

Preparing for Adjudication

Focus sheet

About Adjudication

Over the past 50 years, increasing demand for water and habitat needs have put significant pressure on the Nooksack and Upper Columbia area water resources, leading to disputes and uncertainty about who has the right to use water.

In 2019, the Legislature directed the Department of Ecology to assess areas of the state for adjudication. An adjudication is the legal path to resolve water conflict in Washington law.

Adjudication works by drawing all water users in a designated area into a court process that will determine everyone's water right and priority to the water.

Ecology identified the most urgent watersheds as the Nooksack area (WRIA 1) and Lake Roosevelt and its Middle Tributaries (WRIA 58). Adjudication will provide water users in these areas, including Indian tribes, clarity and certainty of water rights. The Legislature specified that the Nooksack adjudication cannot be filed prior to June 1, 2023.

Preparing for Adjudication

Ecology's Water Resources Program has a lot of work to do over the next two years leading up to the adjudications. The Legislature provided \$1 million in funding for pre-adjudication work for the 2021-2023 biennium. That funding supports Ecology's efforts, which include:

- Mapping – Ecology will be working over the next year to map the exact boundaries of the areas to be adjudicated.
- Identifying water users – Finding those with legal water rights and others who the adjudication may affect.
- Outreach – Letting concerned parties know what to expect once the adjudication process starts in 2023.
- Developing data systems – keeping track of all the data on water right claims, water users, maps, and other needs.
- Preparing work with local superior courts and the Attorney General's Office.

Local efforts

The budget for adjudication includes an additional \$250,000 for a collaborative water right negotiation in WRIA 1. Whatcom County is leading that effort. Ecology will take part in the process as needed, but will also proceed with preparing for adjudication. If an agreement is reached between all parties, the court can later incorporate this agreement into the adjudication.

Related Information

For more on adjudications, visit ecology.wa.gov/WaterRightAdjudications.



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