document

00:29:03:15 - 00:29:07:04

to put it in the new, adjudication
court claim form.

00:29:07:19 - 00:29:11:06

And the same for the second item here,
if known,

00:29:11:07 - 00:29:15:09

when was the construction of the

withdrawal or diversion works completed?

00:29:15:17 - 00:29:18:15

So clearly this indicates
something that had,

00:29:18:15 - 00:29:21:15

you know,
if there is a construction phase where,

00:29:22:06 - 00:29:25:18

sometimes they say breaking ground
for construction of withdrawal

00:29:25:18 - 00:29:29:19

or diversion works,
and then it could take a period of time.

00:29:30:12 - 00:29:34:08

between then
and when the, actual withdrawal

00:29:34:08 - 00:29:36:07

or diversion works were completed.

00:29:36:07 - 00:29:39:22

So if the documentation
has both of those dates,

00:29:39:22 - 00:29:41:12

this is the place to put them there.

00:29:43:03 - 00:29:45:20

The next question here asks for the date.

00:29:45:20 - 00:29:49:07

The first steps were taken
to put the water to beneficial use.

00:29:49:22 - 00:29:53:01

Again, this is something
that if it is in a water rights

00:29:53:01 - 00:29:56:02

certificate, could have been
in the proof of appropriation.

00:29:56:20 - 00:29:58:24

Perhaps it is
the same as the earlier date.

00:29:58:24 - 00:30:01:02

Here is different.

00:30:01:02 - 00:30:03:12

This is a factual question about the date.

00:30:03:12 - 00:30:06:19

First steps were taken
to put the water to beneficial use,

00:30:07:01 - 00:30:11:19

and that would be something where,
the information could be taken

00:30:11:19 - 00:30:16:11

from a historic document and added
on the adjudication court claim form.

00:30:16:11 - 00:30:17:12

Here.

00:30:17:12 - 00:30:21:11

This is also information you saw earlier
when Kelly was showing us the,

00:30:22:17 - 00:30:27:00

claims registry forms, the ones that say
water rights claim at the top.

00:30:27:09 - 00:30:31:08

They have an indication on there
about when water was first

00:30:31:08 - 00:30:32:20

put to beneficial use.

00:30:32:20 - 00:30:37:14

So that would be another time
that a water user could take information

00:30:37:14 - 00:30:40:20

from an old document and put it on, a new

00:30:41:00 - 00:30:44:00

on the new adjudication court claim form.

00:30:44:04 - 00:30:47:16

If for some reason there are different
document, different dates available,

00:30:48:04 - 00:30:51:05

to a water claimant,
they should put those on here.

00:30:52:02 - 00:30:54:09

even if, they,

00:30:54:09 - 00:30:58:07

if there's a reason that they disagree
with the earlier, dates

00:30:58:07 - 00:31:01:08

on other documents, it would be important
to put those down here.

00:31:01:14 - 00:31:04:20

So the ecology

and eventually the court would be able

00:31:04:20 - 00:31:08:01

to look at all of that information

when reviewing the,

00:31:09:04 - 00:31:10:01

when reviewing the

00:31:10:01 - 00:31:13:01

adjudication, court claims form.

00:31:14:23 - 00:31:17:19

So here are some important questions

that we have.

00:31:17:19 - 00:31:21:23

I know we're open to questions here,

but we have heard many questions,

00:31:22:19 - 00:31:25:01

throughout our preparation

for adjudication.

00:31:25:01 - 00:31:29:09

And we just want to put the, the,

highest level ones up here

00:31:29:12 - 00:31:33:02

to be sure
that everybody has their eye on the,

00:31:33:21 - 00:31:34:22

part of the process.

00:31:34:22 - 00:31:37:07

That is the highest level
and most important

00:31:37:07 - 00:31:39:05

for us to be talking about today.

00:31:39:05 - 00:31:43:03

And that is how can I protect my right
to use water in that adjudication?

00:31:43:17 - 00:31:47:09

And that answer to that, fundamentally,
is to fill out a claim form,

00:31:49:00 - 00:31:52:00

filing adjudication court claim form.

00:31:52:04 - 00:31:54:22

there are and there is a \$25 cost

00:31:54:22 - 00:31:57:22

or fee associated with the court
claim form,

00:31:58:11 - 00:32:01:15

that is currently in place at Whatcom
County Superior Court.

00:32:02:12 - 00:32:04:17

I also want to let you know
that there is a fee

00:32:04:17 - 00:32:08:01

waiver process,
that the court is developing right now,

00:32:08:17 - 00:32:12:08

that will allow people
who are unable to pay the fee,

00:32:13:02 - 00:32:15:10

to apply to the court for a fee waiver.

00:32:17:10 - 00:32:17:22

the second

00:32:17:22 - 00:32:20:24

point here is what
we've been talking about today, which are,

00:32:21:20 - 00:32:25:22

to, protect your right to use
water in the long term.

00:32:25:22 - 00:32:28:08

When you fill out the court claim form,

00:32:28:08 - 00:32:31:18

refer to previous documents
if you have any.

00:32:31:18 - 00:32:34:22

And that would be a permit certificate
or an old,

00:32:35:08 - 00:32:38:04

claim form.

00:32:38:04 - 00:32:40:13

The second important thing
about protecting

00:32:40:13 - 00:32:44:23

right to use water
ongoing in the adjudication, is to include

00:32:44:23 - 00:32:47:23

the best information

you have about your current water use.

00:32:49:12 - 00:32:53:06

And then the other point here
is looking at historic water use.

