

WRIA 18 Elwha-Dungeness Watershed Water Availability



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What is a watershed?

Washington has 62 major watersheds or water resource inventory areas (WRIAs), which are areas that each capture precipitation and funnel rain and snowmelt through smaller sub-basins into streams, tributaries, and rivers and typically drain to marine waters or the Columbia River.

Introduction to WRIA 18

The Elwha-Dungeness Watershed or water resource inventory area (WRIA) 18 is defined as the area that drains to the Elwha and Dungeness rivers, but also includes eight creeks that are tributary to the Strait of Juan de Fuca: Bagley, Bell, Cassalery, Ennis, Gierin, Matriotti, McDonald, and Siebert creeks. It is located in Western Washington, covering most of the eastern half of Clallam County, and a portion of northern Jefferson County.

The Elwha River's major tributaries include the Hayes, Lillian, Little, and Lost Rivers. The Dungeness River's major tributaries include the Grey Wolf River and Canyon Creek.

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 RCW 90.44.050.
- 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.

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
- [WAC 173-518](#): The Instream Flow Rule for eastern WRIA 18 (Dungeness portion).

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 Elwha-Dungeness Watershed, key factors affecting water availability include:

- Existing water rights, including unquantified Tribal rights.
- Tribal interests.
- Threatened fish populations.
- Instream flow rule.
- Precipitation.

Existing water rights

Water rights have been issued in the Elwha-Dungeness Watershed for over 100 years. Irrigation and farming became well established over a century ago on the broad plain around Sequim. The community has expanded significantly in recent decades with an influx of sun-seeking retirees. As a result, most water in the watershed is already legally spoken for or “appropriated.”

A general adjudication of surface water rights from the Dungeness River was completed in 1924. A prior adjudication is an indication that most, if not all, of the available water has already been allocated.

Tribal interests

The Jamestown S’Klallam Tribe has unquantified tribal reservation rights within the WRIA. The Jamestown S’Klallam and Lower Elwha Klallam Indian Tribes are also concerned about maintaining streamflows and fish habitat in the watershed. Applications for new water rights and mitigation plans are routinely sent to the Tribes for their review.

ESA-listed fish

Both the Elwha and Dungeness rivers are significant salmon-bearing rivers, with multiple fish species listed as threatened under the federal Endangered Species Act (ESA). Chinook salmon migrate upriver to spawn in August and September, and low flows at that time can create physical barriers and reduce spawning area. Steelhead, which are found in several smaller Elwha-Dungeness area streams. Adequate streamflow levels are a critical part of river health, water quality, and fish habitat.

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 18 has an instream flow rule (WAC 173-518), 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 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.

The rule requires the impact of all new water uses on area streams to be mitigated. A water bank, called the Dungeness Water Exchange, simplifies the process for new single-domestic water users to obtain “mitigation certificates” to compensate for their proposed use. You can also propose your own mitigation plan.

Please note: The Elwha River basin is **not** included in the rule area, and water uses established before the rule took effect on January 2, 2013 in the Dungeness basin are **not** subject to the rule. To see whether your well is located in the rule coverage area, see the map on the last page.

Precipitation

Although there is a common perception that it rains a lot in western Washington, this is not true in all parts. The Dungeness River basin lies in the rain shadow of the Olympic Mountains and receives much less rain than most of the Puget Sound region. To the west, the Elwha River basin is also affected by rain shadow effects, but to a much lesser extent.

Annual precipitation ranges from 15 inches in the Sequim area or 30-40 inches around Port Angeles, to more than 120 inches at the headwaters in the Olympic Mountains. The Dungeness and Elwha rivers are fed by melting snowpack in spring and early summer, but later summer and fall flows rely on water moving from groundwater to surface water (from aquifers to streams). Most small streams are fed by winter rains and snow, relying on groundwater inflow during other seasons.

Seawater intrusion

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, 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 18 are also yet to be fully realized. However, it is apparent that water availability is limited throughout the Elwha-Dungeness Watershed.



Options for Acquiring Water

Permit-exempt options

The eastern portion of the watershed is regulated under WAC 173-518. (See map on page 8.) In this area:

- The permit-exemption under RCW 90.44.050 is not available where the prospective water use can access a public water supply system.
- The mitigation requirements set up in WAC 173-518 apply to permit-exempt uses first used after **January 2, 2013** within the rule area.
- You must install a water meter to measure and report your water use.

Outside of the Dungeness basin, RCW 90.44.050 exempts the following uses from the water right permitting process in the rest of the watershed:

- Single or group domestic uses, not exceeding 5,000 gallons per day (gpd).
- Irrigation of up to one-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.
- Stock-watering purposes. Although there is no withdrawal limit on providing water for stock drinking, 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 of each type, so a housing subdivision, for example, cannot use a series of wells to exceed the 5,000 gpd limit or the one-half acre of non-commercial lawn and garden. The entire subdivision, collectively, cannot exceed either limitation.

Mitigation requirements

The information below applies to those permit-exempt groundwater uses also regulated under WAC 173-518. (See map on page 8.) Mitigation may be done through a one-time payment to the Dungeness Water Exchange or through an independent mitigation plan proposed by a group or individual and approved by Ecology.

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.

[Dungeness Water Exchange](#)

Mitigation options offered by the Dungeness Water Exchange may vary by subbasin. Current options for most areas include:

Package Description	Average use	Cost per Household
Indoor Mitigation (with minimal incidental outdoor use only)	150 gpd*	\$5,250
Basic Outdoor Mitigation (April 15 – September 15) 2,500 square feet (approx. 50x50 ft)	210 gpd	\$5,250
Stockwater Mitigation (Up to 15 animals**)	180 gpd	\$5,250

*150 gpd is the annual average used by households across the Dungeness basin.

