

Appendix 1-C:
**Sequim-Dungeness Valley Agricultural Water Users
Association Rules and Regulations**

The Sequim-Dungeness Valley Agricultural Water Users Association

*An Association of the Seven Irrigation Districts and Companies
Serving the Dungeness Valley Since 1896*

Introduction to Rules & Regulations

- The following rules and regulations are necessary to coordinate the operation of numerous separate irrigation conveyance entities within a common drainage area, to coordinate policies governing rules and regulations among the various entities, to attempt fair water delivery service at an affordable rate, and to ensure conservation measures.
- It is the intent and purpose of the districts and companies to provide members and users with water during the irrigation season. The board members operating the companies and districts are paid a nominal amount or in many cases are not compensated in any manner for their time and service.
- The irrigation districts and companies have the responsibility to oversee the operation of the water delivery systems in a manner to protect your water rights.
- Operational experience indicates that most problems arise due to a lack of understanding of the operational limitations and legal constraints that must be followed for the legal exercise of one's water rights.
- It is necessary for all water users to understand and accept the requirements and responsibilities governing today's use of water, which are far different from the early days of irrigation in the Valley.
- It is important for all water users, under the Water Users Association, to realize that interference with the districts' and companies' water delivery systems and violation of the rules and regulations governing such distribution, in certain situations, may subject the violator to criminal sanctions as well as loss of the right to receive water delivery service. To date there have been very few occasions that have required legal action. It is hoped these rules and regulations will further reduce the need for any legal action and that we can work together to accomplish an irrigation community in which all people benefit.
- If you have questions or need further explanation of these rules and regulations, contact your individual water purveyor or the Water Users Association.

Rules and Regulations

1. **Irrigation Season:** Association member entities shall deliver irrigation water from April 15 to September 15 each year. Irrigation is prohibited before April 15 and after September 15.
2. **Quantity:** The quantity of water to be delivered shall be limited to .02 c.f.s. (8.98 gallons per minute) instantaneous flow per acre. The total volume in acre-feet per year shall be determined by the crop irrigation requirement calculated in inches and divided by the on-farm efficiency factor. For example, if a typical crop (pasture/hay) requires 17 inches of water during the growing season (water duty) and typical on-farm efficiency is 65%, then the number of inches required to be delivered would equal 26.15 inches (17 ÷ by 65%) or a little over 2 acre feet per year. Applied at the maximum instantaneous rate of .02 c.f.s. would provide a member with approximately 50 days of water application during the irrigation season.
3. **Use:** Water may only be put to “beneficial use” and shall not be wasted. In order to protect the water rights appurtenant to the members’ lands it is the duty of the Association to manage, regulate, and monitor delivery of the water to ensure, to the extent feasible, that water is put to “beneficial use” and is applied in a “reasonable use” fashion. The amount of water that constitutes “reasonable use” is limited by the doctrine of waste. Whether appropriated water rights for irrigation are being wasted or are being used reasonably efficiently depends on many factors, which the Association must take into consideration in accordance with the laws of the State of Washington. The Association shall have and does have and retains the right to ensure that water, which it delivers, is being put to beneficial use and being used in a reasonable manner without waste. In this regard the Association reserves the right to discontinue water delivery service to any water user deemed not in compliance with the laws of the State of Washington and these Rules and Regulations. Should the Association determine that a water user is not in compliance with the above, the user shall be provided notice by certified mail at least ten days in advance of any curtailment of water delivery service. Stock water may be provided year round if a member does not have an alternative stock-watering source.
4. **Allocation of water during drought periods:** In accordance with Washington State law, all members’ water delivery shall be curtailed pro rate in relationship to all other water users during periods of any drought. Drought periods may be declared at anytime, as determined by the directors of the Water Users Association, based on streamflow data provided by the U.S. Geological Survey (USGS).
5. **Easements and Rights-of-Way:** The Association maintains records of certain rights-of-way and easements running in favor of the Association’s various entities. Legal descriptions of the rights-of-way and easements are filed in the archives and with the auditor at the Clallam County Courthouse. The Association continues its claim to these rights-of-way and easements for the purpose of unencumbered access to the

ditches for normal operation and maintenance and for repair and replacement. In addition, the Association relies on the common-law rights-of-way established pursuant to Federal law and Washington State law.