00:32:53:06 - 00:32:54:10

And we understand that

00:32:54:10 - 00:32:58:05

this is a difficult thing to understand,
especially if this property hasn't

00:32:58:05 - 00:33:02:03

been under your personal control
or your family's control through history.

00:33:02:10 - 00:33:06:18

But it is important to learn what you can
about historic water use, and

00:33:06:18 - 00:33:11:07

that goes back to the very first slides
we have today about seniority.

00:33:11:16 - 00:33:16:12

If water has been in use on your property
longer than you have used it,

00:33:17:04 - 00:33:20:11

this is the opportunity
to secure a senior priority date

00:33:20:16 - 00:33:24:12

by providing information
about your early historic water use.

00:33:25:07 - 00:33:30:03

So, as the court claim forms opens up
and there is the ability

00:33:30:03 - 00:33:33:03

to submit the adjudication court
claim form.

00:33:33:04 - 00:33:36:03

There will be resources available
about obtaining

00:33:36:03 - 00:33:39:03

historic water use, information.

00:33:39:10 - 00:33:42:12

examples of that are,
of course, the documents

00:33:42:12 - 00:33:44:03

that we've been discussing today.

00:33:44:03 - 00:33:46:20

That's a source of historic information.

00:33:46:20 - 00:33:51:04

There also can be information
through, things like aerial photos.

00:33:51:13 - 00:33:55:02

and there are sources in the community
for historic aerial photos,

00:33:55:08 - 00:33:59:10

going back, in fact, a little earlier
than you might even think, from the first,

00:34:00:08 - 00:34:04:24

commercial or scientific aircraft
flyovers of the area, of the area.

00:34:05:13 - 00:34:06:21

took photographs.

00:34:06:21 - 00:34:11:03

And while it's not, possible to see from
those earliest black and white photos,

00:34:11:08 - 00:34:15:02

perhaps not possible to see exactly,

what might have been growing there.

00:34:15:05 - 00:34:20:06

It does provide information about where
land may have been cultivated or forested,

00:34:20:10 - 00:34:24:05

or other really important information
about the history of your land

00:34:24:12 - 00:34:27:09

that could inform the history
of your property.

00:34:27:09 - 00:34:31:12

Other information about historic water
use could be available from the county.

00:34:31:24 - 00:34:35:14

for instance,
county tax records include when,

00:34:36:17 - 00:34:37:10

buildings were

00:34:37:10 - 00:34:40:11

developed on property,
which could tell when residents

00:34:40:11 - 00:34:43:16

or barns and other outbuildings
were developed on the property.

00:34:43:22 - 00:34:46:22

That would also be information
where you would get,

00:34:47:22 - 00:34:51:09

some facts about your historic water
use to put on your court

00:34:51:09 - 00:34:54:09

claim form.

00:34:55:11 - 00:34:55:20

All right.

00:34:55:20 - 00:34:59:03

So that is the information
we have today about water rate documents.

00:34:59:04 - 00:35:02:06

Now, Sheila, you've
got this really great information here.

00:35:02:20 - 00:35:06:08

we're always looking
to improve our process for outreach.

00:35:06:08 - 00:35:09:17

This really is the beginning
of the adjudication process.

00:35:10:00 - 00:35:12:17

We know that as much as we've been doing,
there are more people

00:35:12:17 - 00:35:15:16

we want to reach and more information
we want to provide.

00:35:15:16 - 00:35:20:17

And so Sheila Coston provides this
as a feedback loop for us to understand,

00:35:21:12 - 00:35:23:18

what information we can get out there.

00:35:23:18 - 00:35:26:18

Sheila,
do you want to say something about this,

00:35:26:21 - 00:35:29:11

this information here? Yes.

00:35:29:11 - 00:35:30:16

Thank you. Robin.

00:35:30:16 - 00:35:35:23

I will be sending this information out
and an email along with the presentation.

00:35:35:23 - 00:35:38:10

So, keep an eye out for that.

00:35:39:19 - 00:35:41:17

And, on top of

00:35:41:17 - 00:35:44:18

that, we're
just going to move into our Q&A session.

00:35:44:19 - 00:35:47:09

We have about 20 minutes.

00:35:47:09 - 00:35:50:09

Thank you, Kelly and Robin,
for presenting today.

00:35:52:00 - 00:35:53:07

thanks. Our moderator.

00:35:53:07 - 00:35:56:19

And she is going to be looking
at the questions that came into the Q&A

00:35:56:19 - 00:35:59:19

and combining similar questions if needed.

00:35:59:24 - 00:36:03:22

And then she'll direct the questions
to one of our panelists to respond.

00:36:04:15 - 00:36:07:15

just so you know, we're going
to keep things pretty high level.

00:36:07:20 - 00:36:10:20

we're not going to delve
into specific details,

00:36:10:20 - 00:36:15:01

but we still hope to provide you
with some informative insights.

00:36:16:01 - 00:36:18:23

Also, we we just want to acknowledge
that adjudication

00:36:18:23 - 00:36:21:23

is a high stakes, high emotion topic.

00:36:22:02 - 00:36:25:02

And we appreciate you engaging with us
about this

00:36:25:09 - 00:36:28:11

complex process

and being part of this presentation.

00:36:29:00 - 00:36:32:19

And we may not get to all of your
questions, but we're going to do our best.

00:36:33:13 - 00:36:35:20

Again, after the presentation,
I'm going to email everyone

00:36:35:20 - 00:36:39:05

a copy of the presentation,
the contact information,

00:36:39:12 - 00:36:42:11

and I'll link to our water document
search site.

