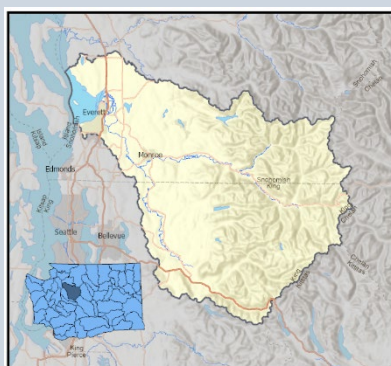


WRIA 7 Snohomish Watershed Water Availability



Overview

- Introduction to WRIA 7
- 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 7

The Snohomish Watershed or Water Resource Inventory Area (WRIA) 7 is defined as the area that drains to the Snohomish River. It covers portions of northeastern portion of King County and south central portion of Snohomish County and includes North Bend, Monroe, Marysville and Everett and its adjacent suburban areas.

The Snohomish River's major tributaries are the Snoqualmie and Skykomish rivers. The watershed includes various other tributaries such as the three forks of the Snoqualmie as well as the Pilchuck, Sultan, Raging, and Tolt rivers.

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.
- Purchasing an existing water right and transferring it to the new use.
- Applying for a new water right, which may require 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 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 173-507](#): The Instream Flow Rule for WRIA 7

Water Availability Factors

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

- Instream flows, stream closures, and surface water source limitations
- Tribal interests
- Precipitation
- Seawater intrusion

Existing water rights

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

Instream resources protection program

WRIA 7 has an instream resources protection program (WAC 173-507 – also known as an instream flow rule) adopted in 1979 to protect senior water rights, maintain a healthy ecosystem, and to meet future water management objects. Such rules are required by state law (RCW 90.54)

The instream flow rule:

- Sets instream flows, which are like water rights for the stream, protecting minimum flow levels from future new permitted water rights.
- Creates year-round or seasonal closures for other streams, protecting existing flows from new appropriations.

The Instream Flow Rule for WRIA 7 applies only above the extent of tidal influence in the Snohomish River, beginning just downstream of the City of Monroe.

Instream flows

As flows in WRIA 7 often fall below the minimum during the summer, Ecology cannot approve uninterruptible consumptive surface water rights. Interruptible surface water rights, expecting to be unusable most of the summer, may be approvable but will require a mitigation/management plan prepared by a licensed consultant. Groundwater permits within the watershed of a stream with instream flows are much more difficult to acquire due to the complex interrelationship between surface water and groundwater.

Closures

A closure means that no water is available for new water rights. Historically, Department of Fish and Wildlife recommendations are often the basis for closures. In areas with streams regulated by closure, a proposed water right project must demonstrate that the water use will not take any water from the stream during the closure period. The following streams, and groundwater connected to them, are closed year-round to new consumptive water rights.

- Griffin Creek
- Harris Creek
- Little Pilchuck Creek
- May Creek
- Patterson Creek
- Quilceda Creek
- Raging River
- Bodell Creek (tributary to Pilchuck River)

Source limitations

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.

Tribal reservation and interests

The Tulalip Indian Reservation lands are within WRIA 7. Federally Reserved Rights for the Tulalip Tribes are currently unquantified, and thus the legal availability of water in these areas is undetermined. The Snoqualmie Tribe also has treaty rights within the watershed. The Tulalip Tribes and Snoqualmie Tribe are generally concerned with maintaining healthy flows and fish habitat in the entire Snohomish Watershed. By request, Ecology notifies both tribes of all new water right applications and decisions. While Ecology's decisions on water right applications are based solely on governing statutes and regulations, all tribal concerns are thoroughly examined and considered during the investigative process.

Seawater intrusion

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

Precipitation

Average precipitation ranges from 30-35 inches per year in the western coastal areas to over 180 inches in some parts of the mountains. Most of the 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 during the late summer, when there tends to be little rain, streamflows are low and dependent on groundwater inflow. This means that groundwater and surface water are often least available in the summer when water demands are the highest.

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



Options for Acquiring Water

Permit-exempt options

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

- Single or group domestic uses, not exceeding 5,000 gallons per day (gpd), although in some areas, including WRIA 7, there are other restrictions (see [Domestic uses](#), later in this section).
- 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. For example, a housing subdivision 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 from permitting for surface water diversions.



Domestic uses

RCW 90.94 allows for new permit-exempt domestic groundwater uses throughout the watershed regardless of the instream flows and closures. If your project will rely on a well drilled before January 19, 2018, you are regulated solely under RCW 90.44.050, and the requirements under RCW 90.94 do not apply.

The following describes additional requirements set forth by RCW 90.94.030 for single and group domestic uses that will rely on a well drilled on or after January 19, 2018.

If you are building a new home that will rely on a new¹ permit-exempt well:

- Your *combined* indoor and outdoor domestic water use is limited to 950 gpd as a maximum annual average, not to exceed 5,000 gpd on any given day.² For example, you could withdraw 3,000

¹ Drilled on or after January 19, 2018.

² Single and group domestic use in this watershed is regulated by both RCW 90.44.050 and 90.94.030.

gallons on one summer day, so long as you do not do so enough that your average exceeds 950 gpd in a year.

- Your outdoor personal lawn and garden remain limited to an area no greater than one-half acre. (Note that your outdoor water use for your lawn and garden is included in the 950 gpd annual average limit.)
- If there is a drought emergency declaration for the watershed, your water use can be restricted to 350 gpd for indoor uses only, with the exception of any water needed to maintain a fire control buffer.



If you are building more than one home reliant on a new³ permit-exempt well:

The withdrawal limit for each home is “per connection”, meaning that for subdivisions, each home is limited to the 950 gpd maximum annual average limit and the 350 gpd indoor use only during a declared drought emergency.⁴ However, the entire subdivision is limited to the 5,000 gpd limit and ½-acre personal lawn and garden in total across all the homes in the subdivision.⁵

Table 1. Permit-exempt domestic use for an individual home or group use.

Criteria	Well drilled on or after Jan. 19, 2018	Well drilled before Jan. 19, 2018
Water limitation per day	5,000 gpd*	5,000 gpd
Annual average daily use limit per home	950 gpd	-
Total irrigation allowed	½ acre	½ acre
Read the fine print	RCW 90.94.030 RCW 90.44.050	RCW 90.44.050

*During a state drought declaration for the area, water use may be limited to 350 gpd.

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.

³ Drilled on or after January 19, 2018.

⁴ Established under RCW 90.94.030.

⁵ Established under RCW 90.44.050.



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 either instream flows or closures 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 both closed areas and areas with instream flow regulations.

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. Changing 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. An option to speed up the process:

- 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](#).

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 Northwest Region Office
Mailing address: PO Box 330316
Shoreline WA 98133-9716

Physical address: 15700 Dayton Ave N
Shoreline, WA
Phone: 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

