

Upper Yakima Watershed, WRIA 39

This focus sheet provides information on the availability of water for new uses in the Upper Yakima Watershed. This information provides a starting point for potential water users in determining the best strategies for securing water for a future project or proposal in this area.

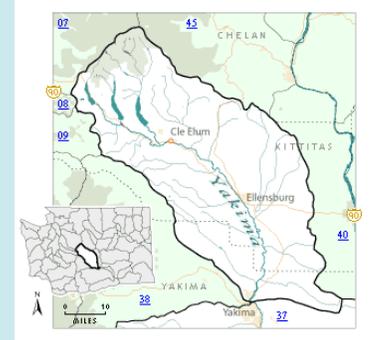
Many areas of central Washington are arid, receiving less than 20 inches of rain annually. Most of this precipitation arrives during the winter months when water demands are the lowest. During the summer, the snowpack is gone, there is little rain, and naturally low stream flows are dependent on groundwater 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.

The Yakima basin has the most intensive development and use of water in the state of Washington. The basin consists of three Water Resource Inventory areas, the Lower Yakima (WRIA 37), Naches (WRIA 38) and Upper Yakima (WRIA 39). Much of the naturally available summer flow in the Yakima basin was spoken for more than a century ago. Increased demands from population growth, declining groundwater levels, endangered fish species and impacts from climate change are adding to the challenge of finding new water supplies in WRIA 39, especially during the summer months.

Other factors affecting water availability

Adjudication: Surface waters in the Yakima Basin are currently under adjudication and are not available for new uses. Adjudications are typically an indication that most if not all of the available water has already been allocated to existing uses. Adjudication is intended to review all claimed water rights and to rule on their validity, quantification, and priority.

The Yakima adjudication has affirmed very early priority date water rights held by the Yakama Nation for both on-reservation irrigation uses and on- and off-reservation instream flows. Several thousand state-issued water rights have also been confirmed. This means that large amounts of water have final confirmation by the courts as “already in use,” making it tougher to secure water for new projects unless the use is mitigated (offset).



Definitions

Adjudication: a legal process conducted through a superior court to determine the extent and validity of existing water rights.

Instream flow: A specific stream flow level (measured in cubic feet per second, cfs) at a specific location on a given stream. Instream flow is a range, usually changing month-to-month, instead of a single number.

Priority date: The effective date of a water right.

WRIA: Water Resources Inventory Area; also known as a watershed or river basin. For environmental administration and planning purposes, Washington is divided up into 62 major watersheds, or WRIsAs.

For more information

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For more information on the Yakima adjudication: www.ecy.wa.gov/programs/wr/rights/adjhome.html

Federally-managed water: When the U.S. Bureau of Reclamation developed a water project to expand the available supply of water, water rights were issued for the project with priority dates of May 10, 1905. Irrigation districts are the primary recipients and distributors of this federally developed water. Drought conditions periodically require the regulation of junior surface water right in the basin, and those with priority dates after May 10, 1905 may be shut off until drought conditions end.

Need for mitigation: The Department of Ecology (Ecology) has not issued any new surface water rights for several years, unless they are fully mitigated by retiring an equivalent amount of suitable water rights. Permits for groundwater use have also been on hold for several years, pending results of studies conducted by the United States Geological Survey (USGS).

Groundwater / USGS study: Reports issued to date by the USGS conclude that existing groundwater pumping and consumption, most of it under rights established after 1905, reduces flows in the Yakima River and tributaries by up to 200 cubic feet per second at the mouth of the Yakima River. These findings suggest that further groundwater development should be approached cautiously and perhaps be subject to mitigation requirements to avoid the possibility of regulation to protect senior surface water rights. (See next page for more information on groundwater permit-exempt uses. For further information on the USGS study, see: www.ecy.wa.gov/programs/wr/hc/yrb-gws.html.)

Efforts underway to increase water availability and water acquisition

Water supply development efforts are underway through the Yakima Basin Integrated Water Resource Management Plan. For more information: www.ecy.wa.gov/programs/wr/cwp/cr_yak_storage.html

Water acquisition options include the use of water banking. It is an institutional tool, used to facilitate the legal transfer and market exchange of various types of surface, groundwater, and storage entitlements. Water banks can provide senior water rights for use in mitigating the impacts on the water source from a new use. Refer to www.ecy.wa.gov/programs/wr/market/waterbank.html for more information.

Additional water options for new uses

In addition to the standard water right application process, there are other options for finding a water supply for new uses. These include ways to more quickly process new or change applications. The options include:

- Connecting to an established water supplier with valid rights. This is the fastest and simplest option.
- Processing a change application through the Benton County, Klickitat County, or Yakima County water conservancy boards.
- Processing an application through the Cost Reimbursement Program. Mitigation to offset the impacts to surface waters will likely be required. Refer to Ecology publication www.ecy.wa.gov/pubs/0511016.pdf.

For more information on these and other options, refer to “Alternatives for Water Right Application Processing” www.ecy.wa.gov/pubs/1111067.pdf.

Groundwater permit exemption

The groundwater permit exemption allows certain users of small quantities of groundwater (most commonly, single residential well owners) to construct wells and develop their water supplies without obtaining a water right permit from Ecology. However, water rights developed through the permit exemption are not exempt from the water right seniority system and could be regulated during future drought periods. For more information about the groundwater permit exemption, refer to http://www.ecy.wa.gov/programs/wr/comp_enforce/gwpe.html.

Note: [WAC 173-539A](#), Upper Kittitas Groundwater Rule, limits new permit-exempt groundwater uses under [RCW 90.44.50](#) for domestic, stockwater, small agriculture, and small industrial supply needs. For more information, see www.ecy.wa.gov/programs/wr/cro/kittitas_wp.html.

Researching and applying for a water right in this watershed

Washington water law is based on the prior appropriation system, often called “first in time, first in right.” The “priority date” is the effective date of a water right. It determines a water right holder’s access to water. In times of shortage, older (more senior) water right holders have their water needs satisfied first. Applications for water from the same source must be processed in the order they are received.

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.

- Apply for a New Water Right
<http://www.ecy.wa.gov/programs/wr/rights/newrights.html>
- Apply to Change or Transfer a Water Right or Claim
http://www.ecy.wa.gov/programs/wr/rights/change_transfer_use.html

The map in this document shows some of the factors that will be considered when evaluating water right permit applications. Here are some information sources to assist you with your research:

- Locate and research water rights on land parcels anywhere in the state (Water Resource Explorer)
<http://www.ecy.wa.gov/programs/wr/info/webmap.html>
- Pending water right applications by county
<http://www.ecy.wa.gov/programs/wr/rights/tracking-apps.html>
- Subscribe to a water right application RSS feed for a county or WRIA
http://www.ecy.wa.gov/programs/wr/rights/wr_app_rss.html
- WRIA map showing the total number of water right claims, certificates, permits and applications
<http://www.ecy.wa.gov/programs/wr/rights/Images/pdf/waterright-wria-maps.pdf>
- Search and view well reports statewide
<https://fortress.wa.gov/ecy/waterresources/map/WCLSWebMap/default.aspx>

If you need this document in a version for the visually impaired, call the Water Resources Program at 360-407-6872. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Upper Yakima River Basin (WRIA 39) Water Availability Factors