00:36:42:11 - 00:36:46:08

If you have any specific questions or
you didn't get your question, answer it.

00:36:46:08 - 00:36:50:24

Feel free to reach out to us by email
or phone and also with the resources.

00:36:50:24 - 00:36:53:05

I think you saw that QR code.

00:36:53:05 - 00:36:55:02

I'll be sending out a survey.

00:36:55:02 - 00:36:56:10

So please fill it out.

00:36:56:10 - 00:36:59:24

We're always looking for new ideas
and ways to improve our communication

00:37:00:09 - 00:37:02:04

about via one adjudication.

00:37:03:04 - 00:37:06:04

So over to you, Casey.

00:37:06:06 - 00:37:07:17

Great. Thank you, Sheila.

00:37:07:17 - 00:37:10:14

And I just want to thank everybody
who is here today.

00:37:10:14 - 00:37:13:14

We've got a great lineup of questions.

00:37:13:23 - 00:37:19:05

I am going to work to get through them
as much as I can, prioritizing ones

00:37:19:05 - 00:37:23:06

that I'm seeing more often
and also ones that are specific,

00:37:24:00 - 00:37:27:00

to our our topic today.

00:37:27:12 - 00:37:30:16

but first off, Sheila,
I know that a lot of folks

00:37:30:16 - 00:37:34:04

after watching this
are going to want to know how they can,

00:37:35:03 - 00:37:39:15

you know, find out if they have any water
rights associated with their property.

00:37:40:10 - 00:37:44:16

are you able to put in our chat
for everyone to see the link?

00:37:45:14 - 00:37:49:11

in terms of where folks can go

to, to look for water, right.

00:37:49:17 - 00:37:52:17

Our external database
that's publicly available.

00:37:53:00 - 00:37:55:05

Yeah, that's that's a great question.

00:37:55:05 - 00:37:56:07

Thank you. Casey.

00:37:56:07 - 00:37:59:02

you know, it's still early in the process,
but it's a great time

00:37:59:02 - 00:38:02:02

to get your documents in place for filing,

00:38:02:03 - 00:38:04:19

and check your records
to see if you have a water document.

00:38:04:19 - 00:38:08:23

And if you don't have it,
you can contact us by phone or email.

00:38:08:23 - 00:38:10:02

We can get that for you.

00:38:10:02 - 00:38:14:05

The contact information is on this slide,
and I am going to send it to you.

00:38:14:13 - 00:38:17:20

But also we have our water
research database.

00:38:18:02 - 00:38:20:10

I'm going to email that link to you to.

00:38:20:10 - 00:38:23:07

And then you can go in
and find your your water document.

00:38:23:07 - 00:38:23:16

There.

00:38:25:10 - 00:38:25:21

Thank you.

00:38:25:21 - 00:38:29:05

I also I also
just want to speak real quickly to that.

00:38:29:24 - 00:38:32:08

we do have an external facing water.

00:38:32:08 - 00:38:33:18

Right. Search.

00:38:33:18 - 00:38:36:03

that is statewide and we have our

00:38:36:03 - 00:38:39:03

IT team right now working on,

00:38:39:22 - 00:38:42:18

the interface for that

that's going to be specific to,

00:38:42:18 - 00:38:45:18

we're one in the adjudication,

00:38:45:19 - 00:38:49:04

as user friendly

as they've tried to make that in the past,

00:38:49:04 - 00:38:51:19

it can be difficult

for people called cold users,

00:38:51:19 - 00:38:54:12

which are people like me,

as opposed to people like Kelly

00:38:54:12 - 00:38:58:02

who are experienced in negotiating,
navigating water.

00:38:58:02 - 00:38:59:04

Right. Documents.

00:38:59:04 - 00:39:02:19

And so I just wanted to let people know
that that is going to be improved.

00:39:03:00 - 00:39:04:16

in the coming weeks.

00:39:04:16 - 00:39:08:16

and in the meantime,
if anyone is looking at the water, right,

00:39:08:16 - 00:39:12:15

search and get stumped at that, that's
what the phone number and email are for.

00:39:12:23 - 00:39:17:10

We have been able to return calls
in a matter of days to people and respond

00:39:17:10 - 00:39:21:20

to emails, with links to water rights
that have been located on their property.

00:39:23:12 - 00:39:24:09

Thanks, Robin.

00:39:24:09 - 00:39:27:09

And I'll just reiterate, a couple things

00:39:27:14 - 00:39:30:06

that I've heard, recently from the public.

00:39:30:06 - 00:39:35:09

And sometimes people have called our
your phone number, you know, to

00:39:35:10 - 00:39:39:03

leave a question about adjudications
and they're not reaching a live body.

00:39:39:14 - 00:39:43:22

And my understanding
is that that's how the system is set up.

00:39:44:07 - 00:39:46:15

that it goes directly
to a voicemail system

00:39:46:15 - 00:39:50:15

because we have so many people
that are answering the questions that it's

00:39:50:15 - 00:39:53:04

kind of a shared resource
for when questions come in,

00:39:53:04 - 00:39:55:23

they kind of queue up
and then the next person just grabs it.

00:39:55:23 - 00:39:59:05

So if people are calling in
and they have specific questions,

00:39:59:13 - 00:40:03:07

I just want to reiterate they should not
expect to actually reach somebody,

00:40:03:12 - 00:40:07:23

but that your staff are getting back
to people in a in a really quick timeline.

00:40:09:00 - 00:40:09:21

They really are.

00:40:09:21 - 00:40:12:02

And I understand that's frustrating.

