1- General Overview of Dungeness Watershed

(the River, Endangered Fish, Hydrogeology, Aquifers)

2 - Dungeness Irrigation Water Rights Overview

3 - 1999 Comprehensive Water Conservation Plan

4 - WRIA 18 Watershed Plan

5 - Ecology agreements with irrigators (1998 and 2012)

6 - Annual Water Use - 2023

7 - 2013 Dungeness Instream Flow Regulation (173.518 WAC)

Mike Gallagher

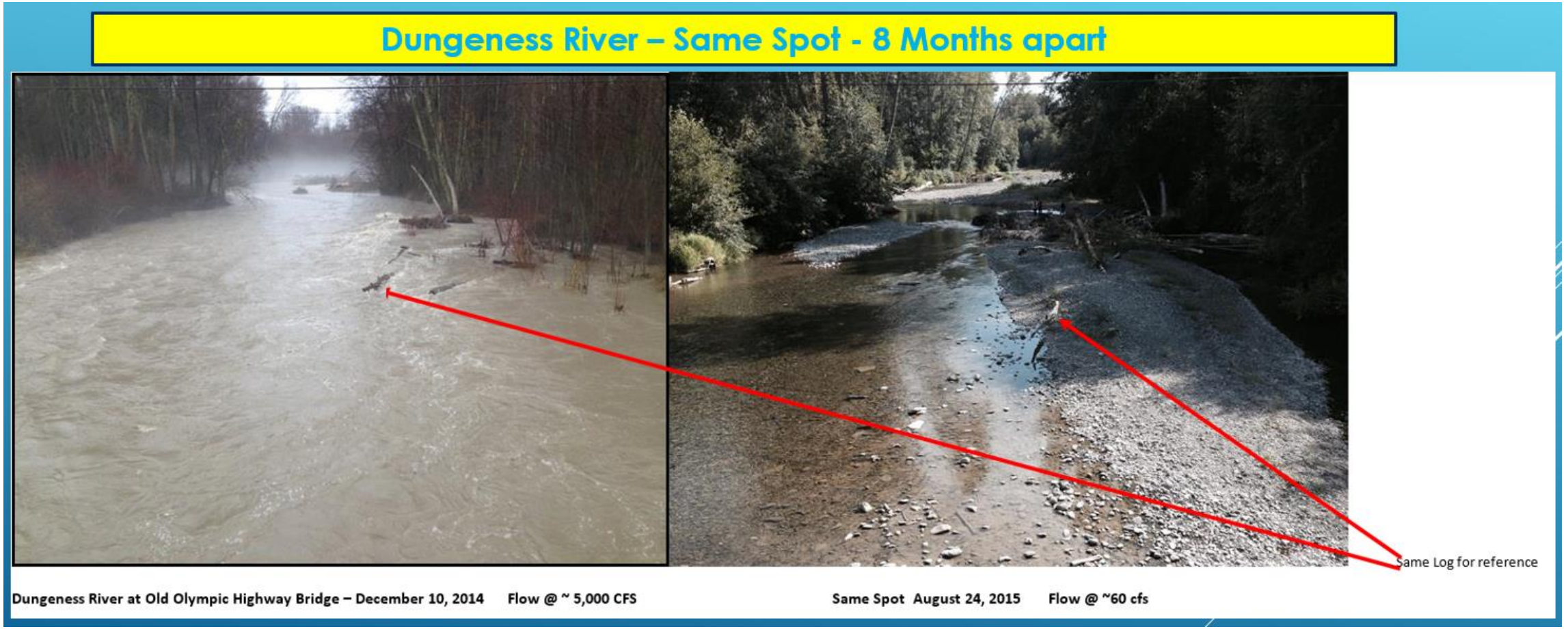
Department of Ecology

Water Resources Program

April 10, 2024 DRMT Panel

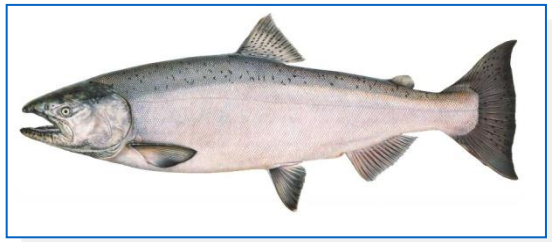
1

Wide variation in flow in Dungeness River - on top of the ~15 inches of precipitation/year



ESA-Listed Species in the Dungeness

Listed as Threatened with Extinction (65CFR42421 – 1999)



Chinook Salmon

Chum Salmon

Steelhead

Bull Trout

Side Looking View of Regional Ground Water Flow System (looking West)

