

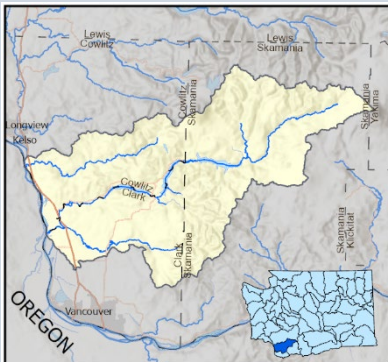
WRIA 27 Lewis Watershed Water Availability



Moulton Falls Park at Lewis River; Photo by Jeff Hollett, <https://flic.kr/p/W4pmTN>

Overview

- Introduction to WRIA 27
- Water Availability Factors
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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 27

The Lewis Watershed or Water Resource Inventory Area (WRIA) 27 is defined as the area that drains to the Lewis River. It is located in southwest Washington, in south Cowlitz County, north Clark County, and a portion of Skamania County.

The Lewis River’s major tributaries are the East Fork, Muddy River, and Canyon Creek. The Kalama River and associated tributaries are also part of this watershed. The watershed includes various other tributary streams such as Cedar, Copper, Fly, Siouxon, and Swift 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.

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
- [WAC 173-527](#): The Instream Flow Rule for WRIA 27

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 Lewis Watershed, key factors affecting water availability include:

- Instream flow rule.
- Existing water rights.

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 27 has an instream flow rule (WAC 173-527), adopted to preserve the uses and values of individual rivers and streams.

The instream flow rule:

- Protects the river and tributaries 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 are established in subbasins for future domestic uses. To access these reserves for new appropriations, applicants must meet the mitigation requirements of the WRIA 27 established guidelines.

Existing water rights

Water rights have been issued in the Lewis Watershed for over 100 years. The watershed is heavily farmed and Pacificorp has senior water rights to maintain reservoir levels in Lake Merwin and Yale Lake. As a result, much of the water in the Lewis Watershed is already legally spoken for or “appropriated.”

Tribal interests

The Cowlitz Tribe has reservation lands located in WRIA 27. The Tribe may have unquantified Federal Reserved Water Rights for the Tribe and Reservation, so availability of water within the watershed is undetermined.

Precipitation

Annual precipitation in the Lewis Watershed ranges from 40 inches to over 150 inches per year. Most of this precipitation arrives during the winter months when overall water demands are the lowest. During the summer, snowpack is gone, there is little rain, and naturally low streamflows are dependent on groundwater inflow. This means that groundwater and surface water are least available 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 27 are also yet to be fully realized. However, it is apparent that water availability is limited throughout the Lewis 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).
- 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.

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

All land west of Interstate 5, north of the east Fork of the Lewis River, and east of the Lewis River mainstem, and all lands west of Interstate 5, north of the Lewis River mainstem, and within the Lower Lewis subbasin are considered part of a “regional groundwater supply area” (per WAC 173-527-090) and is considered to be a location where water is potentially available on a year-round basis.

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 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. 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 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 Southwest Regional Office
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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://fortress.wa.gov/ecy/publications/summarypages/ecy070440.html), Form ECY 070-440
<https://fortress.wa.gov/ecy/publications/summarypages/ecy070440.html>
- [Application for a New Water Right](https://fortress.wa.gov/ecy/publications/summarypages/ecy040114.html), Form ECY 040-114
<https://fortress.wa.gov/ecy/publications/summarypages/ecy040114.html>
- [Application to Change or Transfer a Water Right or Claim](https://fortress.wa.gov/ecy/publications/summarypages/ecy040197.html), Form ECY 040-197
<https://fortress.wa.gov/ecy/publications/summarypages/ecy040197.html>

Publications

- [Cost Reimbursement Program](https://fortress.wa.gov/ecy/publications/SummaryPages/0511016.html), Publication 05-11-016
<https://fortress.wa.gov/ecy/publications/SummaryPages/0511016.html>
- [Alternatives for Water Right Application Processing](https://fortress.wa.gov/ecy/publications/SummaryPages/1111067.html), Publication 11-11-067
<https://fortress.wa.gov/ecy/publications/SummaryPages/1111067.html>
- [Focus on: The Groundwater Permit Exemption](https://fortress.wa.gov/ecy/publications/SummaryPages/1911090.html), Publication 19-11-090
<https://fortress.wa.gov/ecy/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://apps.wr.ecology.wa.gov/WaterRightsSearch) to locate and research water rights on land parcels anywhere in the state.
<https://apps.wr.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