00:40:12:02 - 00:40:13:22

that's something that happens to all of us

00:40:13:22 - 00:40:17:11

when we call for customer service
and need to leave a voicemail.

00:40:17:19 - 00:40:20:04

In this case,
it really is the best system.

00:40:20:04 - 00:40:24:15

We were able to get up and running, and
we really are able to get back to people.

00:40:24:23 - 00:40:28:00

I think it says 3 to 5 days right now,
but we really have been

00:40:28:00 - 00:40:31:00

returning calls in three days maximum.

00:40:31:07 - 00:40:32:13

we did send out a postcard

00:40:32:13 - 00:40:35:16

a couple weeks ago,
which got us a lot of influx of calls,

00:40:35:21 - 00:40:39:13

and we might have slowed down a bit then,
but we are staffing that.

00:40:39:13 - 00:40:43:05

We have people spending hours a day
returning those calls and emails,

00:40:43:11 - 00:40:45:09

and we're actually hiring more to do that.

00:40:45:09 - 00:40:49:08

So we are really, staffing that up
so that we can answer

00:40:49:08 - 00:40:53:09

questions, locate water rights and help
people understand the adjudication.

00:40:54:15 - 00:40:54:23

Thank you.

00:40:54:23 - 00:40:56:15

Robin.

00:40:56:15 - 00:40:58:23

Kelly, I've got a question for you.

00:40:58:23 - 00:41:01:10

I know you went through
a lot of different water, right?

00:41:01:10 - 00:41:03:00

Forms.

00:41:03:00 - 00:41:05:17

And let's

say somebody finds for their property

00:41:05:17 - 00:41:09:08

or gets information back from from Robin's
team,

00:41:09:24 - 00:41:13:06

about a water rate that's maybe associated
with their property.

00:41:13:06 - 00:41:17:07

But the name on the water
rights certificate or the water rate

00:41:17:07 - 00:41:21:10

claim is it's different than who lives
there.

00:41:21:10 - 00:41:24:03

Now, is that a problem?

00:41:24:03 - 00:41:28:02

and and should they be calling a colleague
to provide

00:41:28:06 - 00:41:31:06

that, that information of new ownership?

00:41:32:13 - 00:41:34:14

Thanks, Katie. That's a great question.

00:41:34:14 - 00:41:37:23

So water rate claims and water

00:41:37:23 - 00:41:41:09

rate certificates

are attached to the land.

00:41:41:10 - 00:41:44:14

There are pertinent to the land

and are sold,

00:41:45:03 - 00:41:49:05

through the sale of the of the property,

unless specified.

00:41:49:23 - 00:41:54:04

in the sales agreement,

which rarely happens.

00:41:54:04 - 00:41:57:13

So if you, purchase a property,

00:41:58:10 - 00:42:01:11

and your water rate

does not have your water rate

00:42:01:12 - 00:42:06:03

certificate or claim does not

have your name on it, That's okay.

00:42:06:08 - 00:42:08:19

It was transferred

with the sale of the property.

00:42:08:19 - 00:42:12:18

However, you should be aware

that if it's an application,

00:42:12:18 - 00:42:16:02

a water application,

or a water rate permit,

00:42:16:09 - 00:42:21:08

those are personal property

and do need to be assigned over

00:42:21:08 - 00:42:25:02

from the old, property

owner to the new property owner.

00:42:27:17 - 00:42:28:11

Fantastic.

00:42:28:11 - 00:42:30:11

Thanks so much, Kelly. Appreciate that.

00:42:30:11 - 00:42:33:22

And if people have questions
about what these,

00:42:34:23 - 00:42:37:11

or type of water rate document they have,

00:42:37:11 - 00:42:41:07

I assume that they can also reach out
to the adjudication team,

00:42:42:13 - 00:42:46:07

and find out, if if it's personal property

00:42:46:07 - 00:42:49:07

or attached to the land.

00:42:50:05 - 00:42:52:22

Yes. I'm seeing yes and yes and yeah.

00:42:52:22 - 00:42:55:22

And my understanding is also that,

00:42:56:06 - 00:43:00:10

we as a college are not,
we do not maintain

00:43:01:11 - 00:43:05:00

updated records for water
rights certificates or claims.

00:43:05:00 - 00:43:10:02

We just we understand that those rights
are changing, sometimes very frequently.

00:43:10:20 - 00:43:15:05

and may have a different name
and owner listed than has,

00:43:15:17 - 00:43:18:24

the current,
the current user of that water, right

00:43:18:24 - 00:43:21:24

where the water rate
is a pertinent to that.

00:43:22:02 - 00:43:23:21

That's correct. Casey. Great.

00:43:23:21 - 00:43:26:21

Thank you.

00:43:26:22 - 00:43:28:17

A question that came up.

00:43:28:17 - 00:43:31:14

And, Kelly,

I'm going to turn this one back to you.

00:43:31:14 - 00:43:34:14

Let's say somebody is looking at leasing,

00:43:34:20 - 00:43:37:22

some property or purchasing a property.

00:43:39:15 - 00:43:40:00

or maybe

00:43:40:00 - 00:43:43:00

you're you're a realtor

that's listing property.

00:43:43:20 - 00:43:47:15

what should somebody do

to feel comfortable about,

00:43:48:03 - 00:43:51:15

you know, looking at that property,

seeing if it's got a water right,

00:43:52:00 - 00:43:55:00

and if it does appear
to have a water rate,

00:43:56:00 - 00:43:59:01

what should they do to to
maybe investigate, to see

00:43:59:01 - 00:44:02:16

if that really represents a legal right
to use that water?

