

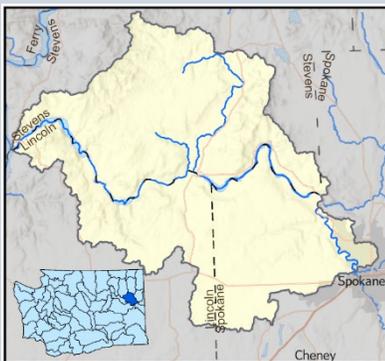
WRIA 54 Lower Spokane Watershed Water Availability



Spokane River south channel; Photo by Brian Walsh

Overview

- Introduction to WRIA 54
- Water Availability Factors
- Options for Acquiring Water
- Resources
- Map



What is a watershed?

Washington is divided into 62 major watersheds or Water Resource Inventory Areas (WRIAs), which are areas that each capture precipitation and funnel rain and snowmelt through smaller subbasins into streams, tributaries, and rivers and typically drain to marine waters or the Columbia River.

Introduction to WRIA 54

The Lower Spokane Watershed or Water Resource Inventory Area (WRIA) 54 covers the area that drains to the Lower Spokane River downstream from the City of Spokane. It is located in eastern Washington, in south Stevens County, northwest Spokane County, and the northeast corner of Lincoln County.

The Lower Spokane River’s major tributary is the Little Spokane River. The watershed includes various other tributary streams such as Chamokane, Coulee, and Deep creeks.

How can I get water?

Depending on your proposal, you may have more than one option to acquire a reliable water supply:

- Connecting to an existing water system is usually the fastest and easiest option if your project is within the system’s service area.
- Using a permit-exempt well if you meet the limits under state law (RCW 90.44.050), although it may need mitigation.
- Purchasing an existing water right and transferring it to the new use.
- Applying for a new water right, which may need mitigation.



See *Options for Acquiring Water* section for more information about water right permit options and when to meet with Ecology staff.

Washington Water Law Waters of the state belong to the public and can't be owned by any one individual or group. Water right holders have the right to USE water, from a set source, for a particular purpose, in a specific location.

The Department of Ecology is responsible for managing the waters of the state, including issuing the right to use water as well as protecting instream resources for the benefit of the public.

Washington water law is based on the “prior appropriation” system, often called “first in time, first in right.” New water rights may not harm older water rights. Applications for water from the same source must be processed in the order they are received, although there are certain exceptions.

Applicable Laws and Rules

- [RCW 90.03](#): Washington Water Code
- [RCW 90.44](#): Regulation of Public Groundwaters
- [RCW 90.54](#): Water Resources Act of 1971
- [WAC 173-557](#): The Instream Flow Rule for the Spokane River and the Spokane Valley Rathdrum Prairie Aquifer

Water Availability Factors

Due to Washington’s varied land uses, terrain, and precipitation levels, water availability for new water right permits varies dramatically across the state. In the Lower Spokane Watershed, key factors affecting water availability include:

- Instream flow rule and surface water source restrictions.
- Reclamation withdrawal.
- Tribal interests.
- Existing water rights.
- Local climate.

Instream flow rule

Instream flow rules are an element of water and river management that help maintain healthy ecosystems that support fish, communities, and economies. WRIA 54 has an instream flow rule (WAC 173-554), adopted to preserve the uses and values of individual rivers and streams.

The instream flow rule:

- Protects the Spokane River from new permitted water rights by setting minimum flow levels, which are like water rights for the stream. Instream flows do not put water in the streams and do not affect existing (senior) water rights.
- Requires mitigation for all new groundwater uses in the Spokane Valley Rathdrum Prairie (SVRP) Aquifer.

Surface water source restrictions

In addition to the instream flow rule, this watershed has administrative restrictions known as surface water source limitations (SWSLs), which limit most water sources in the watershed. This determination comes from the Washington Department of Fish and Wildlife that flows be protected to maintain fish populations. Deep, Mill Canyon, and Spring creeks have been closed to new appropriation through a SWSL.

Reclamation withdrawal

In 2004, the U.S. Bureau of Reclamation filed notice with the Department of Ecology that the United States intends to make examinations and surveys for the use of the un-appropriated waters of the Columbia River and its tributaries above Priest Rapids Dam, pursuant to RCW 90.40.030. The withdrawal of these waters from future appropriations is currently in effect until December 23, 2023.

