

WRIA 5 Stillaguamish Watershed Water Availability



Overview

- Introduction to WRIA 5
- 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 5

The Stillaguamish Watershed or Water Resource Inventory Area (WRIA) 5 is defined as the area that drains to the mouth of the Stillaguamish River, including its North and South forks. It includes parts of Arlington and Granite Falls, in the northwest portion of Snohomish County and also includes the south central portion of Skagit County. The Stillaguamish Watershed includes various tributary streams such as Deer, Pilchuck, Boulder, and Canyon 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 a system’s service area.
- Using a permit-exempt well if you meet the limits under state law.
- 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 water resources of the state, including issuing the right to use water as well as protecting the 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 Regulations

- [RCW 90.03](#): Washington Water Code
- [RCW 90.44](#): Regulation of Public Groundwaters
- [RCW 90.54](#): Water Resources Act of 1971
- [RCW 90.94](#): Streamflow Restoration
- [RCW 77.57](#): Fishways, Flow, and Screening
- [WAC 173-505](#): The Instream Flow Rule for WRIA 5

Water Availability Factors

Due to Washington's varied land uses, terrain, and precipitation levels, water availability for new water rights varies dramatically across the state. In the Stillaguamish Watershed, key factors affecting water availability include:

- Instream flow rule
- Existing water rights, including unquantified Tribal rights
- Seawater intrusion
- Precipitation

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 5 has an instream flow rule, adopted in 2005, to preserve the uses and values of individual rivers and streams.

The instream flow rule:

- Protects the 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.
- Creates year-round or seasonal closures for some streams, protecting existing flows from new appropriations.
- Reserves water for future stockwatering and domestic use.
- Sets maximum allocation limits for future interruptible seasonal water rights.

Existing water uses

Water rights have been issued in the Stillaguamish Watershed for over 100 years, and as a result, most water in the watershed is already legally spoken for or "appropriated."

Tribal reservation and interests

The Stillaguamish Tribe of Indians and the Tulalip Tribes have reservation lands within WRIA 5. The Tribes are concerned with maintaining healthy flows and fish habitat in the entire Stillaguamish Watershed.

By request, Ecology notifies the Tribes of all new water right applications and water right decisions. While Ecology's decisions on water rights applications are based solely on governing statutes and regulations, all Tribal concerns are thoroughly considered and examined during the investigative process.

Precipitation

Average precipitation ranges from 30-35 inches per year in the western coastal areas to over 150 inches in the mountains. Most precipitation arrives during the winter months, creating high flows in streams, recharging groundwater aquifers, and generating snowpack in the mountains. The snowpack melts away each spring/summer, and from July to October, when there is little rain, streamflows are low and dependent on groundwater inflow. All of this means that groundwater and surface water are often least available in the summer when water demands are the highest.

Coastal areas of Puget Sound

Some very limited areas within WRIA 5 may be close enough to Puget Sound that groundwater is available without impacting regulated surface water bodies, though this must be demonstrated.

The movement of saltwater into freshwater aquifers, known as seawater intrusion, is a concern for coastal areas of Puget Sound. Any groundwater withdrawals located in the coastal areas are evaluated for the risk of seawater intrusion into existing fresh groundwater supplies.

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 5 are also yet to be fully realized. However, it is apparent that water availability is limited throughout the Stillaguamish Watershed.



Options for Acquiring Water

Permit-exempt options

State law, RCW 90.44.050, exempts certain groundwater uses from the water right permitting process. Chapter 173-505 WAC limits use of the groundwater permit exemption that could impact protected instream flows or closed surface water bodies. However the rule created reserves for certain new uses:

- Single and group indoor domestic use, when connection to a municipal water supplier is not available.
- Associated irrigation of up to 1/12 acre of lawn and garden for each residence, with no more than ½ acre total for a group domestic use.
- Stockwatering.

A project proposal is 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.

There is no exemption 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
- Acquire an existing water right and apply for **and receive** a change or transfer for the new use, new point of withdrawal/diversion, and/or new place of 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 forms and other information.

New water right

Attempting to acquire new water rights within areas regulated with either instream flows or closures will be a very difficult and expensive process. It requires hiring 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 both closed areas and areas with instream flow regulations.

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.

