

WRIA 11 Nisqually Watershed Water Availability



Nisqually River; Photo by Andy Powell, <https://flic.kr/p/dq4zC>

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Introduction to WRIA 11

The Nisqually Watershed or Water Resource Inventory Area (WRIA) 11 is defined as the area that drains to the Nisqually River. It is located in the Lower Puget Sound area, in southwest Pierce County, and portions of northeast Thurston County and north Lewis County.

The Nisqually River’s major tributaries are the Mashel and Little Nisqually rivers, and Ohop Creek. The watershed includes various other tributary streams such as Clear, Eaton, Horn, McAllister, Muck, Red Salmon, Thompson, Tanwax, and Yelm creeks.

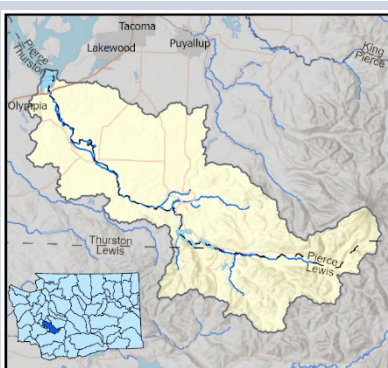
How can I get water?

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.
- Purchasing an existing water right and transferring it to the new use.
- Applying for a new water right, which may need mitigation.



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



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.

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
- [WAC 173-511](#): The Instream Flow Rule for WRIA 11

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 Nisqually Watershed, key factors affecting water availability include:

- Existing water rights.
- Instream flow rule.
- Tribal interests.
- Seawater intrusion.

Existing water rights

Water rights have been issued in the Nisqually Watershed for over 100 years. The lower Nisqually Watershed is one of the most intensely farmed basins in Western Washington, and the river is an important source of hydropower and municipal supply. As a result, most water in the watershed is already legally spoken for or “appropriated.”

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

The instream flow rule:

- Protects the river from new permitted water rights by settings 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.

RCW 90.94 allows new homes using permit-exempt groundwater to potentially impact instream flows and closures in this watershed.

Seawater intrusion

The movement of salt water into freshwater aquifers, known as seawater intrusion, is a concern for coastal areas of Puget Sound. In WRIA 11, this is particularly a problem east of Johnson Point near the Nisqually River delta.

Any groundwater withdrawals located in the coastal areas are evaluated for the risk of seawater intrusion into existing fresh groundwater supplies.

Tribal interests

The Nisqually Indian Tribe has reservation land within WRIA 11. The Tribe is also very concerned about maintaining flows and fish habitat in the watershed. Ecology submits all water right applications and associated mitigation plans to the Tribe for their review.

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 11 are also yet to be fully realized. However, it is apparent that water availability is limited throughout the Nisqually 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 11, 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.



Domestic uses

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 90.94.020 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 3,000 gpd as a maximum annual average, not to exceed 5,000 gpd on any given day.²
- 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 3,000 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 3,000 gpd maximum annual average limit.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 each home	3,000 gpd	-
Total irrigation allowed	½ acre	½ acre
Total group use limits	5,000 gpd ½ acre of irrigation	5,000 gpd ½ acre of irrigation
Read the fine print	RCW 90.94.020 RCW 90.44.050	RCW 90.44.050

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 90.94.020.

³ Drilled on or after January 19, 2018.

⁴ Established under RCW 90.94.020.

⁵ Established under RCW 90.44.050.

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 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 purchase and retire an existing water right upstream from the new use.

Resources

Contact Information

Ecology Southwest Regional Office
300 Desmond Drive, Lacey, WA 98503

PO Box 47775, Olympia, WA 98504-7775
Phone: 360-407-6300

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