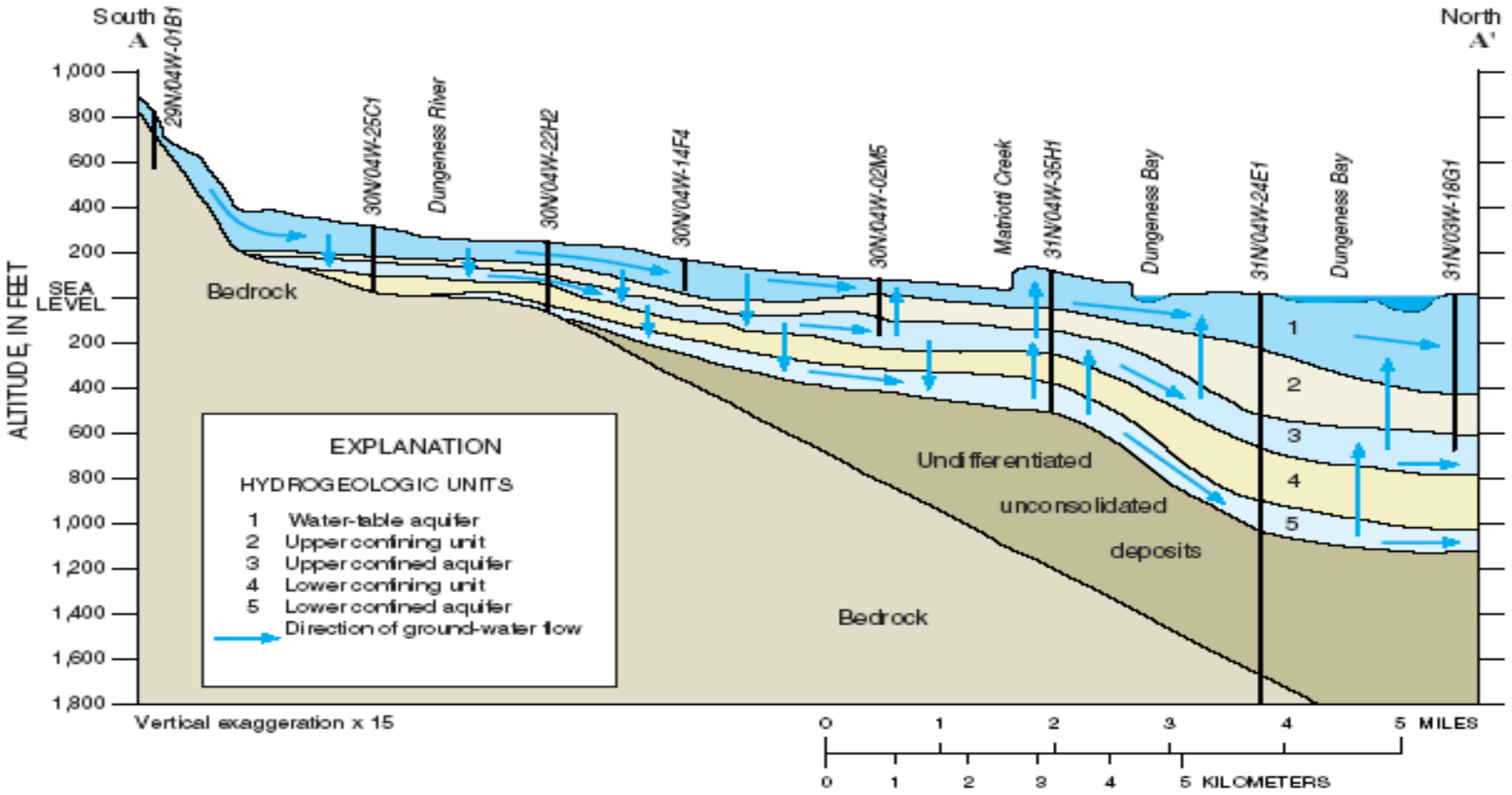
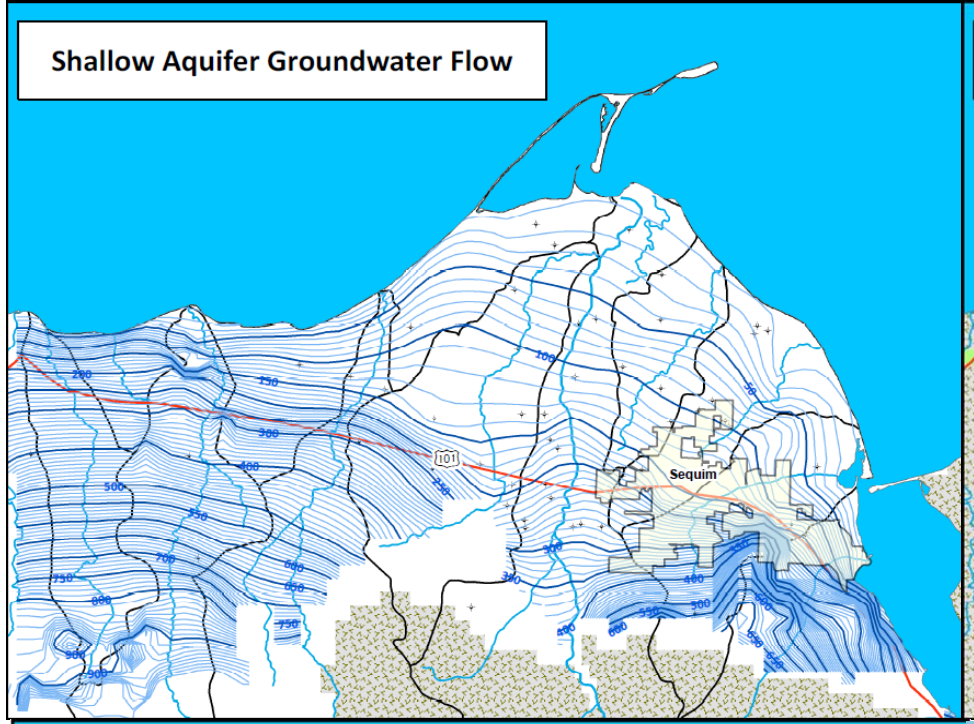
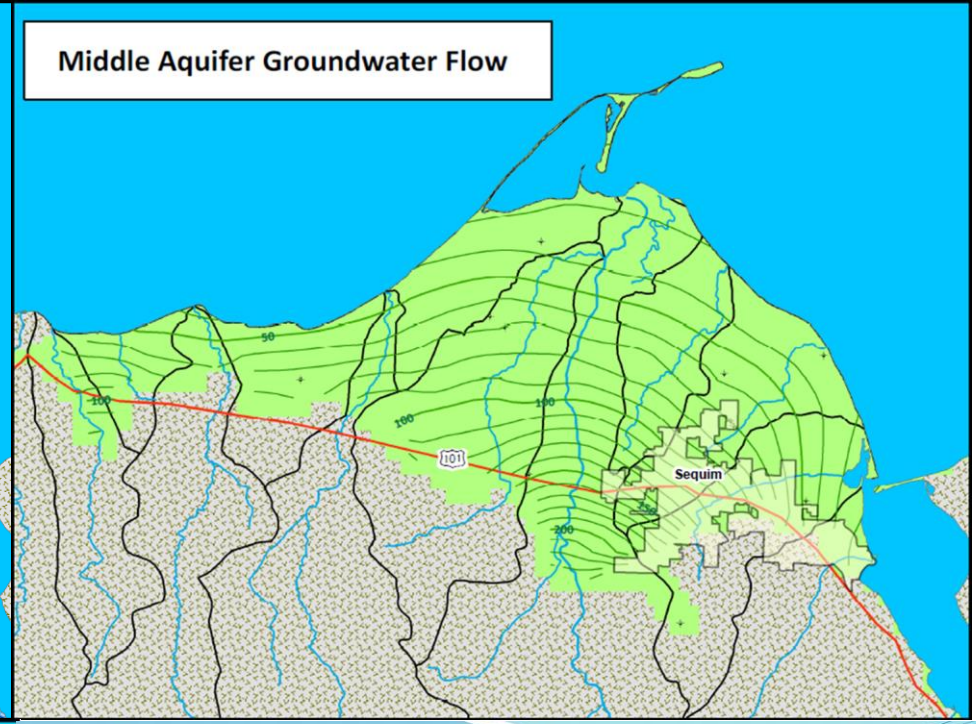
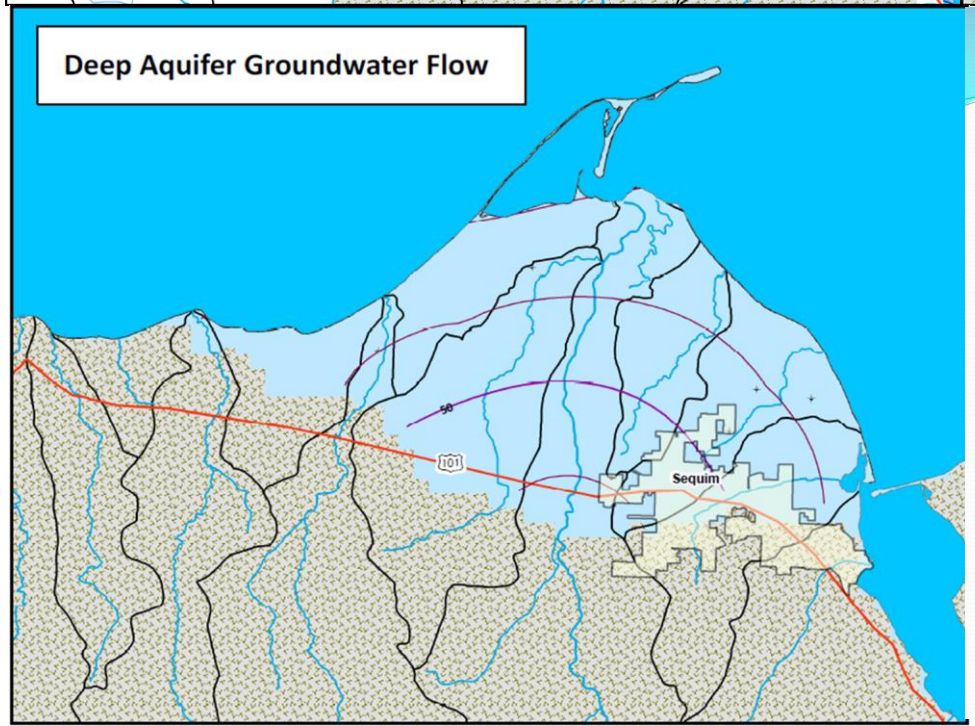


Figure 4. Hydrogeologic section showing the principal aquifer and confining units and directions of ground-water flow on the Sequim-Dungeness peninsula, Clallam County, Washington.
(Modified from Drost, 1983) See figure 1 for the trace of the section.







