

Middle Spokane Watershed, WRIA 57

This focus sheet provides information on the availability of water for new uses in the Middle 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 and the Spokane Valley Rathdrum Prairie Aquifer from the Idaho border to Lake Spokane.

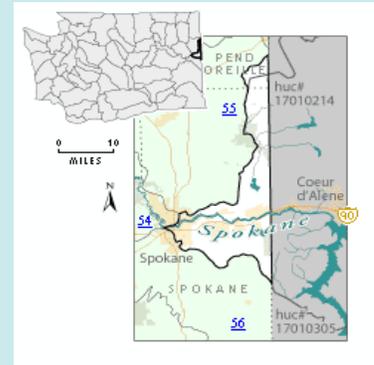
The Middle Spokane Watershed (also referred to as Water Resources Inventory Area, WRIA 57) is located in eastern Washington, along the Idaho Border. It includes a portion of the Spokane River lying between the City of Spokane and the Idaho state line. The Spokane River and some of its tributaries originate in the mountains of Idaho. Several tributaries begin in Washington, flow into Idaho and eventually rejoin the Middle Spokane Watershed.

The annual precipitation in WRIA 57 ranges from 17 inches per year in the area around the City of Spokane to 35 inches in the higher mountainous area. Most of the precipitation arrives during the winter months, when water demands are the lowest. During the summer when 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 levels when water demands are at their highest. The Spokane River has the longest continually operating stream gage in the state. The data clearly shows that river flows in the summertime have been steadily decreasing over the last one hundred years.

Much of the water in the Middle 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 pressure on low summer flows.

Factors affecting water availability

In 2004, the U.S. Bureau of Reclamation (BOR) filed notice with the Department of Ecology (Ecology) that the United States intends to



Definitions

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

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 (i.e. does not get returned to the river or to groundwater).

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

Mitigation plan: A scientifically-sound plan intended to avoid impairment to existing water rights or capturing water from a closed source.

Surface Water Source limitation (SWSL): A recommendation from the Department of Fish and Wildlife that flows be protected to maintain fish populations. See RCW 77.57.020

study the possible use of the 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.

Instream flow rule (WAC 173-557)

The instream flow rule became effective on February 27, 2015. The rule protects river flows and balances the needs of all water users by setting a regulatory threshold to determine when there is water available for new uses. The rule allows Ecology to limit future surface and groundwater withdrawals to ensure there is enough water in those rivers and streams to meet the current and future needs of people, fish and wildlife. The rule does not require a certain amount of water to be in the river, and it does not require that anyone put additional water in the river.

The WRIA 55/57 (Little and Middle Spokane) and WRIA 54 (Lower Spokane) planning units worked together (the instream flow work group) to conduct technical studies and revise instream flow recommendations for the Middle and Lower Spokane River. Additional fish studies were completed by Avista Corp., providing Ecology with adequate data to finalize its instream flow numbers and develop [WAC 173-557](#). For more information on the rule and rulemaking process, go to <http://www.ecy.wa.gov/programs/wr/rules/557-ov.html>

Adjudication

In the 2009-2011 biennium, Ecology received funding and legislative support to research and map water rights in the Spokane watersheds. Funding for additional adjudication work has not been provided by the Legislature.

Groundwater

In general, availability of groundwater from bedrock in this watershed (outside the boundaries of the Spokane Valley Rathdrum Prairie, SVRP, Aquifer) is very limited by climate and geology.

The SVRP Aquifer and the Spokane River are intimately linked. Water withdrawals from the aquifer directly affect flows in the river. The U.S. Geological Survey and the states of Washington and Idaho completed a bi-state study of the SVRP Aquifer in 2007. Water availability is generally considered limited in the SVRP Aquifer, due to impacts on the Spokane River. State and local governments are evaluating options to improve management of the water resources shared between Washington and Idaho.

Surface water

The Middle Spokane Watershed has administrative restrictions known as Surface Water Source Limitations (SWSL), which limit most water sources in the watershed. Groundwater connected to surface sources is also subject to SWSL restrictions. Often these restrictions require that new water uses stop during low flow periods. This indicates that most water has been appropriated within the watershed. In addition, Blanchard Creek and Thompson Creek are “closed” by SWSL, meaning the water body is closed to new uses.

Water supply available for new uses

The Middle Spokane Watershed is not closed to new water appropriations. However, this watershed is considered over-appropriated, that is, all available water is legally “spoken for”. And 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 mitigated.

In some situations, surface water applications for single in-house domestic use or stock watering may be approved if no alternate source of water supply is available and the proposed use will not impair existing water rights. Ecology has obtained a water right to mitigate for new exempt wells in the rule area. This mitigation water is not available outside the boundaries of the SVRP Aquifer.

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.

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: <https://fortress.wa.gov/ecy/publications/SummaryPages/1511016.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 County Water Conservancy Board (obtaining an existing water right).
- Processing an application through the Cost Reimbursement Program. Refer to Ecology publication <https://fortress.wa.gov/ecy/publications/SummaryPages/0511016.html>. 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 <https://fortress.wa.gov/ecy/publications/SummaryPages/1111067.html>

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 the junior (newer) 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

The map on the last page of this document includes the WRIA boundaries, where SWSLs are in effect, and the area affected by the instream flow rule. Immediately below are additional 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 using a variety of search tools
<https://fortress.wa.gov/ecy/waterresources/map/WCLSWebMap/default.aspx>

For more information

For information on regional watershed planning, information and rule implementation, go to <http://spokanewatersheds.org/>

To contact us directly:

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