At the most recent renewal of the withdrawal, Reclamation released 48,880 acre-feet per year of water. Ecology is processing new applications for both surface water and groundwater in select locations in the numerous watersheds impacted by the withdrawal, but the release may be insufficient to meet the total demand. The withdrawal may be extended, and Ecology expects Reclamation to request an extension before the withdrawal expires.

Tribal interests

A portion of the Spokane Indian Reservation is located within WRIA 54. The Tribes are concerned about maintaining flows and fish habitat in the watershed and water right applications and mitigation plans are routinely sent to them for their review. The tribe's Federally Reserved Rights are not quantified at this time and thus the legal availability of water in this area is undetermined.

Existing water rights

Water rights have been issued in the Lower Spokane Watershed for over 100 years, and as a result most water in the watershed is already legally spoken for or "appropriated." Increased demands from population growth, declining groundwater levels, and impacts from climate change are adding to the challenge of finding new water supplies in WRIA 54, especially during the summer months.

Adjudication to determine the validity, extent, and priority of existing water rights may occur when there is significant conflict between water right holders. Chamokane Creek has undergone a federally-administered adjudication. In general, most of the water in an adjudicated basin has been appropriated and new appropriations are not available.

Climate and geology

The annual precipitation in the Lower Spokane Watershed ranges from 10 inches per year in the area where it joins the Columbia River to 20 inches in the higher elevations. Most of the precipitation arrives during the winter months, when water demands are the lowest. During the summer, the snowpack is gone, there is Lower rain, and naturally low stream flows are dependent on groundwater inflow. Only a fraction of this precipitation becomes available for human and economic uses. This means that water is least available when water demands are the highest.

The availability of groundwater from bedrock in this WRIA is very limited by climate and geology. Groundwater withdrawals also directly affect flows in the river.

Potential new supplies

The Office of Columbia River (OCR) is aggressively pursuing new water supply opportunities throughout the Columbia Basin. Water for new appropriations may be possible from the Lake Roosevelt project. You can find more information on the OCR website.

Summary

Increasing demands for water over time, from ongoing population growth, agriculture, and other consumptive uses as well as associated land use practices, have resulted in lower streamflows and declining groundwater levels in some areas. These decreases have impacted important resources for fisheries and general stream health. The impacts of climate change in WRIA 54 are also yet to be fully realized. However, it is apparent that water availability is limited throughout the Lower Spokane Watershed.



Options for Acquiring Water

Permit-exempt options

State law, RCW 90.44.050, exempts the following groundwater uses from the water right permitting process:

- Single or group domestic uses, not exceeding 5,000 gallons per day (gpd).
- Irrigation of up to a half-acre of non-commercial lawn or garden.
- Industrial purposes (such as water for a store, restaurant, or small industrial facility, or irrigation of a small commercial farm), not exceeding 5,000 gpd.
- Stockwater to provide drinking water for stock animals. Other stock-related purposes (such as washdown of a milking parlor or irrigation for growing hay for stock animals) may require a water right permit.

A project proposal is also limited to the use of one exemption for each type of use, so a housing subdivision, for example, cannot use a series of wells to exceed the 5,000 gpd limit or the half-acre of non-commercial lawn and garden. The entire subdivision, collectively, cannot exceed either limitation.

Although these uses are exempt from the permitting process, they are not exempt from the requirements in WAC 173-557 for groundwater withdrawals from the SVRP Aquifer:

- Connection to a municipal water supplier must be made, if available in a timely and reasonable manner.
- Consumptive water use must be interrupted when streamflows fall below the protected instream flow levels unless the impacts to flows are fully mitigated by an Ecology-approved mitigation plan.

Mitigation may be available from Ecology's SVRP Aquifer Bank *free of charge*. Mitigation from the bank is not available for water uses larger than allowed under the permit exemption, or for stockwater uses greater than 5,000 gpd. For more information on this option, see Ecology Publication 15-11-011, *Focus on Permit-Exempt Well Use in the Spokane Valley-Rathdrum Prairie Aquifer*.

There is no exemption from permitting for surface water diversions.