Connection Between Aquifers

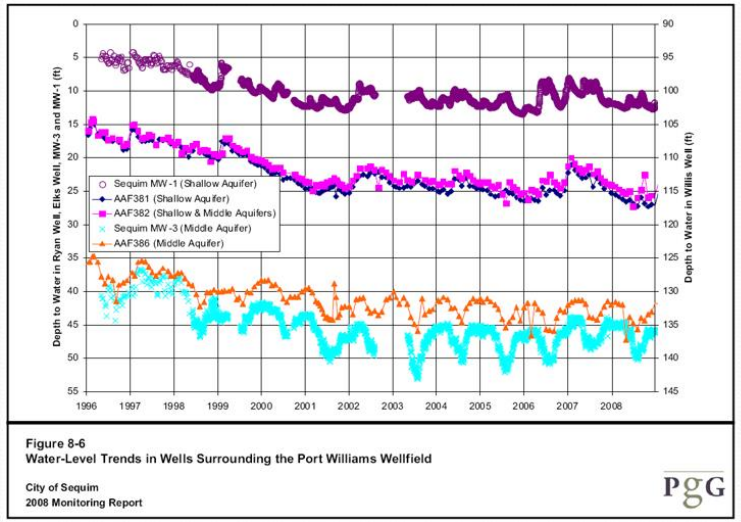
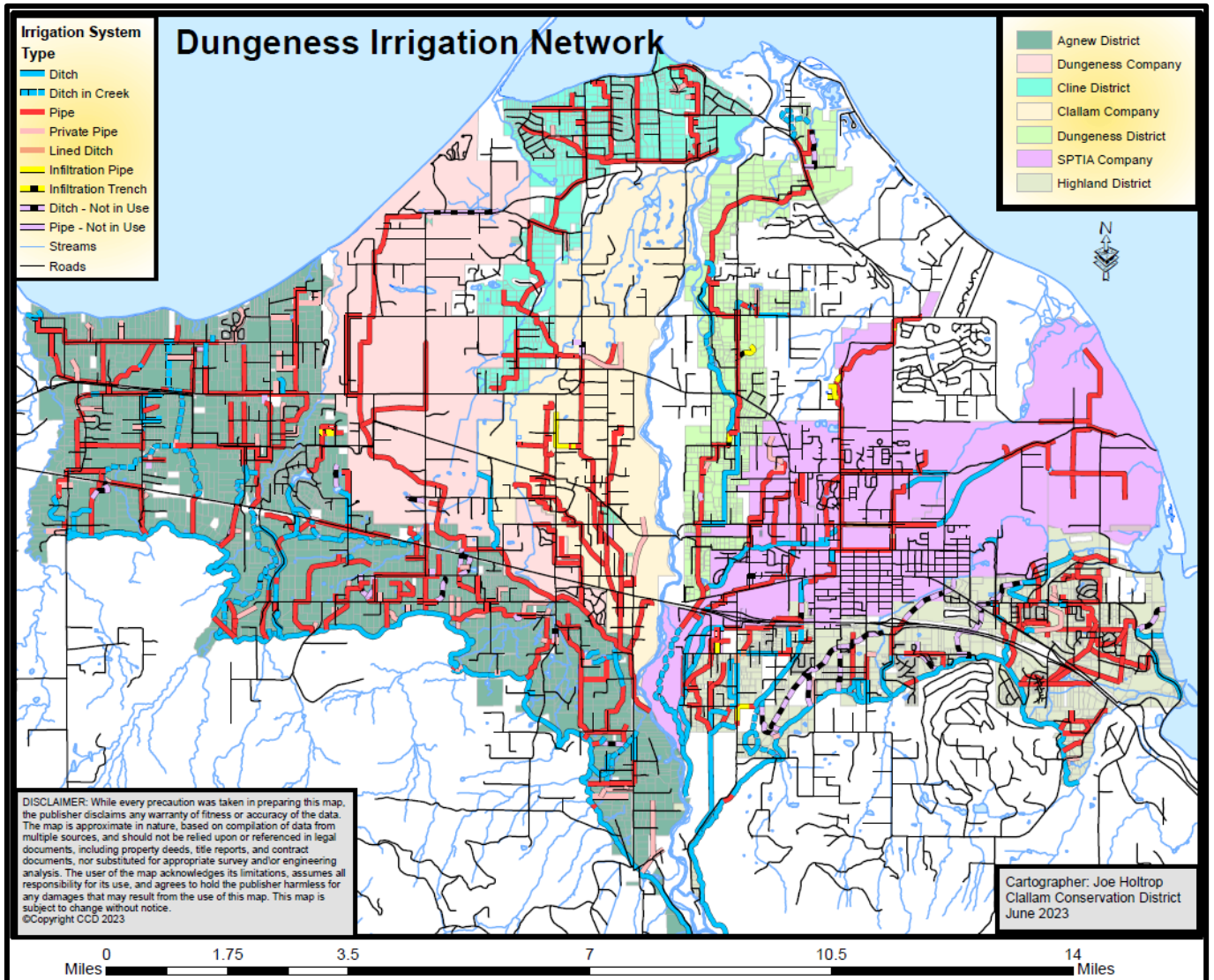


Figure 8-6
Water-Level Trends in Wells Surrounding the Port Williams Wellfield

City of Sequim
2008 Monitoring Report

PgG

2 Seven Irrigation Companies have Senior Water Rights that provide gravity flow irrigation water to about 6,500 acres of farmland and rural lands in the Dungeness Valley



APPENDIX A
ADJUDICATED WATER RIGHT CERTIFICATES DECREED BY SUPERIOR COURT, 1924

Agnew (formerly Macleay-Lindsday) Irrigation District	Priority date: 1918 146 cubic feet per second Vol. 2, p. 237 Water Right Certificates 1924
Clallam Ditch Company	Priority date: 1902 60 cubic feet per second Vol. 2, p. 224 Water Right Certificates 1924
Cline Irrigation District	Priority date: 1919 46 cubic feet per second Vol. 2, p. 238 Water Right Certificates 1924
Dungeness Irrigation Group	Priority date: 1911 70.94 cubic feet per second Vol. 2, p. 234 Water Right Certificates 1924
Dungeness Irrigation District	Priority date: 1921 42 cubic feet per second Vol. 2, p. 239 Water Right Certificates 1924
Eureka Irrigation and Milling Company	Priority date: 1897 23.08 cubic feet per second Vol. 2, p. 221 Water Right Certificates 1924
Highland Irrigation District	Priority date: 1915 70.14 cubic feet per second Vol. 2, p. 235 Water Right Certificates 1924
Independent Irrigation Company	Priority date: 1906 40 cubic feet per second Vol. 2, p. 232 Water Right Certificates 1924
Sequim Prairie Ditch Company	Priority date: 1895 20 cubic feet per second Vol. 2, p. 220 Water Right Certificates 1924

Dungeness Irrigation Conservation Milestones

1994 – Dungeness-Quilcene Plan

1998 – Trust Water Rights MOU

1999 – Salmon ESA listings

1999 – *Comprehensive Water Conservation Plan*

2001 – Irrigation Efficiencies Program established

2001-present – Irrigation ditch piping projects

2012 – Superseding Water Right Certificates

- Water rights reduced from 540 to 103.5 cfs
- Must leave ≥50% flow
- Must maintain >60 cfs in river

2013 – Dungeness Water Rule

an extensive annotated bibliography. The 1998 Trust Water Agreement was a milestone in regional and state-level water management inasmuch as it was the first trust water rights agreement in the state, providing a mechanism to restore flows to the Dungeness from irrigation water rights and several other important related provisions.

This trust agreement was followed by the Sequim-Dungeness Valley Agricultural Water Users Association Comprehensive Water Conservation Plan (1999), which detailed options to achieve water conservation and other trust water rights goals within the irrigation system. The Hydrogeologic Assessment of the Sequim-Dungeness Area (1999) provided a substantial technical assessment and summary of groundwater resources, use, and relationships with surface waters and resources.

3

Recommendations of the Dungeness River Agricultural Water Users Conservation Plan Environmental Impact Statement

1. Summary

1.1 Summary

The purpose of the Dungeness River Agricultural Water Users Association Conservation Plan (Conservation Plan), the subject of this Final Environmental Impact Statement (EIS), is to reduce diversion of water by Water Users Association (WUA) member companies and districts from the Dungeness River for irrigation and domestic uses to the minimum practicable. This will increase streamflow in the Dungeness River and will increase the chances of survival of federally listed species of salmonids, including chinook salmon, Hood Canal summer chum, bull trout, and other stocks of concern, such as pink salmon. This is needed to ensure compliance with the Federal Endangered Species Act (ESA). Projects proposed in the Conservation Plan include piping leaky open ditches, combining adjacent canals, building re-regulating reservoirs, and abandoning a canal. Nonproject elements of the plan include a public education program, a drought response plan, improved gaging and measuring systems, and the combination of the seven districts and companies into two entities, one west of and one east of the Dungeness River.

Issues addressed in the EIS are included in two categories:

1. Reduced Dungeness River streamflow due to diversions for irrigation has an impact on fish species.
2. Increased efficiency of irrigation water delivery system will reduce the quantity of tailwater entering small streams and water entering the shallow aquifer in at least some places in the project area and could have an impact on wetlands, creeks, and human uses of the shallow aquifer.

