

# Okanogan Watershed, WRIA 49

This focus sheet provides information on the availability of water for new uses in the Okanogan 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.

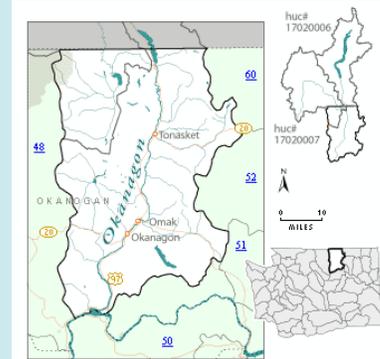
Many areas of central Washington are arid, receiving less than 20 inches of rain annually. Most of this precipitation arrives during the winter months when water demands are the lowest. During the summer, the snowpack is gone, there is little rain, and naturally low stream flows are dependent on groundwater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

Much of the water in the Okanogan Watershed has already been spoken for. Increased demands from population growth, endangered fish species and impacts from climate change add to the challenge of finding new water supplies in Water Resource Inventory Area 49, especially during the summer months.

## Factors affecting water availability

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 utilization of the unappropriated waters of the Columbia River and its tributaries above Priest Rapids Dam, pursuant to Section 90.40.030 of the Revised Code of Washington. The withdrawal of these waters from future appropriations is currently in effect until December 23, 2014, with an exemption for a limited quantity of water.

Ecology cannot process any applications filed after December 28, 2004 for new rights to surface water or connected groundwater unless the applicant obtains a release from the Bureau of Reclamation or until the withdrawal has expired. The withdrawal may be extended, and Ecology expects BOR to request an extension before the withdrawal expires.



## Definitions

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

**Instream flows:** Flow levels adopted into rule that create a water right for the stream to protect fish, wildlife, stock watering, recreational uses, and other instream uses and values.

**WRIAs:** 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 WRIAs. WRIAs were defined by Chapter 173-500 WAC in 1976.

A water resource management program for the basin, Chapter 173-549 WAC, was developed in 1976. The program:

- Sets instream flows (referred to as “base flows”) throughout the basin. ([See WAC 173-549-020](#)).
  - Seasonally closes all perennial streams in the basin, except those with instream flows, to new water uses from May 1 to October 1.
  - Contains specific closures related to lakes within the basin.
  - Makes groundwater hydraulically connected to surface waters subject to the same conditions as the affected surface waters.

Applications for surface water withdrawals from the mainstem Columbia River are subject to the Instream Resource Protection Program for the Columbia River, as well as proposed groundwater withdrawals determined to have a significant and direct impact on the Columbia River. (See <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-563> for more information.)

The Colville Tribal Reservation covers a portion of the southern end of the basin. The legal availability of water in these areas is undetermined as the related Federally Reserved Rights have not been quantified.

The Okanogan County Commissioners approved the Okanogan Basin Watershed Plan in 2010. (The plan is available at [www.ecy.wa.gov/programs/eap/wrias/Planning/49.html](http://www.ecy.wa.gov/programs/eap/wrias/Planning/49.html).) The Planning Unit, led by local governments and landowners, worked cooperatively with stakeholders groups, and state and federal agencies to develop local solutions to protect senior water rights, maintain basin ecosystems, and to meet water resource management objectives. Ecology encourages you to consult the Watershed Plan for additional information regarding water availability and efforts under way to increase the water supply in the basin.

Numerous adjudications have also taken place in the basin. Prior adjudications in an area are an indication that most if not all of the available water has already been allocated. Adjudicated areas 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

### **Water supply available for new uses**

Surface water and groundwater availability for new uses is very limited throughout the basin, particularly in light of the Bureau of Reclamation’s withdrawal. WAC 173-549, referenced above, means new surface water appropriations, and ground water in significant hydraulic continuity with rivers and stream, are subject to conditions that make a new permit very unreliable. Eighty- two irrigation rights based on permits issued after adoption of WAC 173-549 are curtailed at some time during most years when the adopted flows are not met. An active compliance program for minimum flow conditioned permits was instituted in the 1980s.

The Office of Columbia River (OCR) is aggressively pursuing water supply development opportunities throughout the Columbia Basin. You may find further information on these efforts on the OCR Web page at [www.ecy.wa.gov/programs/eap/wrias/Planning/49.html](http://www.ecy.wa.gov/programs/eap/wrias/Planning/49.html).

Some projects are being studied in WRIA 49 that could make water available in the future. Additionally, OCR has developed supplies on the Columbia River mainstem that may satisfy surface water and adjacent groundwater applications in WRIA 49 (e.g. Lake Roosevelt Incremental Storage Release Project and Sullivan Lake Water Supply Project).

The 1980 Columbia River Rule, [WAC 173-563-020](#), requires a consultation process for any new surface water application (or groundwater application that would have significant and direct impacts on the Columbia River). The purpose of the consultation process is to inform Ecology whether “the use of such waters will be, if deemed necessary, subjected to instream flow protection or mitigation conditions determined on a case-by-case basis through the evaluation conducted with the agencies and tribes”. The OCR projects described above are using this consultation process to develop mitigation projects that allow Ecology to issue new water right permits. New applications in the consultation process not covered by OCR mitigation would likely require independent mitigation to address fishery impacts.

Additional options for finding a water supply include:

- Connecting to an established water supplier. This is the fastest and simplest option.
- Processing a change application for an existing, pre-1976 water right through the Okanogan County Water Conservancy Board.
- Processing a new application through the Cost Reimbursement Program. [www.ecy.wa.gov/pubs/0511016.pdf](http://www.ecy.wa.gov/pubs/0511016.pdf). The applicant will likely need to develop a mitigation strategy to offset any impacts their water use would have on existing water rights and adopted instream flow water rights.
- Prospective water users within the Colville Reservation should contact the Water Code Administrator for the Confederated Tribes of the Colville Reservation. <http://www.colvilletribes.com/contact.php>

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

## **Pending water right applications in this watershed**

Washington water law is based on the “prior appropriation” system, often called “first in time, first in right.” 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](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](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\\_opt.pdf](http://www.ecy.wa.gov/programs/wr/rights/Images/pdf/waterright_wria_opt.pdf)
- Search and view well reports using a variety of search tools  
<http://apps.ecy.wa.gov/welllog/>

### **Further Information**

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