00:44:04:08 - 00:44:06:02

Thanks, Casey. That's a great question.

00:44:06:02 - 00:44:10:09

So, you know, our recommendation is to do
as much research

00:44:10:09 - 00:44:13:14

about the history of the water
use on the property.

00:44:14:08 - 00:44:20:04

as you can, talk to the sellers
if they know who owned it previously

00:44:20:04 - 00:44:22:09

before them.

00:44:22:09 - 00:44:24:18

if they're still around,
try to talk to them.

00:44:24:18 - 00:44:27:18

Maybe talk to some neighbors.

00:44:27:18 - 00:44:31:19

you could also,
look at historical aerial photos

00:44:31:19 - 00:44:36:13

to see if you can tell if there's
been, irrigation happening there

00:44:36:13 - 00:44:40:18

or if there's some,
crop located on the property.

00:44:41:19 - 00:44:44:24

you really do want to do your best to,

00:44:45:17 - 00:44:49:03

look at the historic
historical use of the water, right.

00:44:49:20 - 00:44:53:12

because of, the relinquishment statue

00:44:53:12 - 00:44:57:13

that that Robin did

briefly touch on earlier.

00:44:58:23 - 00:45:00:13

you know, just because

00:45:00:13 - 00:45:03:13

a water rate document

has quantities on it.

00:45:03:22 - 00:45:06:12

and there is an actual document does not

00:45:06:12 - 00:45:09:12

necessarily mean there is a water, right.

00:45:10:05 - 00:45:12:11

associated with the property,

00:45:12:11 - 00:45:16:00

in the quantities on the water rate

00:45:16:08 - 00:45:20:04

permit certificate, claim document.

00:45:20:23 - 00:45:23:23

I hope that makes sense.

00:45:24:07 - 00:45:26:01

Kelly.

00:45:26:01 - 00:45:26:21

all right.

00:45:26:21 - 00:45:30:15

There's tons of great questions, so
I'm just I'm going to try and consolidate,

00:45:31:05 - 00:45:36:06

a few into a general question
and then some subparts.

00:45:36:06 - 00:45:41:23

And Robin, and, I think, ehm,
this that you and the high level

00:45:41:23 - 00:45:46:23

question is what if I, am a water user?

00:45:48:03 - 00:45:51:06

and we are sharing a water source?

00:45:53:06 - 00:45:55:02

and I'm,
I gave a couple different examples

00:45:55:02 - 00:45:56:22

because I think there are
probably important

00:45:56:22 - 00:45:59:13

to a lot of different folks
that are tuning in.

00:45:59:13 - 00:46:01:17

So let's say we've got an exempt.

00:46:01:17 - 00:46:03:07

Well,

00:46:03:07 - 00:46:05:14

and we're using it for domestic use.

00:46:05:14 - 00:46:09:11

And our neighbors and I both share this.

00:46:09:11 - 00:46:12:11

Well, for our single domestic use,

00:46:12:20 - 00:46:15:06

who should be putting in paperwork

00:46:15:06 - 00:46:18:15

in the adjudication in that situation?

00:46:19:03 - 00:46:20:22

Thanks, Casey.

00:46:20:22 - 00:46:23:13

so we are developing,

00:46:23:13 - 00:46:26:13

and really improving

the draft instructions

00:46:26:13 - 00:46:30:04

to make it as clear as possible

for these kinds of situations.

00:46:30:09 - 00:46:33:14

We know that often, people share wells,

00:46:34:08 - 00:46:37:13

either in a large formal system

or just between neighbors.

00:46:38:12 - 00:46:41:16

the adjudication court

claim form will have a different place

00:46:41:16 - 00:46:44:16

to put, the point of,

00:46:45:04 - 00:46:49:02

diversion or withdrawal

and the point place of use.

00:46:49:08 - 00:46:53:04

And so for a lot of water users,
it will be a simple matter

00:46:53:04 - 00:46:57:10

of bringing forward their water use and
just putting down that point of diversion,

00:46:57:10 - 00:47:00:17

even if it's on a neighbor's property,
because those could be,

00:47:01:08 - 00:47:03:01

independent of each other.

00:47:04:06 - 00:47:06:07

in other cases, it could be

00:47:06:07 - 00:47:09:22

an organized, use like a group system,

00:47:10:23 - 00:47:14:11

something, like Group B systems,
which are,

00:47:15:07 - 00:47:17:22

up to 14,

00:47:17:22 - 00:47:19:20

connections, I believe,

00:47:19:20 - 00:47:22:11

where it's organized in a more formal way.

00:47:22:11 - 00:47:28:04

And in those kind of situations, users
may want to either get together and submit

00:47:28:04 - 00:47:33:06

a form, together for the entire group use
as if it's a little.

00:47:33:06 - 00:47:36:06

It's a water system with its own,

00:47:36:14 - 00:47:37:22

water. Right.

00:47:37:22 - 00:47:41:16

Or it could be that a group system
might even have bylaws

00:47:41:16 - 00:47:45:11

or some kind of organization,
organizational rules

00:47:45:11 - 00:47:48:23

that require them to have a representative
submit it on their own.

00:47:49:10 - 00:47:53:10

So there are a bunch of different kinds
of arrangements that people can have.

00:47:53:16 - 00:47:55:17

And we're
trying to develop our instructions

00:47:55:17 - 00:47:58:17

that speak to each of those
so that it's clear,

00:47:58:22 - 00:48:01:15

to see which kind of case applies

00:48:01:15 - 00:48:05:04

and what's the best way
to submit the court claim form.