The Conservation Plan is itself a large mitigation plan to minimize the impacts of continued diversion of Dungeness River water. Any direct or indirect use of Dungeness River water to mitigate for impacts to wetlands, creeks, or human uses of the shallow aquifer, including water from the shallow aquifer in possible hydraulic continuity with the river, would reduce the effectiveness of this mitigation plan and could decrease the chances for recovery of salmonid species dependent on the river.

Purpose of the Conservation Plan

2. Proposal Description

2.1 Purpose and Need for Action

The action considered in this proposal is approval of the implementation of the Sequim-Dungeness Water Users Association Comprehensive Water Conservation Plan (Conservation Plan). The proponent is the Sequim-Dungeness Water Users Association (WUA) and the decision-maker is the Washington State Department of Ecology (Ecology). The action would occur in the Sequim-Dungeness area of Clallam County, Washington.

The Conservation Plan was designed and presented by the WUA for Ecology funding approval as part of the WUA's strategy to reduce to the minimum practical the WUA's diversion of water from the Dungeness River. The purpose of the Conservation Plan is to reduce diversion of water from the Dungeness River to the minimum practicable, thus increasing instream flow in the Dungeness River itself and increasing the chances of survival of federally listed species.

Reducing diversions from the Dungeness River is required under the Federal Endangered Species Act (ESA) to avoid sanctions imposed by the National Marine Fisheries Service (NMFS) under section (9)(a) of the ESA for unpermitted "take" of Threatened species. While the WUA has taken many actions to reduce diversions, this Conservation Plan represents a critical step in compliance with the terms and conditions of the 4(d) rules promulgated for the Threatened salmonid species that use the Dungeness River during part of their life cycle (65FR42421). In a parallel process to Ecology's consideration of this proposal, the WUA is engaged in a pilot Comprehensive Irrigation District Management Plan (CIDMP) to explicitly comply with ESA and the Clean Water Act (CWA) under an agreement with the Agriculture, Fish, and Wildlife (AFW) process in the state of Washington. This Conservation Plan is the key element in the CIDMP proposal.

Washington State Law prohibits the development of any right to wasted water. Current users of water cannot require maintenance supplies based on continued waste.

Ecology, as the Lead Agency and decision-maker for approval of this project, is also the agency charged under State laws to administer and control water uses, including diversions for irrigation and instream flow. Thus, while not a SEPA issue, the following is critical in the decision Ecology must make on this Plan (see also the following section on Washington Water Law):

2.5 Washington Water Law

In the United States, water belongs to the State in which it flows. This means that State laws are those that control use of water by individuals. While Federal law is also important, there is no overarching Federal law regarding water quantity as there is for water quality (the Clean Water Act) or for wildlife and its habitat (the Endangered Species Act). Washington law regarding the use of water that is appropriated is based on two principals: the principal of prior appropriation or "first in time, first in right", and the principal of beneficial use, or "use it or lose it".

Water rights in Washington are based on the concept that water is scarce and valuable. To be considered "beneficial use", water must be used efficiently and not wasted. The Washington Water Code of 1917 (now the basis of RCW 90.03) established procedures for adjudicating, or determining the validity and extent, of existing water rights. Since wasting water is not a beneficial use, no one can develop a right to either waste water or to water that was historically wasted by another upgradient water user. The Trust Water Right signed in 1998 between the WUA and Ecology, for example, is based on "maximum reasonably efficient" water use ever developed by the WUA, not on the largest amount of water ever diverted. Current Washington water law makes explicit in RCW 90.14.220 that no right to surface or ground water may be acquired by "prescriptive or adverse use"—in other words, historic use of wasted water cannot develop a right therein.

Conservation Plan EIS conclusions regarding the "do nothing" alternative – i.e. leave everything "as is"….

Maintain Water Loss

The most obvious mitigation measure that has been explicitly requested during settlement discussions by the owners of Graysmarsh Properties is the guarantee of continued Dungeness River water supplied through the existing irrigation system. Graysmarsh LLC has suggested in negotiations that up to 2 cfs be supplied by the WUA to Gierin Creek throughout the irrigation season.

Alternative 6 was examined in detail through this assessment process to test the potential for deliberately maintaining water loss in the irrigation system to continue to support certain important wetlands and small streams that have prospered over the last century with artificially enhanced surface water and ground water supplies from the irrigation system. Concerns with using this mitigation measure, whether expressed as an alternative to the proposed action or whether recommended as a mitigation measure, follow.

The first obstacle to requiring such a mitigation measure is that it could be construed to be illegal under Washington Water Law. Ecology cannot oblige the WUA to divert water from the Dungeness River for other than beneficial uses of the WUA's diversion right. While instream flow in Gierin Creek could be construed to be a beneficial use (and indeed Graysmarsh LLC converted at least one of its irrigation water rights to Gierin Creek to instream flow), it is not a beneficial use of Dungeness River water under the WUA's water right. Even if the use to which wasted water is put appears to be a beneficial use, Washington law does not permit the development of a right for the downgradient user for that water. The deliberate continued waste of water would be equally construed to be illegal were it proposed for mitigation of adverse impacts to shallow exempt wells in the area.

The second obstacle to requiring such a mitigation measure is the Federal regulatory driver that obliged the development and proposed implementation of the Plan in the first place—the Endangered Species Act and the listing of Puget Sound salmonid species as Threatened with extinction (65FR42421). The WUA will be found non-compliant under the 4(d) rules currently promulgated by NMFS if diversions from the Dungeness River are not minimized to the extent practicable so as to maximize instream flow in the Dungeness River for habitat improvement for listed salmonids. If NMFS finds that the WUA has developed a plan to minimize diversions but is not moving forward with all practicable speed to implement it, or is deliberately not implementing one or more projects so that waste of water still occurs, then NMFS may close one or more of the WUA's diversions, effectively eliminating diversion from the Dungeness for all purposes.

4

Elwha-Dungeness Watershed Plan

Water Resource Inventory Area 18 (WRIA 18) *and* Sequim Bay in West WRIA 17: Volume 1

(Executive Summary, Chapters 1-3, Appendices 1-A through 3-D)

By the Elwha-Dungeness Planning Unit:

Dungeness River Management Team (DRMT)
Elwha-Morse Management Team (EMMT)

Elwha-Dungeness Initiating Governments:

Clallam County (Lead Agency)
City of Port Angeles
Elwha Klallam Tribe
Jamestown S'Klallam Tribe
Agnew Irrigation District
Washington Department of Ecology

MAY 2005

Planning Consultant: **ENTRIX, Inc.**
104 N. Laurel Street, Suite 104 Port Angeles, WA 98362
2701 First Avenue, Suite 300 Seattle, WA 98121

Major funding for this project provided by Grant No. G9800289 under the Watershed Management Act, dated 6/12/98, between Washington Dept. of Ecology and Clallam County.

Please cite as follows:
Elwha-Dungeness Planning Unit. May 2005. Elwha-Dungeness Watershed Plan, Water Resource Inventory Area 18 (WRIA 18) and Sequim Bay in West WRIA 17. Published by Clallam County. Volume 1: Chapters 1-3 and 15 appendices; Volume 2: Appendix 3-E.

Elwha-Dungeness Watershed Plan Recommendations

RECOMMENDATIONS

Chapter 3 of the WRIA 18 watershed plan presents recommendations, and their context, in eight general categories and in an additional eight sections specific to the sub-basins that make up WRIA 18. The general sections address water quantity, water quality, habitat, instream flows, stormwater, land use and management, education and outreach, and watershed management. All recommendations are presented with brief issue statements, followed by summaries of existing conditions and current actions, and a description of the desired conditions and outcomes that the recommendations are intended to achieve.

As the mandated component of watershed planning, water quantity issues and recommendations are presented in Section 3.1. The focus of the analysis is to address current water quantity conditions and to prepare for the future of water needs—for both human consumption and to support the natural functions of the watersheds themselves. This focus is guided by an overall strategy developed by the planning groups and presented in Section 3.1.1:

3.1 WATER QUANTITY RECOMMENDATIONS

A central purpose of watershed planning under Chapter 90.82 RCW is to provide for sufficient water quantity to serve human and instream needs while addressing water quality, instream flow, and habitat issues. Watershed management plans should incorporate, facilitate and support programs and actions to address water quantity issues.