Permit options

If your project cannot access water from an existing water purveyor and doesn't qualify for use of a permit-exempt well, you will need to:

- Apply for and receive a new water right, or
- Buy an existing water right and change or transfer it to the new use.



Ecology asks anyone who needs a water right (new, change, or transfer) to submit the pre-application consultation form and meet with us to review your water supply needs and project proposal. See the *Resources* section for links to forms and other information.

New water right

Attempting to acquire new water rights within areas regulated with instream flows will likely be a very difficult and expensive process. It requires the hiring of qualified professionals and submitting a comprehensive mitigation and monitoring plan. This does not guarantee approval of a water right. Mitigation can be any action or group of actions that address, in-time and in-place, the impact of the water withdrawal or diversion on instream flows or other senior water rights.

Projects proposing non-consumptive uses of water may be approvable in areas with instream flow regulations.

Change or transfer of an existing water right

It can be easier to buy an existing water right and change the purpose and/or place of use. Changing either of these aspects of a water right can be challenging if the change creates a new or different impact on a stream. It is important that the water right be in good standing by regular use over its lifetime.

Processing options

The wait for your water right application to be processed can be years. Options to speed up the process:

- Submit your new or change water right application through the [Cost Reimbursement Program](#).
- Process your change application through the Water Conservancy Board for Lincoln, Spokane, or Stevens County.

For more information on these and other options, refer to [Alternatives for Water Right Application Processing](#).

You can discuss all of your options to supply water to your project at your pre-application consultation with Ecology. To schedule, submit the [pre-application consultation form](#).

Mitigation refers to measures taken to prevent any impact on streamflow during the period that water is not available, by either:

- Halting the diversion or withdrawal, or
- Replacing the water taken—in time and in-place.

A common form of mitigation is to retire an existing water right upstream from the new use.

Resources

Contact Information

Ecology Eastern Region Office
4601 N Monroe
Spokane, WA 99205-1295
Phone: 509-329-3400

More Information

Visit our website for the most current information.
ecology.wa.gov/Water-Shorelines/Water-supply

Publications and forms are searchable in the
online database.
ecology.wa.gov/publications



Forms

- [Water Right Pre-Application Consultation form](https://apps.ecology.wa.gov/publications/summarypages/ecy070440.html), Form ECY 070-440
<https://apps.ecology.wa.gov/publications/summarypages/ecy070440.html>
- [Application for a New Water Right](https://apps.ecology.wa.gov/publications/summarypages/ecy040114.html), Form ECY 040-114
<https://apps.ecology.wa.gov/publications/summarypages/ecy040114.html>
- [Application to Change or Transfer a Water Right or Claim](https://apps.ecology.wa.gov/publications/summarypages/ecy040197.html), Form ECY 040-197
<https://apps.ecology.wa.gov/publications/summarypages/ecy040197.html>