00:48:06:04 - 00:48:07:06

Thanks, Robin.

00:48:07:06 - 00:48:09:18

you got two of the four
I was going to ask about.

00:48:09:18 - 00:48:12:18

Okay. Could you did. I, got more than one.

00:48:12:24 - 00:48:16:23

So I'm going to follow up
and let's say we've got a member.

00:48:18:13 - 00:48:19:11

I think you covered.

00:48:19:11 - 00:48:23:13

If it's a water,
a larger water association in in addition

00:48:23:13 - 00:48:27:21

to just an exempt well,
what if somebody has a water, right.

00:48:27:21 - 00:48:30:20

Let's say
there is an irrigation water, right?

00:48:30:20 - 00:48:32:13

That covers 40 acres.

00:48:32:13 - 00:48:36:09

And those 40 acres have been subdivided,
and two different owners

00:48:36:09 - 00:48:38:10

now each have 20 acres.

00:48:38:10 - 00:48:41:04

Who should be putting in a form,

00:48:41:04 - 00:48:44:08

a corp claim form

in, in that kind of scenario.

00:48:45:00 - 00:48:45:10

Yeah.

00:48:45:10 - 00:48:50:07

And, Casey, this is a really common
scenario, as Kelly knows,

00:48:51:01 - 00:48:53:20

throughout the area

because we know that property

00:48:53:20 - 00:48:57:04

has a history of going from larger parcels
to smaller ones.

00:48:57:04 - 00:49:00:00

That's

how land has traditionally been developed.

00:49:00:00 - 00:49:03:22

In this case, again,
we're going to try to get the instructions

00:49:03:22 - 00:49:08:08

very clear on the, on the form itself.

00:49:08:08 - 00:49:09:01

So I,

00:49:10:06 - 00:49:10:22

I think I say

00:49:10:22 - 00:49:16:05

today, is to try to help people understand
what to anticipate, but I, doesn't

00:49:16:05 - 00:49:19:14

take precedence over what's end up
being printed on the instructions.

00:49:20:01 - 00:49:22:18

In general, individuals are going to bring

00:49:22:18 - 00:49:26:22

their own claim for their water
use on their own property.

00:49:27:06 - 00:49:32:01

So unless these two neighbors
really operate together

00:49:32:01 - 00:49:36:16

and want to keep operating together
into the future and want to have owned

00:49:36:16 - 00:49:39:21

the same water right forever together in,

00:49:40:20 - 00:49:43:11

in the going forward,

00:49:43:11 - 00:49:47:18

the adjudication is the time for them
to establish their independent rights

00:49:47:18 - 00:49:53:00

to each other and the way to do that
is to submit separate court claim forms.

00:49:53:07 - 00:49:57:08

And each user
would submit a court claim form,

00:49:57:12 - 00:50:02:13

and they would both put the same number
of the parent water right on there,

00:50:02:16 - 00:50:07:03

but they would each need to
put their current use, their historic use,

00:50:07:07 - 00:50:10:20

and the original water right
that they originally branched out from.

00:50:11:14 - 00:50:15:14

Now, the,
concern about that might be what it

00:50:15:14 - 00:50:18:15

how does the water divide
between these two?

00:50:19:11 - 00:50:21:24

between these two new users?

00:50:21:24 - 00:50:25:05

if it truly was originally 40
and it went half

00:50:25:05 - 00:50:28:11

and half to 220 parcels,
maybe it is very straightforward.

00:50:28:23 - 00:50:30:12

a lot of times it's not.

00:50:30:12 - 00:50:33:24

In that case,

it would probably be helpful for neighbors

00:50:33:24 - 00:50:37:13

to work together to understand

the history of their property.

00:50:38:06 - 00:50:40:24

so that when those come,

00:50:40:24 - 00:50:43:13

into, ecology for review,

00:50:44:19 - 00:50:46:09

ecology has

00:50:46:09 - 00:50:49:23

an understandable history

and set of documents to look at.

00:50:50:13 - 00:50:53:07

if neighbors disagree,

ecology will do its best

00:50:53:07 - 00:50:56:07

to figure out what went on historically.

00:50:56:16 - 00:50:59:07

divide the right by beneficial use,

00:50:59:07 - 00:51:02:07

and then any disagreements on
that would go to the court.

00:51:02:17 - 00:51:04:01

Casey, that was a long answer.

00:51:04:01 - 00:51:05:21

That might have been more
than you were asking,

00:51:05:21 - 00:51:10:23

but I know there's a lot of concern about
this and really that the top level answer

00:51:10:23 - 00:51:16:02

is that the adjudication
is the time to set the documentation

00:51:16:02 - 00:51:20:19

for your future water rights,
and so that is the time for individuals

00:51:20:19 - 00:51:24:20

to submit their own court claim form

for the future of their property.

00:51:25:14 - 00:51:27:06

Thanks, Robin.

00:51:27:06 - 00:51:30:19

and if somebody is a member,
they receive their water

00:51:30:19 - 00:51:35:16

from a municipality like the city of
Linden, the city of Ferndale,

00:51:36:21 - 00:51:39:21

and all
of their water comes from the city.

00:51:40:04 - 00:51:43:17

They don't need to complete a court
claim form.

00:51:43:17 - 00:51:46:10

Is that correct?

00:51:46:10 - 00:51:48:17

Yes. If, an individual

00:51:48:17 - 00:51:52:14

only takes water

from a city or a service system

00:51:52:14 - 00:51:53:22

and does not have their own

00:51:53:22 - 00:51:57:12

well, does not have their own pump

in a streamer River Creek,

00:51:57:21 - 00:52:02:07

they do not need to complete a court claim

form if they are only a customer.