Change or transfer an existing water right

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

Processing options

The wait for your water right application to be processed can be years. To speed up the process, you can submit your new or change water right application through the [Cost Reimbursement Program](#). For more information on this and other options, refer to [Alternatives for Water Right Application Processing](#).

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

Resources

Contact Information

Ecology Northwest Regional Office
Mail address: PO Box 330316
Shoreline WA 98133-9716

Physical address: 15700 Dayton Ave N
Shoreline, WA
206-594-0000

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

- [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 the [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>

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.

Map

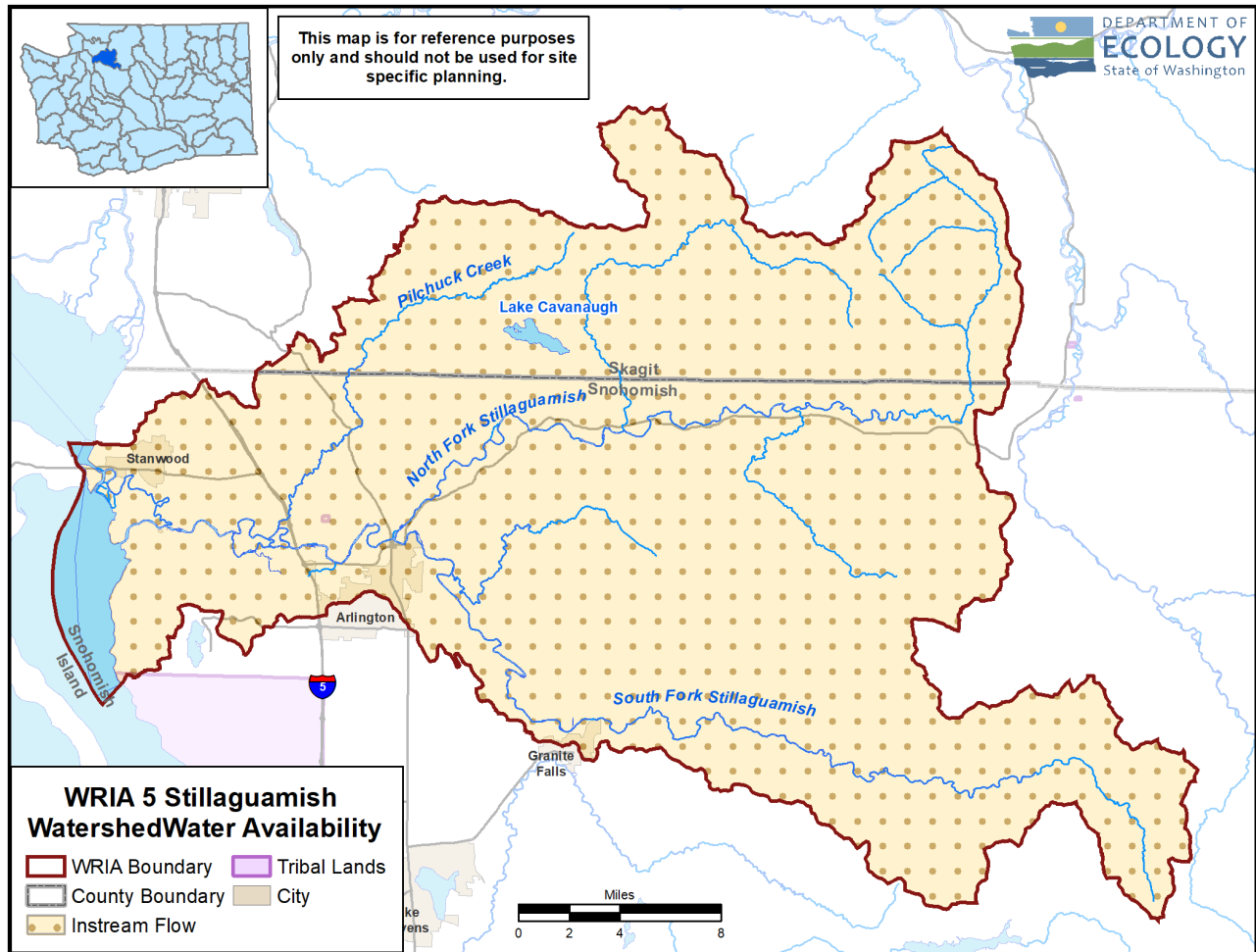


Figure 1 The Stillaguamish watershed