Strategies for future water supply are described below. Each strategy is cross-referenced to the sections of Chapter 3 that contain the principal recommendations that would implement it.

- ***Emphasize Water Conservation:*** Emphasize implementation of all cost-effective water conservation measures, including public outreach and education as well as "building in" conservation for the long term through building and land use requirements. *(Sections 3.1.2(B), 3.1.7, and 3.6)*

- ***Protect Instream Flows:*** Retain flows in all WRIA 18 streams and rivers to protect instream values to the extent possible. Establish instream flows to protect surface waters not already appropriated and close certain WRIA 18 streams and rivers (at least during low flow seasons – see Section 3.3.2) to new appropriations. Minimize out-of-basin exports of water from WRIA 18 streams (however, the policy of "regionalizing" the use of existing Elwha River water rights in West WRIA 18 to meet new water demand would export water from the Elwha eastward as far as the Morse Creek watershed). *(Recommendation 3.1.3(A) and Section 3.3.2)*

- ***Continue Irrigation Water Management:*** Continue the implementation of Dungeness water management, water conservation, and water transfers under the Trust Water Agreement. Continue to implement water leases and land fallowing during low flow periods to reduce irrigation water demand and to protect Dungeness River flows. Complete and implement the CIDMP to guide irrigation water management. *(Section 3.1.8)*

- ***Emphasize Public Water Supply:*** Encourage new water demand to be served by the existing Group A public water systems wherever feasible. *(Sections 3.1.2(C) and 3.1.5)*

3.1 WATER QUANTITY RECOMMENDATIONS Continued…

- ***Limit Exempt Wells where Public Water Service Can Be Feasibly Provided:***[1] Require new development to be served by public water systems rather than exempt wells wherever public water service is available in a reasonable timeframe and is cost-effective, in order to reduce the proliferation of new exempt wells in each sub-basin. *(Section 3.1.4(C) and Recommendation 3.1.5(C))*
- ***Regionalize West WRIA 18 Water Supply:*** Regionalize new public water service in West WRIA 18 to meet new demand largely from existing Elwha River and other Group A water rights. Encourage the use of existing interties between the larger Group A public water systems (e.g., City of Port Angeles and Clallam PUD No. 1), and new interties to smaller systems to distribute Elwha River water to meet new demand in West WRIA 18 to the extent feasible and cost-effective. *(Section 3.1.5(D))*
- ***Investigate Groundwater Supply for New East WRIA 18 Water Supply:*** Focus upon ground water and water gained through savings or management (i.e. storage) as the resources with the most potential for residential and municipal development in East WRIA 18. In this area, direct all new wells, exempt or non-exempt, to the middle and deeper aquifers wherever these sources occur and provide a minimum 100' wellhead protection zone around all wells. Develop a legal mechanism to allocate an agreed-upon amount of saved water to development, while protecting instream flows and existing water rights. Emphasize water service to new development from the existing larger systems (City of Sequim, Clallam PUD) wherever feasible, with the goal of integrated water delivery systems, rather than a series of separate and local water delivery systems. Explore feasibility of utilizing deep aquifer sources to meet new water demand growth, if such development can demonstrate no impairment to limited surface waters. *(Section 3.1.4)*
- ***Availability of Water for Future Appropriation:*** As a mandatory element of watershed planning, Planning Units must indicate the availability of water for future appropriation.[2] The WRIA 18 future water supply strategy relies on the use of existing municipal water rights (Elwha River) in West WRIA 18, and on existing water systems, water management strategies, deep groundwater and a potential groundwater reserve for East WRIA 18 subbasins. A limited groundwater reserve, if established for the Dungeness planning area, would utilize water savings from efficiency and conservation, subject to existing law and the development of an intergovernmental agreement. *(Sections 3.1.4(D), 3.1.5(D), and 3.3.2)*
- ***Take Advantage of Water Reclamation and Reuse:*** Take advantage of all practical water reclamation and reuse opportunities (the most significant untapped opportunities are located in West WRIA 18). *(Section 3.1.10)*
- ***Study New Storage:*** Study new storage opportunities, including aquifer storage and recovery and new off-channel surface storage. Design or retrofit new land development to facilitate groundwater recharge and runoff to wetlands, small streams and groundwater. *(Section 3.1.9)*

[1] "Exempt wells" are exempt from the requirement to apply for a water right. However, they are not exempt from other requirements. An exempt well may be used for stockwatering, or to water a lawn or noncommercial garden up to ½ acre, or for single or group domestic use or industrial use not exceeding 5000 gallons per day (RCW 90.44.050).

3.1.8 Irrigation Water Management

Issue: The Sequim-Dungeness River Valley Agricultural Water Users Association (WUA) is the largest user of Dungeness River water, diverting water from five outtakes on the mainstem. Irrigation water recharges groundwater, augments wetlands, and affects flows in small streams. Irrigation diversions and low streamflows in summer and late fall have been identified as critically limiting to salmon production. The WUA have made significant improvements in reducing their diversions to benefit stream flows. Irrigation ditches provide conveyance for irrigation water as well as potentially providing pathways for stormwater and pollutants.

In 1999 the Comprehensive Agricultural Water Conservation Plan for the Sequim Dungeness Water Users Association was completed for WUA agricultural irrigation facilities. This effort also included modeling to assess effects of changes in irrigation efficiency, primarily by updating the earlier USGS model and incorporating the USGS data being gathered at that time. Irrigation use was evaluated in depth by the USGS (1999) and the Montgomery Water Group (MWG) (1999). Canal losses were also evaluated by MWG in 1993, and in 1999 MWG and USGS worked together to refine these numbers. Impacts of implementation of the Water Conservation Plan on small streams, wetlands, wells, and groundwater levels have been thoroughly evaluated in a 2003 Ecology EIS on the plan, using a newly developed groundwater model.

Several entities have undertaken implementation of the Conservation Plan. The WUA and the JSKT have collaborated on many projects. The Jamestown S'Klallam Tribe has obtained funding from Federal and State sources to improve irrigation infrastructure and conveyance efficiency. The Clallam Conservation District (CCD) administers an Irrigation Efficiencies Program, a program designed to help irrigators conserve water by upgrading their irrigation systems. The CCD has also funded piping projects to improve water quality. Both the CCD and the Natural Resources Conservation Service (NRCS) often assist in evaluating current system efficiency and with designing projects.

Irrigation water use is monitored by real-time measurement and data is summarized weekly by the WUA. The diversion data is posted on Ecology's website; the WUA publishes annual reports summarizing diversions, tailwater measurements, irrigated acreage, and completed projects.

1998 MOU

5

THE MEMORANDUM OF UNDERSTANDING TO TRANSFER WATER UNDER TRUST WATER RIGHTS PROGRAM CHAPTER 90.42 RCW

BETWEEN
THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY
AND
MEMBERS OF THE DUNGENESS RIVER WATER USERS ASSOCIATION

I. PURPOSE OF AGREEMENT AND STATEMENT OF INTENT

This MOU, with the orders issued by Ecology referenced herein, is an agreement between the parties to create a temporary trust water right under Chapter 90.42 RCW, and to describe the process for creating permanent trust water rights for future irrigation and instream flows. Further, this agreement formalizes the Association's agreement to use or divert no more than 50% of the flow of the Dungeness River.

The Dungeness Water Users Association and the Department of Ecology enter into this Trust Water Right Agreement and Memorandum of Agreement (MOU) for the following reasons:

To recognize the Dungeness River Agricultural Water Users Association's (Water Users) efforts on water conservation and their voluntary sacrifice of water rights;

To indicate commitment by the Department of Ecology (Ecology) to actively pursue funding with the Water Users Association and others for implementation of the water conservation plan;

To protect such water from relinquishment under provisions of Chapter 90.14 Revised Code of Washington;

To set forth procedures for quantifying, transferring to the trust water rights program and reallocating saved water under Chapter 90.42 RCW;

To assist irrigation managers in better managing water supplies;

To reserve a portion of the saved water for future uses under the adjudicated water rights of the Water Users under the provisions of Chapter 90.42 RCW;

To transfer a portion of the saved water to instream flow purposes under the trust water rights program;

To document water put to beneficial use and the number of acres served based on current records and to establish an improved system for record-keeping;

To provide the Water Users Association and the Department of Ecology increased certainty regarding the water conservation efforts in the Dungeness valley;

To provide a record to the federal government and others of efforts toward water conservation and habitat improvement in the Dungeness valley.