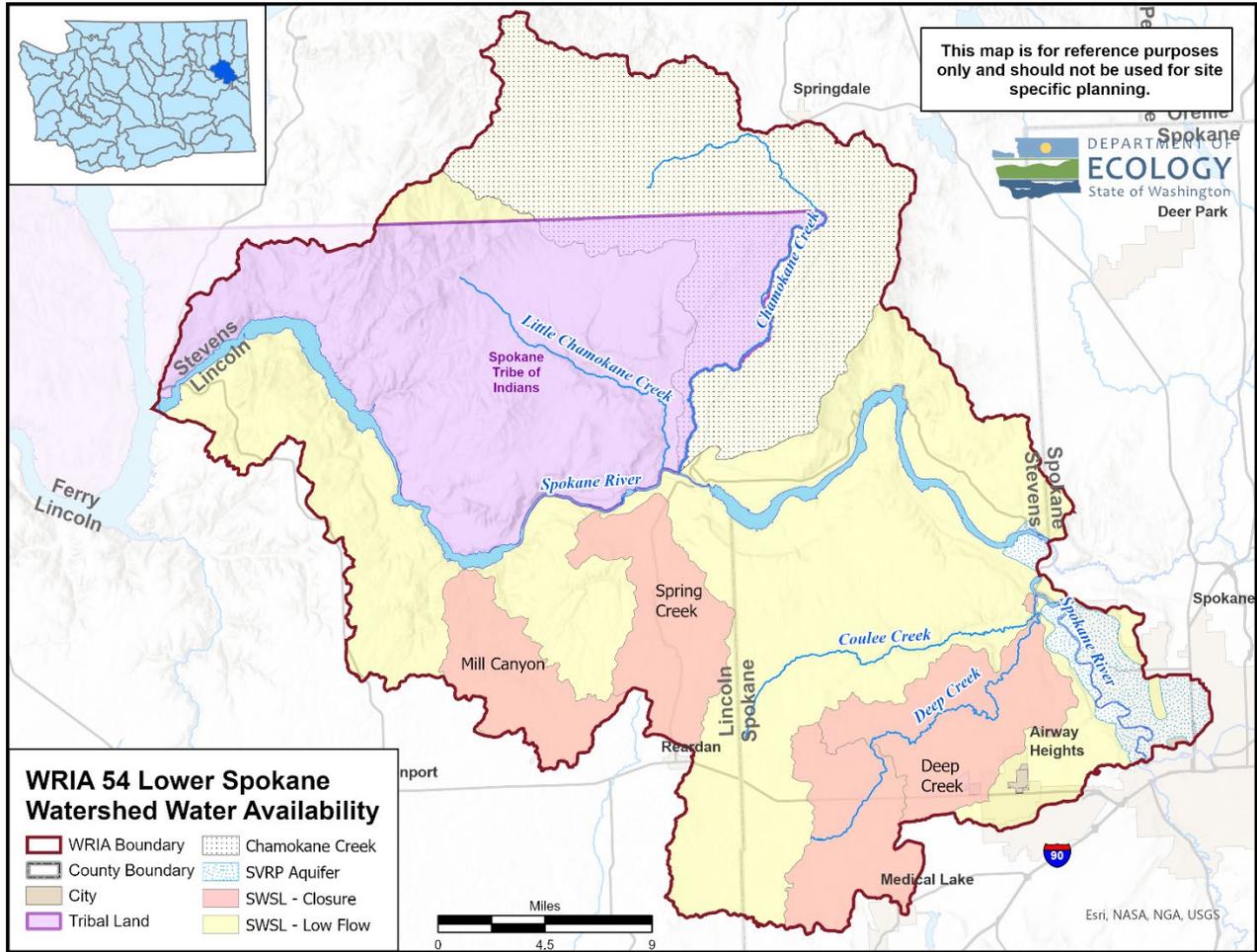
Publications

- [Focus on: Permit-Exempt Wells in the Spokane Valley-Rathdrum Prairie Aquifer](https://apps.ecology.wa.gov/publications/SummaryPages/1511011.html),
Publication 15-11-011
<https://apps.ecology.wa.gov/publications/SummaryPages/1511011.html>
- [Cost Reimbursement Program](https://apps.ecology.wa.gov/publications/SummaryPages/2211022.html), Publication 22-11-022
<https://apps.ecology.wa.gov/publications/SummaryPages/2211022.html>
- [Alternatives for Water Right Application Processing](https://apps.ecology.wa.gov/publications/summarypages/1111067.html), Publication 11-11-067
<https://apps.ecology.wa.gov/publications/summarypages/1111067.html>
- Focus on: [The Groundwater Permit Exemption](https://apps.ecology.wa.gov/publications/SummaryPages/1911090.html), Publication 19-11-090
<https://apps.ecology.wa.gov/publications/SummaryPages/1911090.html>

Website – ecology.wa.gov

- Visit the [water rights permits page](https://ecology.wa.gov/WaterRightPermits) for more information and helpful links.
<https://ecology.wa.gov/WaterRightPermits>
- Use [Water Rights Search](https://ecology.wa.gov/WaterRightsSearch) to locate and research water rights on land parcels anywhere in the state. <https://ecology.wa.gov/WaterRightsSearch>
- Learn more about the work being done by our [Office of the Columbia River](https://ecology.wa.gov/OCR).
<https://ecology.wa.gov/OCR>

Map



ADA accommodations

The Department of Ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188.

To request an ADA accommodation, contact Ecology by phone at 360-407-6872, or visit <https://ecology.wa.gov/accessibility>. For Relay Service or TTY call 711 or 877-833-6341.