00:52:02:15 - 00:52:06:04

Now, in a lot of cases, there's overlap

between individuals

00:52:06:04 - 00:52:12:03

who are in a service area and either have

wells or they are part of an old water.

00:52:12:03 - 00:52:12:18

Right.

00:52:12:18 - 00:52:16:05

So I know we sent out postcards

a few weeks ago, and a lot of people were

00:52:16:05 - 00:52:21:00

concerned or confused because they were in
a water system and still got a postcard.

00:52:21:11 - 00:52:26:05

Often that is because an old historic
water right covers that place of use,

00:52:26:10 - 00:52:30:18

but they do not need to be, concerned
about that if they are not using water.

00:52:31:20 - 00:52:33:16

directly on their own.

00:52:33:16 - 00:52:37:20

but only, using water
as customers of a water system.

00:52:39:07 - 00:52:41:03

Great. Thanks on that.

00:52:41:03 - 00:52:42:09

Robin.

00:52:42:09 - 00:52:44:16

And, gosh, I'm sorry.

00:52:44:16 - 00:52:46:17

I know I've given you a lot of questions

here, Robin,

00:52:46:17 - 00:52:49:11

but I've got another one that's come up
that might be helpful.

00:52:49:11 - 00:52:53:04

People are looking ahead,
to the adjudication

00:52:53:04 - 00:52:56:22

and the timelines and
and what they can gather together now.

00:52:57:18 - 00:52:58:23

but there was a question.

00:52:58:23 - 00:53:04:23

You talked about the timelines associated
with the adjudication and the one year

00:53:04:23 - 00:53:09:18

timeline for folks to initially submit
their court claim form.

00:53:10:13 - 00:53:12:12

when does that timeline start?

00:53:12:12 - 00:53:17:10

Is that, a timeline
the state is going to establish,

00:53:17:10 - 00:53:20:22
or is that the, you know, the date
they received the letter in the mail?

00:53:21:20 - 00:53:24:00
when does that that clock begin?

00:53:24:00 - 00:53:25:05
Essentially.

00:53:25:05 - 00:53:26:12
Yeah, that's a good question.

00:53:26:12 - 00:53:28:23
The court will establish that date.

00:53:28:23 - 00:53:33:12
there is, the the law
that was written in 2023.

00:53:34:07 - 00:53:38:23
I think is 9003 140, writes out
how it's done, and then the judge is going

00:53:38:23 - 00:53:44:22
to look at that and set the actual date

that will be on the, certified mailing.

00:53:46:05 - 00:53:47:13

Thanks, Robin.

00:53:47:13 - 00:53:49:17

Kelly, I don't want you to feel ignored.

00:53:49:17 - 00:53:51:18

so I have that. I pitch your question.

00:53:51:18 - 00:53:54:18

I know we've got just a few minutes left
before we're going to wrap up.

00:53:55:06 - 00:53:57:14

so I'm trying to hit once where we've got

00:53:57:14 - 00:54:00:14

kind of multiple questions about,

00:54:01:02 - 00:54:05:01

what if somebody on the ground use

00:54:05:19 - 00:54:08:19

does not match their water, right?

00:54:09:06 - 00:54:11:13

so let's say let's give two examples.

00:54:11:13 - 00:54:14:04

Let's say they're using,

00:54:14:04 - 00:54:17:11

less water

than, say, a historic document says.

00:54:17:11 - 00:54:21:11

And then let's also give an example of
maybe they're using more water.

00:54:23:09 - 00:54:26:09

can you talk about that a little bit?

00:54:26:12 - 00:54:26:21

Yeah.

00:54:26:21 - 00:54:33:05

So, oh, you are going to want to put,
you know, answer the questions honestly.

00:54:33:05 - 00:54:37:08

And these are, you know, documents
that you're submitting to a court

00:54:37:08 - 00:54:39:00

and swearing that they are true.

00:54:39:00 - 00:54:42:24

So you want to, you know, put

00:54:42:24 - 00:54:47:10

what your actual use is when it's asking
you what your actual use is.

00:54:49:02 - 00:54:51:12

Robin, is that how you would put it?

00:54:51:12 - 00:54:51:18

Sorry.

00:54:51:18 - 00:54:54:18

I'm I'm passing it to you a little bit.

00:54:55:14 - 00:54:57:24

Yeah, I think that that is the case.

00:54:57:24 - 00:55:03:00

we want to know, the current use
and the highest historic use.

00:55:03:00 - 00:55:06:00

That's what the law requires us to ask.

00:55:06:00 - 00:55:09:21

and we want to know,
what documents support it.

00:55:09:21 - 00:55:13:03

So I would just,
you know, really look at the instructions

00:55:13:03 - 00:55:16:03

and the exact questions that are asked.

00:55:16:05 - 00:55:19:01

and so those out
to the best of your ability on the court

00:55:19:01 - 00:55:22:01

claim form.

00:55:23:17 - 00:55:24:12

Thank you both.

00:55:24:12 - 00:55:26:04

Appreciate that.

00:55:26:04 - 00:55:29:22

just gathering, one more maybe,

00:55:32:07 - 00:55:34:05

let's see here.

00:55:34:05 - 00:55:37:20

What if somebody lives

on the county out in the county.

00:55:37:20 - 00:55:41:18

So they're not within a city
or a water association,

00:55:41:18 - 00:55:45:01

and they're using
water from their own well?

00:55:46:04 - 00:55:47:15

they they look in our

00:55:47:15 - 00:55:50:10

database, they contact us,
and they don't find any water.

