

WRIA 48 Methow Watershed Water Availability



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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 48

The Methow Watershed or Water Resource Inventory Area (WRIA) 48 is defined as the area that drains to the Methow River, but also includes a portion of the upper basin that drains to the Okanogan River through Canada. It is located in north-central Washington, in the western portion of Okanogan County.

The Methow River's major tributaries are the Chewuch and Twisp rivers, and Early Winters Creek. The watershed includes various other tributary streams such as Alder, Bear, Beaver, Benson, Black Canyon, Cow, French, Libby, Gold, McFarland, Squaw, Texas, Thompson, and Wolf 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 and requirements under the water management rule for the Methow River Basin ("instream flow rule").
- Purchasing an existing water right and transferring it to the new place of 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 Department of Ecology (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 173-548](#): The Instream Flow Rule for WRIA 48

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 Methow Watershed, key factors affecting water availability include:

- Precipitation.
- Existing water rights.
- Instream flow rule.
- Reclamation withdrawal.

Refer to the map at the end of the document.



Precipitation

Many areas of central Washington are arid, receiving less than 20 inches of rain annually. Most of this precipitation arrives during the winter months when water demands are the lowest. In the Methow Watershed, precipitation ranges between eight in valley bottoms and 180 annual inches at highest mountains.

During the summer, the snowpack may be gone with little rain, and naturally low streamflows are dependent on groundwater inflow. At the same time the demand for water for human uses, including irrigation are a maximum. This means that ground and surface water are least available when water demands are the highest.

Existing water rights

Water rights have been issued in the Methow Watershed for over 100 years, and 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 48 has an instream flow rule (WAC 173-548), 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.

- Reserves water for future uses.
- Restricts use under the permit exemption established in [RCW 90.44.050](#) for smaller groundwater withdrawals.

Reclamation withdrawal

In 2004, the U.S. Bureau of Reclamation filed notice with the Department of Ecology that the United States intends to make examinations and surveys for the use of the un-appropriated waters of the Columbia River and its tributaries above Priest Rapids Dam, pursuant to RCW 90.40.030. The withdrawal of these waters from future appropriations is currently in effect until December 23, 2023.

At the most recent renewal of the withdrawal, Reclamation released 48,880 acre-feet per year of water, from which Washington State can issue water rights. Ecology is processing new water use applications, both surface water and groundwater, in select locations in the numerous watersheds impacted by the withdrawal, but the release is insufficient to meet the total demand. The withdrawal may be extended, and Ecology expects Reclamation to request an extension before the withdrawal expires.

Potential new supplies

The Office of Columbia River (OCR) is pursuing new water supply opportunities throughout the Columbia Basin. Water for new appropriations may be possible from the Lake Roosevelt or Sullivan Lake projects in limited areas. You can find more information at the [OCR website](#).¹

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



Options for Acquiring Water

Single domestic and stockwatering reserves

[WAC 173-548-030](#)² reserved 2 cubic feet per second (cfs) for new single domestic or stockwatering uses of groundwater or surface water in each of four reaches of the Methow River and in its three largest tributaries.

¹ <https://ecology.wa.gov/OCR>

² <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-548-030>

Permit-exempt options

State law, [RCW 90.44.050](https://app.leg.wa.gov/RCW/default.aspx?cite=90.44.050),³ 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.

Presently, under a decision issued by the Okanogan County Superior Court, water is not available from the reserve for single domestic use under WAC 173-548-030 to provide permit-exempt groundwater supply for new subdivisions. Under certain circumstances, water may be available from the reserve for single domestic use to provide water for a home on a parcel in an already-approved subdivisions. See *Okanogan County v. Department of Ecology*, Okanogan County Superior Court No. 21-2-00039-24 (Amended Order on Cross Motions for Summary Judgment *After* Reconsideration, Nov. 5, 2021).

Use of the groundwater permit-exemption may not be available in all areas of the watershed. For more information, contact the Water Resources Program at the address or phone number on the *Resources* page.

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 place of use. This option could be subject to limitations. Having a pre-application consultation will help identify the feasibility of your application.



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.

³ <https://app.leg.wa.gov/RCW/default.aspx?cite=90.44.050>

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 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. Options to speed up the process:

- Submit your new or change water right application through the [Cost Reimbursement Program](#).⁴ Due to staffing limits, we may not be able to accept your application into the Cost Reimbursement Program. We strongly recommend first requesting a pre-application consultation..
- Process your change application through the Okanogan Water Conservancy Board.

For more information on these and other options, refer to [Alternatives for Water Right Application Processing](#).⁵

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](#).⁶

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

⁴ <https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights/Cost-reimbursement>

⁵ <https://apps.ecology.wa.gov/publications/summarypages/1111067.html>

⁶ <https://apps.ecology.wa.gov/publications/summarypages/ecy070440.html>

Resources

Contact Information

Ecology Central Regional Office
1250 West Alder Street
Union Gap, WA 98903-0009
Phone: 509-575-2490

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://appswr.ecology.wa.gov/WaterRightsSearch) to locate and research water rights on land parcels anywhere in the state. <https://appswr.ecology.wa.gov/WaterRightsSearch>
- Learn more about the work being done by our [Office of the Columbia River](https://ecology.wa.gov/OCR).
<https://ecology.wa.gov/OCR>

ADA accommodations

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