OFFICIAL SEAL
LEILANI A. GEREN
Notary Public – State of Washington
My Commission Expires 11-28-01

2012 Amended

MEMORANDUM OF AGREEMENT
BETWEEN
THE WASHINGTON STATE DEPARTMENT OF ECOLOGY
AND
MEMBERS OF THE DUNGENESS RIVER AGRICULTURAL WATER USERS ASSOCIATION

I. PURPOSE OF AGREEMENT AND STATEMENT OF INTENT

This ***2012 Memorandum of Agreement (MOA) dated September 6, 2012*** supersedes the former MOU dated April 14, 1998.

The Dungeness River Agricultural Water Users Association (WUA) and the Washington State Department of Ecology (Ecology or DOE) enter into this MOA for the following reasons:

- To recognize the WUA's efforts on water conservation and their voluntary sacrifice of water rights;
- To indicate commitment by Ecology to actively pursue funding with the WUA and others for implementation of water conservation, storage, and recharge projects;
- To document water put to beneficial use and the number of acres served based on current records and to establish an improved system for recordkeeping;
- To provide the WUA and Ecology increased certainty regarding the water conservation efforts in the Dungeness River valley; and
- To provide a record to the federal government and others of efforts toward water conservation and habitat improvement in the Dungeness River valley.

II. PARTIES TO THIS AGREEMENT

The parties to this Agreement include the Dungeness River Agricultural Water Users Association, its individual members who have individually approved and signed as successors to the rights listed in Appendix A and the Washington State Department of Ecology.

III. WATER RIGHTS

The parties agree that the water rights subject to this MOA are those adjudicated rights to divert water from the Dungeness River owned by the WUA member districts and companies who are signatories to this MOA and are listed in Appendix A. Based on the terms and conditions set forth herein, the parties agree that the rights are defined as follows.

A. Existing Temporary Trust Water Right

All parties agree that all of that portion of the water rights conserved and otherwise saved by the WUA members as of December 31, 2010 is accounted for and is in temporary trust within the Washington Trust Water Right Program (TWRP), chapter 90.42 RCW. The total amount of conserved and saved water as of December 31, 2010 is 45.6 cfs, representing 13,904 annual acre

Water Rights included in 1998 and Amended 2012 MOU between Ecology and Dungeness Water Users Association

APPENDIX A
ADJUDICATED WATER RIGHT CERTIFICATES DECREED BY SUPERIOR COURT, 1924

Agnew (formerly Macleay-Lindsday) Irrigation District	Priority date: 1918 146 cubic feet per second Vol. 2, p. 237 Water Right Certificates 1924
Clallam Ditch Company	Priority date: 1902 60 cubic feet per second Vol. 2, p. 224 Water Right Certificates 1924
Cline Irrigation District	Priority date: 1919 46 cubic feet per second Vol. 2, p. 238 Water Right Certificates 1924
Dungeness Irrigation Group	Priority date: 1911 70.94 cubic feet per second Vol. 2, p. 234 Water Right Certificates 1924
Dungeness Irrigation District	Priority date: 1921 42 cubic feet per second Vol. 2, p. 239 Water Right Certificates 1924
Eureka Irrigation and Milling Company	Priority date: 1897 23.08 cubic feet per second Vol. 2, p. 221 Water Right Certificates 1924
Highland Irrigation District	Priority date: 1915 70.14 cubic feet per second Vol. 2, p. 235 Water Right Certificates 1924
Independent Irrigation Company	Priority date: 1906 40 cubic feet per second Vol. 2, p. 232 Water Right Certificates 1924
Sequim Prairie Ditch Company	Priority date: 1895 20 cubic feet per second Vol. 2, p. 220 Water Right Certificates 1924

2012 Ecology-DWUA MOU

Conditions of Water Use

IV. CONDITIONS OF WATER USE BY THE WATER USERS ASSOCIATION

A. WUA members voluntarily agree to limit their collective diversions from the Dungeness River, authorized to be a maximum of 93.5 cfs under the Superseding Certificates, to no more than one-half the flow in the river as measured at the U.S.G.S. gauging station #1204800, Sequim. Such limitation will be in place year round. This is referred to as the 50% agreement. The 50% agreement is neither a separate instream flow water right nor to be construed as within the minimum instream flow necessary for protection of instream resources under Chapter 90.54 or 90.22 RCW.

B. In addition to the 50% agreement, the WUA members voluntarily agree to limit their diversions such that they will not diminish flow in the Dungeness River below 60 cfs, referred to as the 60 cfs agreement. For the purpose of the 60 cfs agreement, the flow of the Dungeness River will be measured at the U.S.Geological Survey (U.S.G.S.) gauge No. #1204800. Flow at U.S.G.S. gauge #1204800 minus total irrigation diversions will not be less than 60 cfs.

C. When the WUA member districts and companies voluntarily limit their water use to meet the 50% agreement and the 60 cfs agreement as described in Paragraphs IV.A and IV.B above, the estimated quantity of water curtailed will be recorded and reported to Ecology annually, based upon best available data. Curtailed water use is that quantity of water which would have been diverted to meet the water demands of the WUA members, except that to do so would have violated the 50% agreement or the 60 cfs agreement.

D. Water use for any adjudicated purpose may occur at locations within the described adjudicated place of use and as since modified for each irrigation entity and as assessed by the irrigation companies and districts. The attached maps (Appendix B) will define the irrigation district and company boundaries. All parties agree that each district and company may irrigate any lands within their boundary up to their respective maximum annual irrigated acres, maximum Qi, and maximum Qa, as documented on their superseding certificates. In addition, within the irrigation district and company boundaries, the WUA members may collectively irrigate up to 7,000 acres annually, and use water held in the TWRP for the WUA members, without the need for authorizations through changes or approvals from Ecology.

E. All parties agree that piping and conservation projects performed by companies or districts may have unforeseen consequences on other companies and districts which are down gradient. The affected company or district may have increased diversions at the river due to a decrease in intra system recapture of water.

F. Ecology agrees to process change applications for the points of diversion prior to issuing superseding certificates.

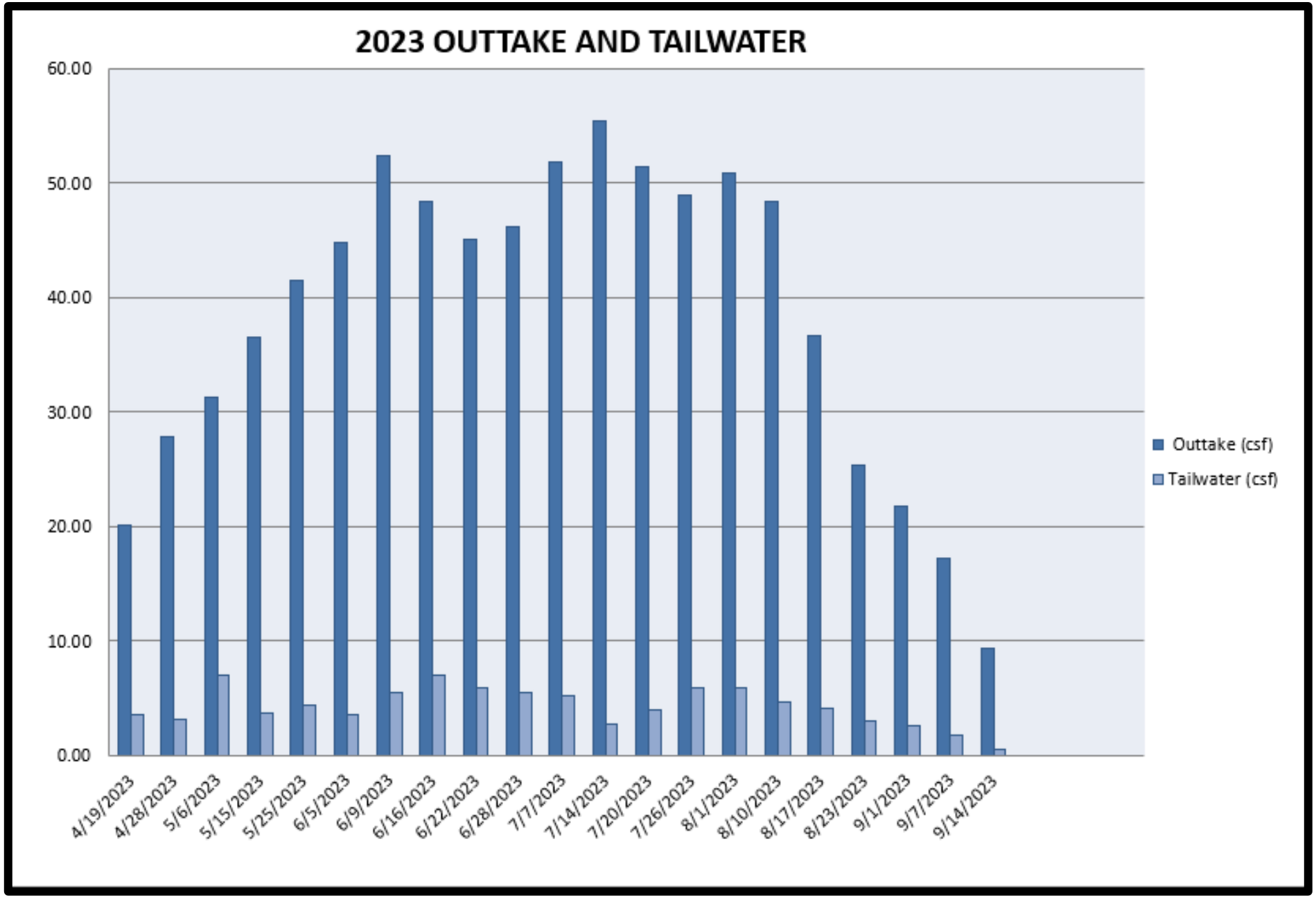
6 Annual Reporting of irrigation water use by the Dungeness Water Users Association