6. **Maintenance:** It is essential that the Association maintain the conveyance system in reasonable repair. In this regard the employees and representatives of the Association shall have unencumbered access along all ditches and easements in connection therewith for maintenance, repair, and replacement. The Association and or its various entities must approve, in writing, in advance, any structure or improvement or development that results in diminished or encumbering access in any manner. Any property owner or person or entity which prevents the Association from engaging in normal maintenance, repair, and replacement operations shall be responsible and liable for all additional costs and expenses required in maintaining the ditch as a result of the encumbrance or impediment and shall be responsible for any and all liability arising as the result of the encumbrance and or impediment.
7. **Water Order Requirements:** The pumping of 80 gallons per minute or more (approximately 10 sprinklers or pumps of 2 1/2 horsepower or more) requires 48 hours notification of the appropriate company or district manager.
8. **Residential Use:** A maximum of one acre of combined lawn, landscaping, and garden is allowed for personal residential use. Residential use does not include household or drinking water. Water from irrigation ditches is considered unsafe for human consumption. The Clallam County Health Department prohibits household use of irrigation water.
9. **Prohibition Against Interference with Water Delivery:** No water user or any other person or entity shall block, obstruct or interfere, by any means whatsoever, with the Association's delivery of water. Neither shall any water user nor any other person or entity make unauthorized use of water delivered by the Association. In these regards see RCW 90.03.410 and RCW 90.03.400, respectively.
10. **Ponds:** Water ponds exist within the boundaries of the associated districts. The Association specifically denies and prohibits use of any conveyed irrigation water to feed or maintain ponds used for recreational, aesthetic, landscaping or rearing of fish or ducks or for other purposes. In this regard water users shall be deemed to hold the Association harmless from and to indemnify the Association against any claim or liability of any nature whatsoever arising from the water users maintenance of ponds utilizing water delivered by the Association.
11. **Reservoirs:** Reservoirs maintained by water users to provide off-lateral or canal storage must be applied for in advance through the existing application process and must receive written approval by the appropriate board of directors prior to creation and or operation of the reservoir. Any approved reservoirs must be commensurate in size for the irrigation pump horsepower as determined by the directors. A pond prohibited in Section 9 above does not become and may not be converted to a

reservoir merely by installing a pump without prior written approval in accordance with the regular application process referenced herein.

12. **Sump:** A sump is defined as a basin from which water is pumped. These may be appropriate as a means of settling out sediment, provided however, any sump developed by a water user must be watertight and be proportional to the pump horsepower and instantaneous water right specified above. In this regard any and all sumps must be applied for in advance of development and or use and must receive written approval from the appropriate irrigation entity.
13. **Control Devices:** Control devices employed by the Association consist of a variety of items, including but not limited to wooden or metal adjustable gates, flash boards, rocks or on occasion sod, placed at a split in the ditch to control the directional flow of water. Because of the critical nature of the flow controls and the possibility of flooding and serious property damage and personal injury, any tampering or interference with control devices is strictly prohibited. In this regard, see Section 9 and the statutory references noted therein.
14. **Turning On and Shutting Off Water:** All turning on and shutting off of water is to be done by the ditch manager or under his direct supervision and control. Wasteful use of water over and above reasonable crop irrigation requirements will be grounds for shutting off water.
15. **Maintaining Continuous Water Flow:** The Association is not responsible for maintaining a continuous flow of water and will not be held liable for any pump burnouts. It is recommended that all pumps be equipped with pressure shutoff switches.
16. **Flood Irrigation Prohibited:** Due to the current state of the law requiring “reasonable use” of the water without waste in order to constitute “beneficial use” of the water and because of the wasteful nature of flood irrigation, water users are prohibited from employing flood irrigation as a method of on-farm water application. The Association is entitled to discontinue water delivery service to any water user attempting to or actually employing flood irrigation methods of water application.
17. **Responsibility for Tailwater:** The water user is responsible for tailwater and any damage, which occurs therefrom. The ditch manager will shut off water immediately and without advance notice whenever tailwater is damaging property or making public roads dangerous or impassable.
18. **Water Quality:**
 - a) Although the Association believes that the Department of Ecology is responsible for enforcement of Section 303(d) of the Federal Clean Water Act, it is concerned about maintaining delivered water as pollutant-free as possible. In this regard water users or any other person or persons are prohibited from introducing pollutants, including but not limited to animal waste, into the Association’s water delivery conveyance system. Any person or persons or entity contributing to

