



Washington State Senate

Senator Sharon Shewmake, PhD
42nd Legislative District

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March 1, 2024

Director Laura Watson
Department of Ecology
300 Desmond Dr SE
Lacey, WA 98503

Dear Director Watson,

I want to thank the Department of Ecology for their hard work and attention to detail in the upcoming WRIA 1 adjudication. This will not be an easy or quick process, but clearly defined property rights broadly benefit the water users and ecosystems.

For my constituents, many of whom have never had to participate in a court case before, this will be a complicated process. After having spoken with members of my district, I am writing to share with you some changes we believe would help make the forms easier to navigate. It is critical that this process is fair and is perceived as fair, and unintuitive, confusing, language can make some people feel like they are at a disadvantage compared to those more adept at navigating legal documents. The easier we can make claim submission, especially for small water rights holders, the more likely we are to minimize conflict.

Looking at the draft instructions and two types of forms, it is clear you have done a lot of work to make them clear and accessible. Thank you. Below are some possible changes which I believe might make them even clearer.

1. There needs to be a cover letter explaining the *why* for adjudication. Ecology has been doing outreach, but even the best outreach misses people and it often takes more than one attempt for a message to land. Having a clear explanation of the historical background, the reasoning behind adjudication, how it works and why it'll be fair is important to building trust with water users will ensure everyone has the context they need.
2. The forms and instructions need more clear information on what form to use if you are a permit-exempt well user. When I hear people in my district talk about well water usage, they do not call themselves large or small users as the forms do. More often they consider themselves as "permit-exempt." I believe we should meet water users where they are and be use language that is already familiar. I've suggested some below, the point is for someone who is trying to figure out "I'm a permit-exempt well user, where is my form?" to quickly identify the correct form.

On page 2, putting single permit-exempt well could be placed in bold:

There are two different forms you might choose from. If you get your water from a **single permit-exempt well**, you may be eligible to use the Small Use Court Claim Form.

On the first page of the Small Use form, **permit-exempt well** should also be bolded so it's easier for people skimming the form to notice.

On page 5 of the directions, the heading "What if I do not have a water right document" should be "What if I am a permit-exempt well user." If that is not legally correct, the directions need a heading for people who are permit-exempt well users that directs them to the correct

3. Estimating water usage is not intuitive and the section on page 4 of the instructions needs to be expanded. At the end of this section there is a sentence "The Department of Ecology follows the EPA guidance of 60 GPD per person for use in a home." I think that means if there are two people in my home and we don't do anything special, we probably use 120 GPD and that's what I should write down. However, the backward construction makes me confused and uncertain and elaboration would be very helpful.

Additionally:

- a. The section heading should not be "Do I used 500 GPD or less at my home" since GPD is not a term most people use (I do acknowledge it is defined earlier) but instead "How can I estimate my daily water consumption?" which is more likely to grab the attention of someone who is trying to answer the question 4.
- b. On the small use form, question 4 should refer the user back to the instructions for how to estimate indoor domestic water usage.
4. I would like to see more types of water users be listed as those that should be using the full-length court claim. Right now, we're defining them by who they are not, not who should see themselves requiring the full-length form and would feel more certainty by seeing "oh I'm a commercial farm, I should use this form."
5. Those are the most important issues, but I also have some minor points to add:
 - a. On page 1 directions, first bullet point what does "their own water" mean? Is that the water I personally use? Do I own the water?
 - b. On page 1 directions, the almost exact same sentence is repeated "All direct water users in Water Resource Inventory Area (WRIA) 1 must file a Court Claim." And later on the same page "All direct water users in Water Resource Inventory Area (WRIA) 1 need to file a court claim to verify their legal right to use water." Both are followed by a definition of Direct water users which I am still confused by, but I think it means people who do not use water as a customer of a water source. This communication needs to be rethought and made more clear.
 - c. Page 6 of directions, is the RCW reference necessary for most users to read? It would be better as a footnote.
 - d. I went to the website on page 6, ecology.wa.gov/water-shorelines/water-supply/wells and it was not clear what I should click on next. I figured it out, but directing users to click on "Search for wells and well reports" as well as additional steps would make it more accessible for those less comfortable with technology.

- e. Page 7, directions read “You are entitled to an adjudicated water right of the amount of water you have continuously, legally used over time.” This sentence is confusing. I’m entitled to the water I have used legally? What is an adjudicated water right and how does it differ from my current legal water usage? If I’m confused by this, others will be too.

Thank you for your willingness to work with me to make our coming water adjudication as straightforward and accessible as possible.

Sincerely,

A handwritten signature in black ink that reads "Sharon Shewmake". The signature is written in a cursive style with a large initial 'S'.

Senator Sharon Shewmake
42nd Legislative District