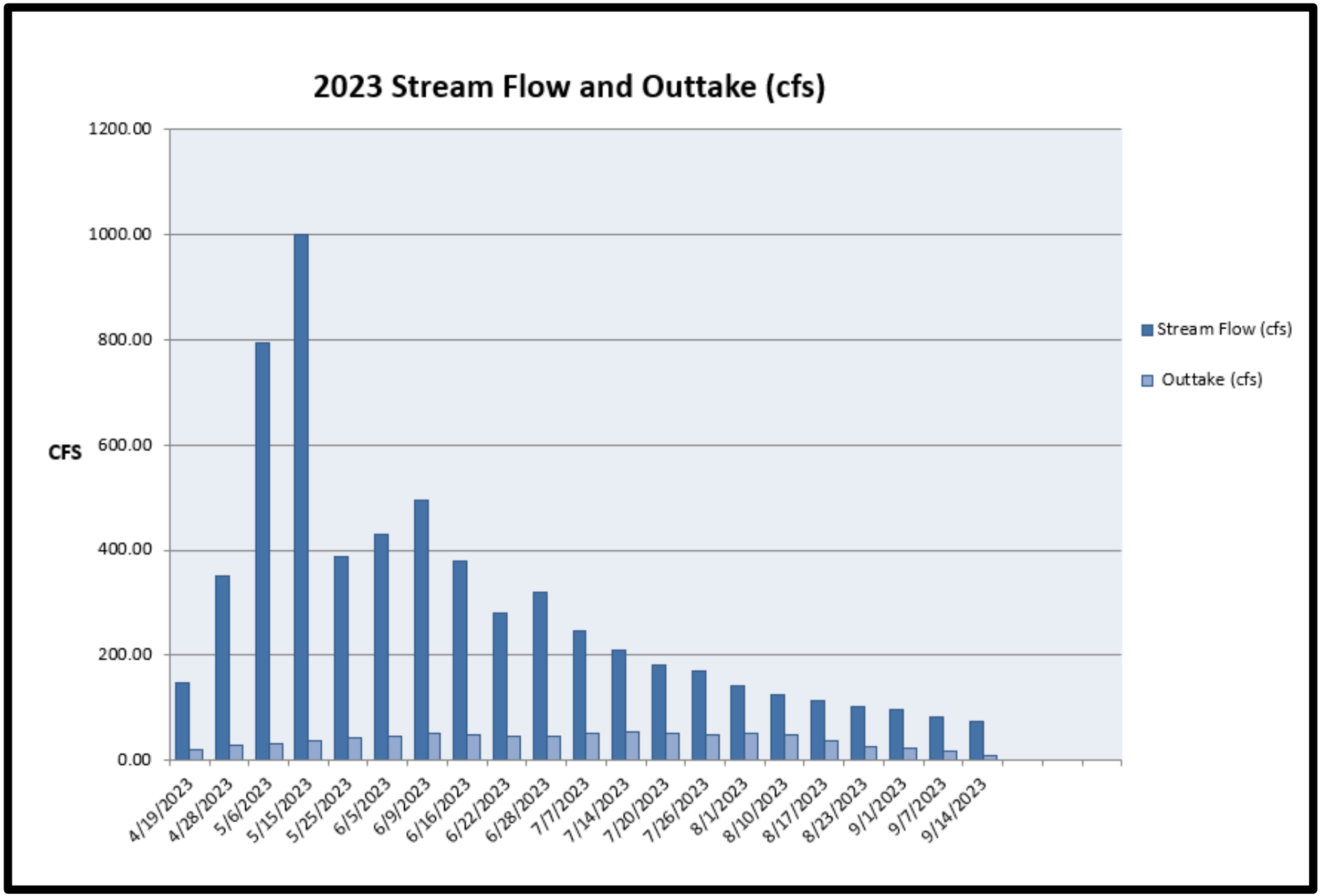
Dungeness River Water Users Association

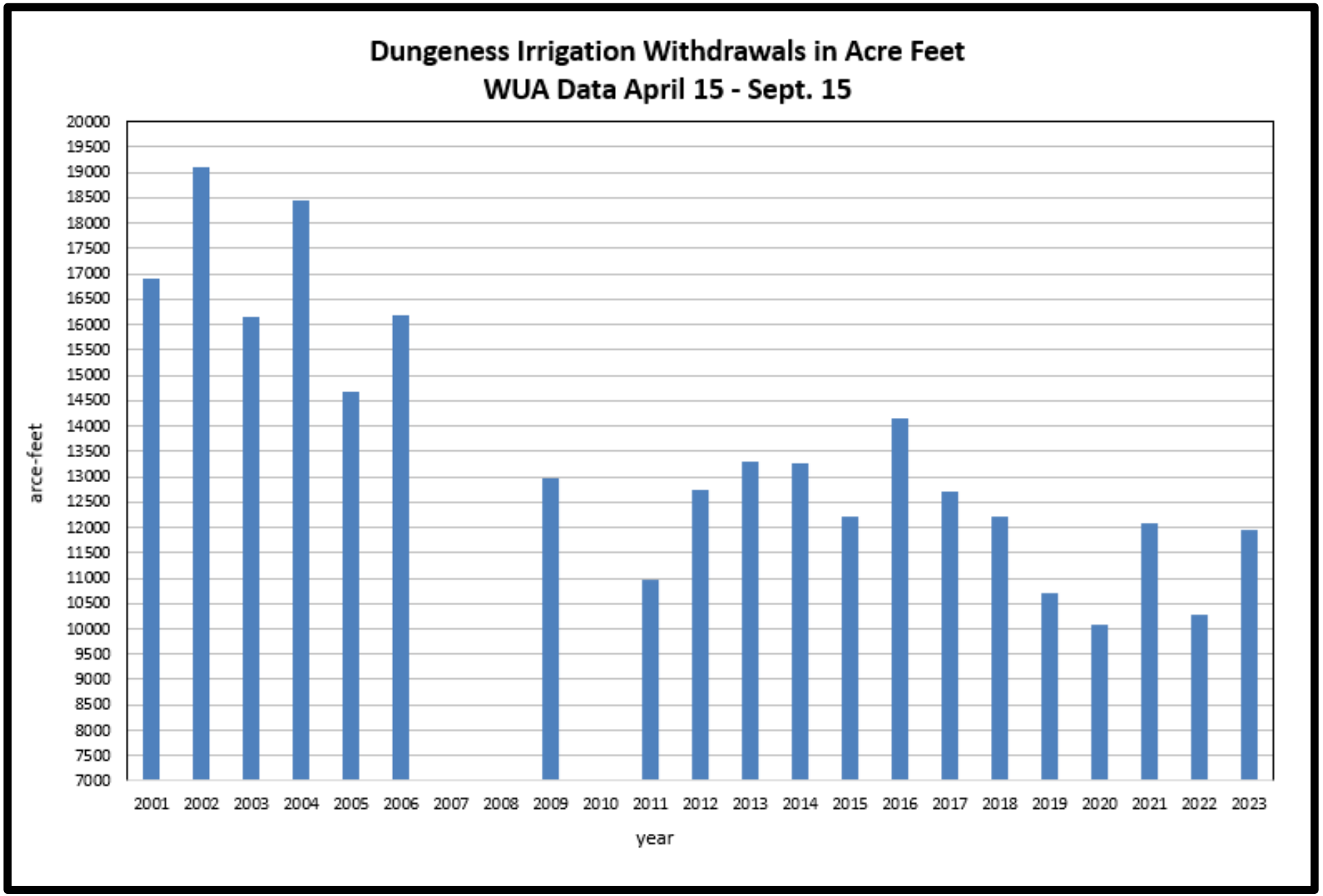
Annual Report 2023

Water Right Holders within this Association:

Agnew Irrigation District	Cert. # 237
Clallam Ditch Company	Cert. # 224
Cline Irrigation District	Cert. # 238
Dungeness Irrigation Group	Cert. # 234
Dungeness Irrigation District	Cert. # 239
Eureka Irrigation and Milling Company(represented by Sequim Prairie Tri-Irrigation Association)	Cert. # 221
Highland Irrigation District	Cert. # 235
Independent Irrigation Company(represented by Sequim Prairie Tri-Irrigation Association)	Cert. # 232
Sequim Prairie Ditch Company(represented by Sequim Prairie Tri-Irrigation Association)	Cert. # 220


2023 OUTTAKE AND TAILWATER
60.00
50.00
40.00
30.00
20.00
10.00
0.00
4/19/2023
4/28/2023
5/6/2023
5/15/2023
5/25/2023
6/5/2023
6/9/2023
6/16/2023
6/22/2023
6/28/2023
7/7/2023
7/14/2023
7/20/2023
7/26/2023
8/1/2023
8/10/2023
8/17/2023
8/23/2023
9/1/2023
9/7/2023
9/14/2023
Outtake (csf)
Tailwater (csf)


2023 Stream Flow and Outtake (cfs)
CFS
1200.00
1000.00
800.00
600.00
400.00
200.00
0.00
4/19/2023
4/28/2023
5/6/2023
5/15/2023
5/25/2023
6/5/2023
6/9/2023
6/16/2023
6/22/2023
6/28/2023
7/7/2023
7/14/2023
7/20/2023
7/26/2023
8/1/2023
8/10/2023
8/17/2023
8/23/2023
9/1/2023
9/7/2023
9/14/2023
Stream Flow (cfs)
Outtake (cfs)


Dungeness Irrigation Withdrawals in Acre Feet
WUA Data April 15 - Sept. 15
arce-feet
20000
19500
19000
18500
18000
17500
17000
16500
16000
15500
15000
14500
14000
13500
13000
12500
12000
11500
11000
10500
10000
9500