pollutants of water being transported within the Association's conveyance system shall be solely responsible for the pollutants and shall hold the Association harmless and indemnify the Association against any and all claims and or liability of any nature whatsoever arising therefrom.

b) Diverting drainage from roofs, driveways, roads, parking lots and drainage ditches into the water conveyance system is strictly prohibited.

19. **Use of Herbicides:** It is illegal for a property owner to apply any herbicide not approved by Washington State Dept. of Agriculture and labeled for aquatic use to an irrigation ditch. Any person not wanting the irrigation entity to spray ditch banks on their property must accept responsibility for posting the start and finish of area "**NO SPRAY.**" Property owners choosing not to allow spraying must accept the responsibility for keeping grass and other vegetation free from the flowing ditch area. If property owners do not keep the ditch bank free of vegetative growth that impairs the efficient flow of water, the ditch manager will have the area cleaned and bill the property owner for the cost.

20. **Cutting or Mowing along Ditch Banks:** When cutting or mowing along ditch banks it is the operator's responsibility to keep debris out of or immediately remove debris from the irrigation ditch. In the event of non-compliance the irrigation entity will remove the debris and bill the responsible party.

21. **Logging Operations:** Operators of logging operations along ditch banks are required to remove all trees along ditch banks to waterline and to remove all resulting debris immediately upon completion of logging operations each day. In the event of non-compliance, the irrigation entity will remove the trees/debris and bill the responsible party.

22. **Ditch Piping Requirements for Private Laterals:** The individual irrigation entities comprising the Association distribute water through a system of pipelines and open ditches to the high point or other established delivery point on each 40 acre tract of land in the given service area. It is the responsibility of the individual water users, beyond this delivery point, to provide their own distribution system. In order to reduce water loss through seepage, transpiration and evaporation as well as to reduce risk of flooding to private property and drain fields, all subdivisions and construction shall be required to operate and maintain their own piped enclosed distribution system in a reasonable manner.

Drought Response Plan and Prioritization Schedule

In the mid 1890's Dungeness River water brought hope to farmers of the arid lands of the Sequim-Dungeness Valley. For over 100 years the waters of the Dungeness River have brought prosperity and transformation. There have been many changes in 100 years. We have seen agriculture evolve from a base industry to an endangered way of life. Preservation of agriculture in our community is vital to maintaining a balance of land use, indeed, the very character of the Dungeness Valley that has drawn so many people here. It is also important to realize that, over a period of 100 years, more than 300 miles of irrigation ditches have developed a unique ecosystem offering more to the community than just irrigation water. Without agriculture there would be little chance of maintaining our irrigation systems as we know them today.

