

# Lower Spokane Watershed, WRIA 54

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

*February 2015 update: The Dept. of Ecology adopted an instream flow rule to protect the Spokane River, effective Feb. 27, 2015 ([WAC 173-557](#)). The rule applies to the main stem of the Spokane River from the Idaho border to Lake Spokane. The rule area includes a small portion of WRIA 54. For more information about the rule and rule-making process, look [here](#).*

The Lower Spokane Watershed (also referred to as Water Resources Inventory Area, WRIA 54) is located in eastern Washington. It includes a portion of the Spokane River, and its numerous tributary creeks and streams, that lie between the point where it joins with the Columbia River and the City of Spokane. The Spokane River originates in the mountains of Idaho.

The annual precipitation in the Lower Spokane Watershed ranges from 10 inches per year near to where it joins with the Columbia River, to 20 inches in the higher elevations north of the river. Only a fraction of this precipitation becomes groundwater available for human and economic uses. Most of the precipitation arrives during the winter months, when water use is lowest. During the summer, the snowpack is gone, there is little rain, and naturally low stream flows are dependent on groundwater. This means that groundwater and surface water are at their lowest when water demands are at their highest.

Much of the water in the Lower Spokane Watershed has already been spoken for (appropriated). Increased demands from population growth, declining groundwater levels, and impacts from climate change are adding to the challenge of finding new water supplies in WRIA 54, especially during the summer months.

## Factors affecting water availability

In 2004, the U.S. Bureau of Reclamation (BOR) filed notice with the Department of Ecology (Ecology) that the U. S. intends to study the possible use of unappropriated waters of the Columbia River and its tributaries above Priest Rapids Dam (see RCW 90.40.030). The withdrawal of these waters from future appropriations is in effect until December 23, 2017, to allow for continued investigation of the Yakima River Basin Integrated Water Resources Management Plan.



## Definitions

**Appropriation (of water):** The process of legally acquiring the right to use specific amounts of the public water resource for beneficial uses. Water rights (appropriations) are the right to use water, not own the water, and have specific conditions attached.

**Consumptive use:** A use of water that diminishes the amount or quality of water in the water source.

**Instream flows:** Flow levels adopted into an administrative rule that create a water right to protect fish, wildlife, stock watering, recreational uses, and other instream uses and values. Instream flows are a regulatory threshold, and do not require any specific flow to be maintained in the river.

**Mitigation plan:** A scientifically-sound plan to offset the impacts of a proposed new water use.

**Surface water source limitation (SWSL):** A recommendation from the Department of Fish and Wildlife that specific flows be protected to maintain fish populations from impairment by new uses. See RCW 77.57.020

*If you need this document in a format 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.*

All new applications for surface water and groundwater connected to surface water within WRIA 54 cannot be processed until a release from the BOR is obtained, or the withdrawal has expired.

### **Adjudication**

An adjudication is a legal process conducted through a superior court to determine the extent and validity of existing water rights. Chamokane Creek is a federally-administered adjudication within WRIA 54. In general, most of the water in adjudicated basins has been appropriated and new appropriations are not available.

In the 2009-2011 biennium, Ecology received funding and legislative support to research and map water rights in the Spokane watersheds in preparation for an adjudication. However, no further funding has been provided by the Legislature to continue preparations or to conduct the adjudication.

### **Groundwater**

In general, physical availability of groundwater from bedrock in this watershed is very limited by climate and geology. In many areas groundwater levels are in decline or the existing groundwater is not adequate to supply the increasing demand. Therefore, little if any water is available for new consumptive appropriations.

### **Surface water**

There is very little surface water in WRIA 54 south of the Spokane River. WRIA 54 has administrative restrictions known as Surface Water Source Limitations (SWSL), which limits use of most water sources in the watershed. Groundwater connected to the surface sources is also subject to SWSL restrictions. Often these restrictions will require that newer water users (junior water right holders) stop using water during low flow periods. In addition, Deep, Mill Canyon, and Spring creeks are “closed” by SWSL, so they are not available for new uses.

The WRIA 54 Planning Unit completed an instream flow study of selected reaches of the Spokane River and toe-width measurements on Deep, Coulee, Spring, and Little Chamokane creeks. A stakeholder work group was formed, in collaboration with [WRIAs 55 \(Little Spokane\) and 57 \(Middle Spokane\)](#), to develop integrated instream flow recommendations for the Spokane River main stem. They agreed upon control points to manage surface water and the Spokane Valley Rathdrum Prairie Aquifer.

The Spokane Indian Reservation lands are located to the north of the Spokane River within WRIA 54. The Tribes are concerned about maintaining flows and fish habitat in the watershed.

Federally reserved rights, such as those held by the Spokane Tribe, are not quantified at this time and so the legal availability of water in these areas is undetermined.

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

The Lower Spokane Watershed is not closed to new water uses by rule. However, this watershed is considered over-appropriated, that is, all available water is legally “spoken for.” At the same time, flows on the Spokane River are declining. Therefore any new rights would be seasonal (interruptible), or the impacts of the water use would need to be fully offset through mitigation.

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 state water law or the water right seniority system and could be regulated during future drought periods. For more information about the groundwater permit exemption, refer to Ecology publication #F-WR-92-104; [www.ecy.wa.gov/pubs/fwr92104.pdf](http://www.ecy.wa.gov/pubs/fwr92104.pdf).

The Office of Columbia River (OCR) is aggressively pursuing water supply development opportunities throughout the Columbia Basin. You can find additional information at the OCR Web site at:

[www.ecy.wa.gov/programs/wr/cwp/crwmp.html](http://www.ecy.wa.gov/programs/wr/cwp/crwmp.html).

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 with the Spokane or Stevens County Water Conservancy Boards (obtain an existing water right).
- Processing an application through the Cost Reimbursement Program. Refer to Ecology publication #05-11-016; [www.ecy.wa.gov/pubs/0511016.pdf](http://www.ecy.wa.gov/pubs/0511016.pdf). You will likely need to develop a mitigation strategy to offset any impacts the water use will have on surface waters.

For more information on these and other options, refer to “Alternatives for Water Right Application Processing”, Ecology publication #11-11-067; [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. Use of water is likewise determined by the seniority system, senior (older) water right holders get their water right fulfilled before junior users.

Ecology asks anyone who needs a water right (new, change, or transfer) to submit a 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 on the last page of this document includes the WRIA boundaries and shows where SWSLs are in effect. Immediately below are other information sources to assist 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-maps.pdf>
- Search and view well reports using a variety of search tools  
<https://fortress.wa.gov/ecy/waterresources/map/WCLSWebMap/default.aspx>

## **For more information**

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