

WRIA 49 Okanogan Watershed Water Availability



Okanogan River

Overview

- Introduction to WRIA 49
- Water Availability Factors
- Options for Acquiring Water
- Resources
- Map

Introduction to WRIA 49

The Okanogan Watershed or Water Resource Inventory Area (WRIA) 49 is defined as the area with Washington that drains to the Okanogan River, but also includes Swamp Creek and seasonal streams that flow directly to the Columbia River. It is located in northeastern Washington, covering a large portion of Okanogan County.

The Okanogan River’s major tributaries are Osoyoos Lake and the Similkameen River. The watershed includes various other tributary streams such as Antoine, Bonaparte, Chewiliken, Siwash, Tonasket, and Tunk 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 *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 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
- [WAC 173-549](#): The Instream Flow Rule for WRIA 49

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 Okanogan Watershed, key factors affecting water availability include:

- Precipitation.
- Instream flow rule.
- Reclamation withdrawal.
- Existing water rights, including unquantified Tribal rights.
- Tribal interests

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. During the summer, the snowpack is gone, there is little rain, and naturally low stream flows are dependent on groundwater inflow. At the same time the demand for water for human uses, including irrigation are at the yearly maximum. This means that groundwater and surface water are least available when water demands are the highest.

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 49 has an instream flow rule (WAC 173-549), 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.

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

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 50,000 acre-feet per year of water. Ecology is processing new applications for 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.

Existing water rights

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

Numerous adjudications have taken place in the basin. Prior adjudications are an indication that most, if not all, of the available water has already been allocated. Adjudicated tributary subbasins include:

- Bonaparte Creek and Lake
- Chiliwist Creek
- Duck Lake Groundwater Area
- Johnson Creek
- Lower Antoine Creek
- North Fork of Salmon Creek
- Similkameen River
- Sinlahekin Creek
- Whitestone Lake

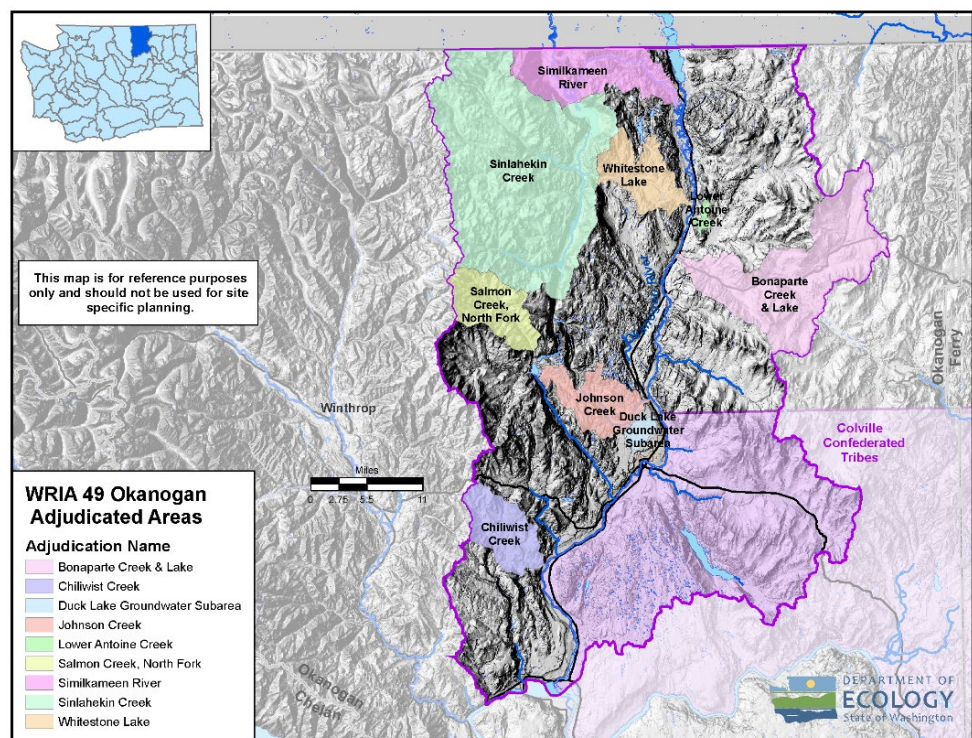


Figure 1 WRIA 49 adjudicated areas.

Potential new supplies

Charged with the aggressive pursuit of new water supplies for the Columbia River Basin, Ecology’s Office of Columbia River (OCR) implements a range of water development projects and programs that provide secure and reliable water supplies. Water for new appropriations may be possible from the

Lake Roosevelt or Sullivan Lake projects. For up to date information on available water supplies developed through OCR, refer to [Eastern Washington water projects](#).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 49 are also yet to be fully realized. However, it is apparent that water availability is limited throughout the Okanogan Watershed.



Options for Acquiring Water

Permit-exempt options

State law, RCW 90.44.050, exempts the following groundwater 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 49, 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, 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.

There is no exemption from permitting for surface water diversions.



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 new requirements under RCW 90.94 do not apply. The following describes additional requirements for single and group domestic uses that will rely on a well drilled after January 19, 2018:

If you are building a new home that will rely on a new² permit-exempt well:

- Your **combined** indoor and outdoor domestic water use is limited to 3000 gpd as a maximum annual average, not to exceed 5,000 gpd on any given day. For example, you could withdraw 4,000

¹ <https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-supply-projects-EW>

² Drilled after January 19, 2018.

gallons on one summer day, so long as you do not do so enough that your average exceeds 3,000 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 3,000 gpd annual average limit.)



If you are building more than one home reliant on a new permit-exempt well: Your group domestic water use is also regulated by both RCW 90.44.050 and 90.94.020.

The limit under RCW 90.94.020 is per connection, meaning that for subdivisions, each house is limited to the 3,000 gpd maximum annual average limit and the 350 gpd indoor use only during a declared drought emergency. However, the entire subdivision is limited to the 5,000 gpd limit established under RCW 90.44.050.

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 |

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 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.

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.

Change or transfer 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. Please consider consulting with your regional Ecology staff prior to purchasing an existing right to discuss any potential risks.

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](#).
- Process your change application through the Okanogan County Water Conservancy Board.

For more information on these 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](#).

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

Search for publications or forms 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>
- Learn more about the work being done by our [Office of Columbia River](https://ecology.wa.gov/OCR).
<https://ecology.wa.gov/OCR>

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