Many changes have taken place that require greater efficiency in the operation and maintenance of our irrigation systems. Responsibility comes with recognition of the need for change. The Sequim-Dungeness Valley Agricultural Water Users Association was formed to facilitate communication between water users and other individuals and groups affected by streamflow and water supplies from the Dungeness River. Since 1990, the Water Users Association has worked with the local governments, tribe, and community to develop the Comprehensive Water Conservation Plan. This Drought Response Plan is part of that effort. The Association represents the seven irrigation entities diverting water from the Dungeness River. The Association has accepted responsibility for helping to meet the changing needs of other water users. The most critical issue directly related to irrigation withdrawals is maintenance of instream flow necessary for healthy fish habitat. By making some improvements and accepting some sacrifices we have been able to help in this area. The Association has entered into agreements that enhance the overall status of all Dungeness River water users. There are, however, situations that could develop which may cause inadequate water flows in the irrigation ditches. A low snow pack and/or an unusually hot, dry summer would most likely make it difficult to meet all needs. Everyone living in the Dungeness Valley realizes a benefit from our irrigation systems. The range of benefits is widespread. For some it is aesthetics, for others it may be lawns and gardens or recreational use, and then there is the agricultural sector. The agricultural sector consists of small supplemental income farms and larger primary income farms.

In anticipation of occasional critically low streamflows in the Dungeness River, and in compliance with our Comprehensive Water Conservation Plan, required by the ESA, the Association has developed a priority of use list as part of an overall drought response plan. Following is the order in which you will be asked to cut back in the event of a drought.

Priority of Use List for Drought Response:

1. Ponds not being actively used as irrigation reservoirs.
2. Decorative landscaping, lawns, and gardens.
3. Home fruit and vegetable gardens that could be adequately watered from wells.
4. Recreational use (golf courses, playgrounds, parks etc.).
5. Water to general agricultural providing primary or secondary income will be rationed.

The underlying premise is to preserve agricultural water. Without agriculture, there is little chance of the irrigation systems continuing. Irrigation has been called the lifeline of the valley and this certainly carries some truth.

We hope that everyone can appreciate all of the uses of our valuable natural public water resource and help insure its protection to meet present and future needs.

Term Definitions

1. **303 (d):** Section of the Federal Clean Water Act that deals with non-point source water pollution issues.
2. **Acre-foot:** The quantity of water that would cover one acre of land one foot deep. 1 c.f.s. equals 1.98 acre feet per day.
3. **Adjudication:** The process by which the court will, when petitioned, hold hearings to set the priority, quantity, and accepted uses of water in an area.
4. **Association:** The Sequim-Dungeness Valley Agricultural Water Users Association (Water Users Association). Members include Agnew Irrigation District, Clallam Irrigation Company, Cline Irrigation District, Dungeness Irrigation Company, Dungeness Irrigation District, Highland Irrigation District, and Sequim Prairie Tri Irrigation Company.
5. **B.M.P.'s:** Best Management Practices: These are the practices that are considered to be the most efficient and environmentally desirable in exercising your water rights.
6. **Beneficial Use:** Beneficial use of water on agricultural land is any use that contributes to the production of crops. Beneficial use, however, apart from agricultural lands may encompass nearly any non-frivolous use of water. Beneficial use includes the amount of water used, without waste, necessary for conveyance, not just water used to nourish plants or crops.
7. **C.F.S.:** cubic foot per second: 1 c.f.s. equals 448.8 gallons/minute, 646,272 gallons/day.
8. **Commercial Irrigator:** A farmer who sells irrigated crops or livestock products as his/her primary source of income.
9. **D.O.E.:** Department of Ecology. The agency that grants and administers water rights in Washington State.
10. **Ditch Right-of-Way:** Area of land that the ditch takes to pass through one's property with reasonable side clearance for maintenance.
11. **Doctrine of Waste:** Waste shall be measured in accordance with the "*Reasonable Efficiency Test*" and water delivery service may be discontinued to water users whose irrigation systems or practices are determined to be wasteful. The Reasonable Efficiency Test shall include, but not be limited to, consideration of local custom and the relative efficiency of irrigation systems in common use along with other factors mandated by state law such as the cost and benefits of improvements to irrigation systems including the use of public and private funds available to facilitate improvements. *Provided, however,* irrigation practices once considered common to a locality but no longer considered reasonably efficient may constitute waste.
12. **Drought Response Plan:** This is the plan that allocates water in low flow times. It sets user and use priorities.
13. **E.S.A.:** Endangered Species Act: Federal legislation, which sets the standards for determining the health of species and protecting threatened and endangered species.