9000
8500
8000
7500
7000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
year

Irrigated Lands Report, 2023

Prepared for Washington State Department of Ecology

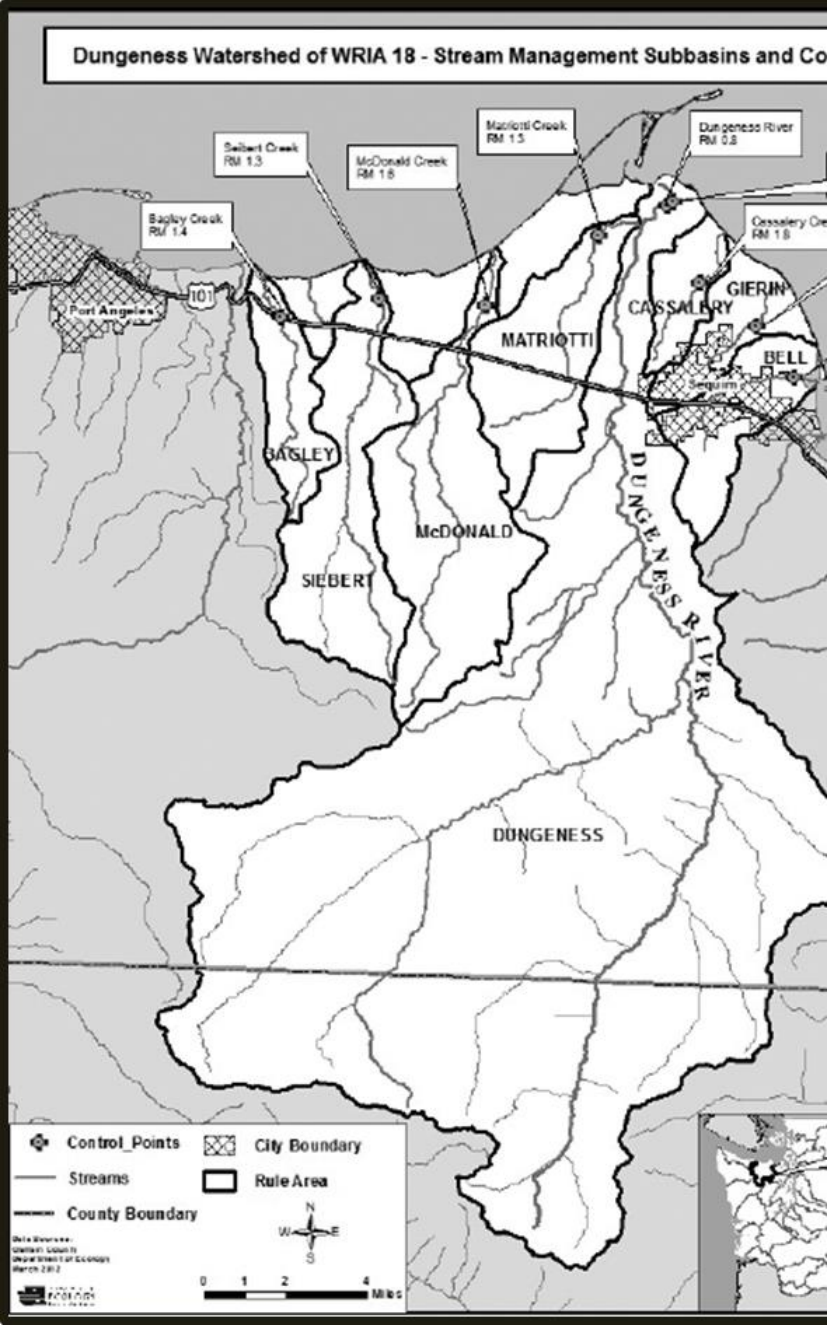
Prepared by Dungeness River Agricultural Water Users Association

Submitted: January 2022

Irrigation Company/District	Irrigated Lands, Acres Total
Agnew District	1492
Clallam Company	570
Cline District	698
Dungeness Group	689
Dungeness Dist.	610
Highland Dist.	1190
Sequim Prairie Tri.	1263
Total	6512

Comments: Most changes in acrage are a result of normal crop rotation.

Prairie lost 30 acres, in two parcels, to development



WAC 173-518
Dungeness Instream Flow Regulation

Rule adopted November 16, 2012 as Chapter 173-518 WAC
Rule in effect as of January 2, 2013

- **Purpose of the Rule**
  - Protect existing water rights.
  - Protect instream resources.
  - Set up a framework for future water management decisions.

In 2013, Ecology recognized that the Dungeness River and nearby streams were vulnerable to further depletions and issued the Dungeness Water Rule (WAC 173-518).

The Rule requires that any new water use in the Rule Area must demonstrate that it has no impact on the rivers and streams, or is fully mitigated.

The Dungeness Water Exchange (DWE) manages mitigation projects (Managed Aquifer Recharge) and issues Mitigation Certificates to small domestic users on new wells to offset new uses.

This has resulted is a streamlined permanent mitigation program through which homeowners or builders can efficiently purchase mitigation certificates.