00:55:50:10 - 00:55:52:17

Right? Documents.

00:55:52:17 - 00:55:57:10

Kelly, could you maybe talk about why
they could expect not to find anything?

00:55:57:10 - 00:55:58:16

And is that a problem?

00:55:58:16 - 00:56:01:14

Do they need to be concerned about that?

00:56:01:14 - 00:56:01:22

Yeah.

00:56:01:22 - 00:56:06:06

So I would definitely, contact
ecology again.

00:56:06:06 - 00:56:07:08

As Robin said,

00:56:07:08 - 00:56:11:08

you know that our water rights search
is not the easiest thing to use.

00:56:11:23 - 00:56:16:08

and, so I, I would definitely contact
technology to see if,

00:56:17:04 - 00:56:20:00

somebody can look it up for them,
but it could be that

00:56:20:00 - 00:56:23:02

there is no document
associated with their property.

00:56:23:13 - 00:56:27:19

but they are allowed to use, a certain

quantity of water

00:56:27:20 - 00:56:31:07

under what we call the groundwater,
permitting exemption.

00:56:31:24 - 00:56:36:06

and there is more information
on our website about those purposes

00:56:36:06 - 00:56:40:01

and the quantities
associated with each of those purposes.

00:56:41:16 - 00:56:44:18

generally
there are for smaller uses of water,

00:56:44:22 - 00:56:49:02

but do include things like domestic use,
stock watering.

00:56:49:17 - 00:56:54:05

some, small uses of industrial
or commercial water.

00:56:54:24 - 00:56:57:24

and then irrigation of noncommercial lawn

00:56:57:24 - 00:57:00:24

and garden.

00:57:01:03 - 00:57:01:21

Thanks, Kelly.

00:57:01:21 - 00:57:06:02

And I know we've had a few folks,
also ask about, you know,

00:57:06:02 - 00:57:09:19

we've had our state's groundwater
permit exemption has been

00:57:10:14 - 00:57:13:02

in place, for,

00:57:13:02 - 00:57:16:02

for an extended period of time
since the 1940s.

00:57:16:14 - 00:57:19:17

But in, the Nooksack Basin,

00:57:19:17 - 00:57:25:13

we also had something happen
in, in summer of 2020

00:57:25:13 - 00:57:28:13

where some of those limits for domestic use were lowered.

00:57:28:17 - 00:57:30:17

Can you just mention that real quickly for those

00:57:30:17 - 00:57:33:06

who are maybe on a brand new permit exempt?

00:57:33:06 - 00:57:35:24

Well,
and why are may maybe confused between

00:57:35:24 - 00:57:39:01

5000 and 500 gallons per day limit?

00:57:39:13 - 00:57:41:04

Sure. Yeah. Thanks, Casey.

00:57:41:04 - 00:57:43:02

Yeah. So, any wells and,

00:57:44:01 - 00:57:47:01

wells and homes that went in after,

00:57:48:00 - 00:57:49:18

2020?

00:57:49:18 - 00:57:52:23

for the domestic portion of the exemption

00:57:53:01 - 00:57:58:18

that was further limited

from the initial 5000 gallons per day.

00:57:59:07 - 00:58:01:23

that the the initial law stated

00:58:01:23 - 00:58:06:18

it was reduced to 500 gallons

per day for domestic use

00:58:06:18 - 00:58:12:06

and up to 1/12 of an acre

of noncommercial lawn and garden.

00:58:12:23 - 00:58:17:01

so if you're home and,

well went in prior to 2020,

00:58:17:07 - 00:58:20:09

you are under the old rules.

00:58:20:09 - 00:58:24:01

So up to 5000 gallons

per day for domestic use

00:58:24:01 - 00:58:28:00

and up to one half an acre
noncommercial lawn and garden.

00:58:28:08 - 00:58:32:02

If you're home and
and well went in after 2020,

00:58:32:02 - 00:58:36:00

then you are subject
to the new rules of 500 gallons per day

00:58:36:06 - 00:58:39:12

and 1/12 of an acre
of noncommercial lawn and garden.

00:58:40:00 - 00:58:43:00

And we can help folks sort that out
if they're unclear.

00:58:43:00 - 00:58:44:12

Okay, great.

00:58:44:12 - 00:58:47:02

I know we're reaching
the very end of our time limit.

00:58:47:02 - 00:58:49:11

I fit everything, and I could, Sorry.

00:58:49:11 - 00:58:51:06

She, like, pushed us to the very end.

00:58:51:06 - 00:58:54:24

But I want to thank everybody
and hand it back over to you.

00:58:56:14 - 00:58:56:24

Thank you.

00:58:56:24 - 00:58:59:22

Casey,
thanks for going through those questions.

00:58:59:22 - 00:59:02:06

Really appreciate it.

00:59:02:06 - 00:59:04:21

I just wanted to thank everyone
for coming today.

00:59:04:21 - 00:59:08:05

If you'd like to share
this panel presentation or watch it again,

00:59:08:05 - 00:59:11:24

we're going to put it on our website

as soon as we can get it uploaded.

00:59:11:24 - 00:59:14:19

So just give us a few days to do that

00:59:14:19 - 00:59:18:07

and then look for the email with resources
and the survey.

00:59:18:16 - 00:59:21:16

Again, thank you everyone for coming.

00:59:22:02 - 00:59:24:12

We really appreciate it.

00:59:24:12 - 00:59:26:07

Have a great day.

00:59:26:07 - 00:59:28:18

Thanks everybody. Thanks.