14. **Evaporation:** The change in state of water from liquid to vapor.
15. **Evapotranspiration:** The combined effects of evaporation and transpiration.
16. **Fish Screen:** An apparatus that keeps fish of all sizes from entering the irrigation system.
17. **Flood Irrigation:** Practice of irrigating by flooding the land.
18. **Headgate:** Device that controls water flow, but does not necessarily measure it.
19. **Laterals:** The subdivision of land has caused the need to distribute water to more than the original 40 acre parcel. This was usually done through smaller ditches called laterals. It is now required that these be in a pipe. These are usually private systems. One very important issue is the return of the unused portion of this water to the main or sub-main ditch. Closed pipe systems are preferred.
20. **Main:** The primary canal for the conveyance of water.
21. **Non-dependent Commercial Irrigator:** A farmer who sells irrigated crops or livestock products but has other primary sources of income.
22. **Percolation:** The process of water seeping out of the ditches as water flows through them.
23. **Point of Delivery:** That point to which water is delivered by the irrigation districts and companies. This is usually the reasonably attainable high point of the 40 acre tract in which your parcel of land is located. (See 22 under Rules and Regulations).
24. **Pond:** Impounded water that serves no purpose of the adjudicated water right, usually for recreation or aesthetic uses. Irrigation water is not adjudicated for filling ponds.
25. **Pumping Station:** The site where water is withdrawn from the irrigation system.
26. **R.C.W.:** Revised Code of Washington.
27. **Reasonable Use:** Reasonable use shall be determined by an analysis of the factors of “water duty” and the “doctrine of waste.”
28. **Reservoir:** Water that is impounded for the purpose of fulfilling some portion of the adjudicated water right by providing off-lateral or ditch storage. Reservoirs must be approved and permitted by the appropriate ditch entity.
29. **Residential Irrigator:** Also called domestic irrigator; currently allowed to irrigate for personal use, up to one acre total of lawn, landscaping, fruit and vegetable garden at the rate of .02 c.f.s. or approximately 9 gallons/minute.
30. **Return Flows:** It is the user’s responsibility to return unused water in the lateral to the main system.
31. **Stock Water:** Water used to water stock, note that ducks and fish are not included as livestock. Stock water is provided only when other water sources (wells, P.U.D., etc.) are not present or adequate to meet needs of livestock.
32. **Sub-main:** A secondary canal used for conveyance of water.

33. **Sump:** A watertight basin – device proportioned to pump size, which is regulated by adjudication.
34. **Tailwater:** The water that is unused at the end of a ditch or any excess water run off onto adjacent property.
35. **Transpiration:** Water lost by vegetation using water and dispelling it through its system as it respirates.
36. **Trust Water Right:** An agreement between a water right holder and the state. This agreement usually deals with an expansion of the guidelines under which you exercise your water right and places water in state held trust for public benefit. The grantor will usually receive some benefit for their effort.
37. **Water Duty:** This term refers to the amount of water your soil requires to grow a certain crop considering climate conditions in your area. This amount is determined by dividing scientifically established crop irrigation requirements (CIR's) by established reasonable on farm efficiency ratings (usually 65% in our area). Water duty is the amount of water reasonably required to be applied, without waste, to any given tract of land for such period of time as is adequate to produce the maximum amount of crops ordinarily grown on the land. This measurement shall not be a hard and fast unit of measurement, but rather shall be variable according to the conditions; i.e., soil type, crop and weather conditions etc.
38. **Water Right:** A legal granting of the right to use a certain quantity of water, at a certain time, and for a described use. Issued usually from the state (Department of Ecology); could be federal. The water right can be forfeited or otherwise taken away for non-use.
39. **Water Users Association:** The Sequim-Dungeness Valley Agricultural Water Users Association. This Association consists of all the irrigation companies and districts in the valley. The Association's purpose is to represent the needs and problems involved in exercising our water rights.
40. **Weir:** Device that measures water and may regulate it.