** Stockwater mitigation is needed for ungulates only (cows, sheep, pigs, horses, llamas, donkeys, etc.).

This does not apply to poultry such as chicken and ducks, or pets such as dogs and cats.

The Dungeness Water Exchange does not offer mitigation packages for industrial use.

[Other mitigation option](#)

You may withdraw up to 5,000 gpd for an industrial use or up to the full limit for another statutory purpose, but you must mitigate for the impact of your water use on nearby streams. You should discuss mitigation options with Ecology.

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 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. Visit 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 likely be a very difficult and expensive process. It will require the hiring of qualified professionals and submitting a comprehensive mitigation and monitoring plan, which will not guarantee approval of a water right. Mitigation can be any action or group of actions that offset 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 of an existing water right](#)

It can be easier to buy an existing water right and change the purpose and/or place of use. 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](#).

Resources

Contact Information

Ecology Southwest Region Office
300 Desmond Drive SE, 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>

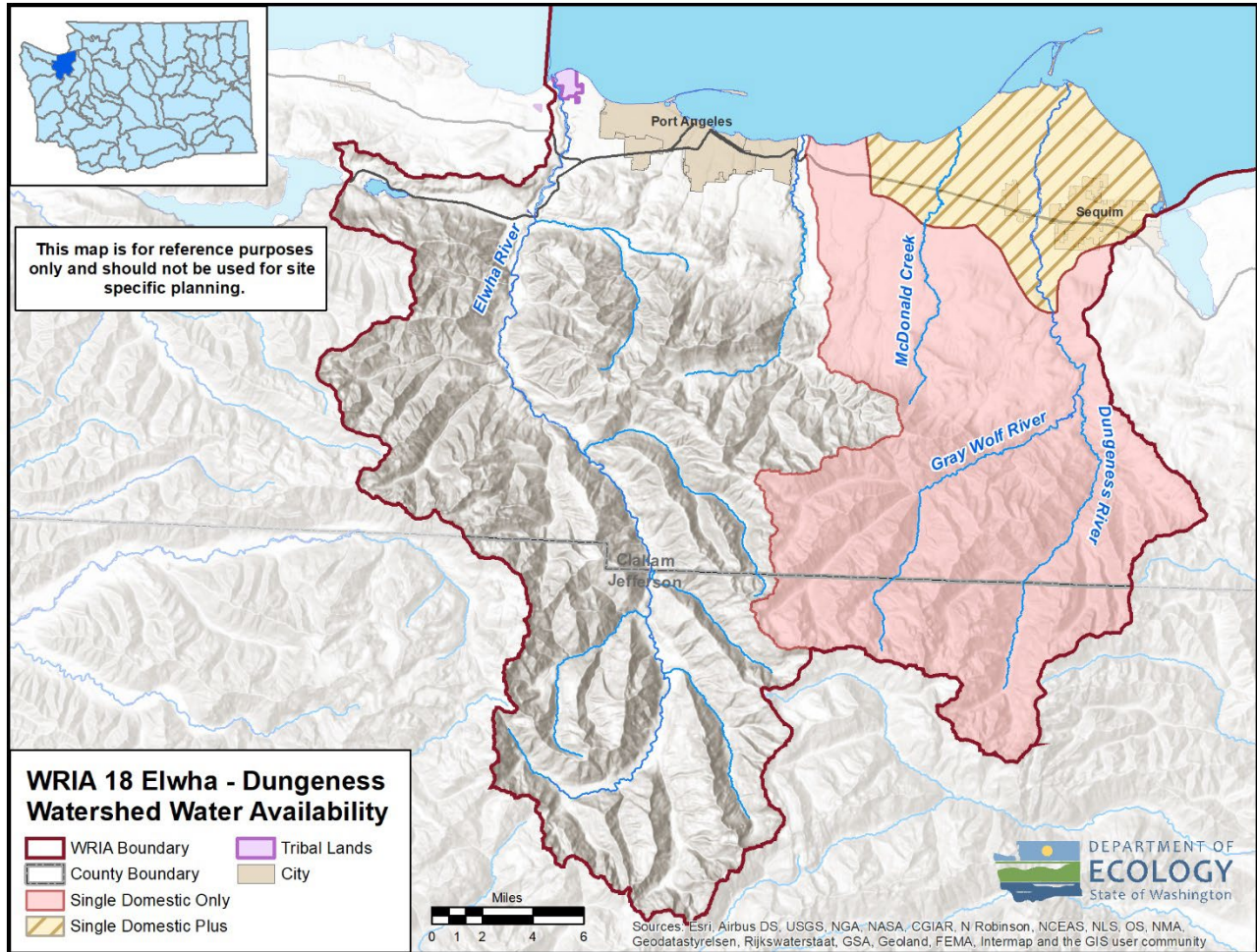
Publications

- [Changes to Water Use in the Dungeness Watershed](https://apps.ecology.wa.gov/publications/SummaryPages/1211025.html), Publication 12-11-025
<https://apps.ecology.wa.gov/publications/SummaryPages/1211025.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>

Websites

- [Clallam County – Dungeness water rule](https://www.clallamcountywa.gov/908/Dungeness-Water-Rule): <https://www.clallamcountywa.gov/908/Dungeness-Water-Rule>
- [Dungeness Water Exchange](https://www.dungenesswaterexchange.org/): <https://www.dungenesswaterexchange.org/>
- [Department of Ecology – Dungeness water management](https://ecology.wa.gov/Water-Shorelines/Water-supply/Protecting-stream-flows/Instream-flow-implementation/Dungeness-water-management): <https://ecology.wa.gov/Water-Shorelines/Water-supply/Protecting-stream-flows/Instream-flow-implementation/Dungeness-water-management>
- 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>

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.