

Update on Number of Water Right Decisions and Applications In WRIAs 11, 13, 14 and 23

**Thurston County Water Purveyors Meeting
June 12, 2015
Mike Gallagher, Water Resources Program**

What is a water right?

A water right is the legal authorization to use a certain amount of public water for a designated purpose. The water must be put to a “beneficial use”.

3 kinds of water rights:

Claim: A “claim” that water was used prior to 1917 Surface Water Law or 1945 Ground Water Law
(Can no longer can apply for a Water Right Claim)

Permit: A “permit” is permission by the state to develop a water right – but is not a final water right

Certificate: Once all the permit conditions are met, a Water Right Certificate is issued as a legal record of the water right and is recorded with the County Auditor. A water right certificate is considered a property right.

Stages of a Water Right

Stage	Purpose
Application	Establishes intent to appropriate
Permit	Authorization to develop
Proof of Appropriation	Water put to beneficial use
Certificate	Perfection of water right

Groundwater vs. Surface Water

For Groundwater:

- The withdrawal of the first 5000 gallons per day is exempt from needing a water right
- Measured in Gallons per Minute (GPM)



For Surface Water:

- **ANY** amount of diversion (withdrawal) needs a water right
- Measured in Cubic-feet per second (CFS)
- 1 CFS = 449 GPM



What does a Water Right Give You?

If the Four Part Test is met and there are no appeals, then Ecology may issue a water right permit, which specifies:

- Source of water
- How much can be used
- Purpose of use
- Place of use
- Conditions of use - (e.g., seasonal, minimum flow restrictions, metering)

And this use is at the exclusion of everyone else....



How does one obtain a Water Right?

The answer must be “yes” to all four of the following questions for each application for a water right:

1. Is the proposed use **beneficial**?
2. Is water is available, **physically** and **legally**?
3. Will existing water users will **not be impaired**?
4. Is the proposed use **not detrimental to public welfare**?

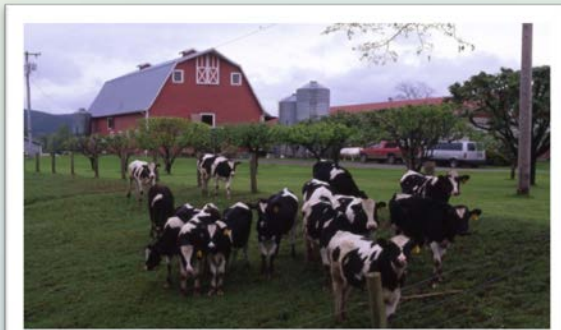


How is water used in Washington?

“beneficial uses”



Recreation



Stockwatering



Municipal



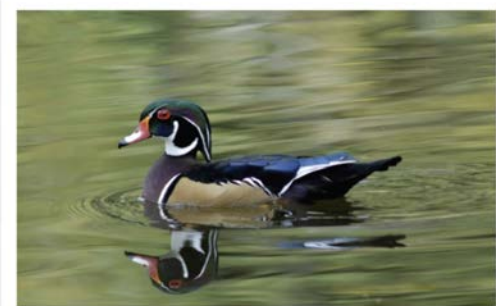
Irrigation



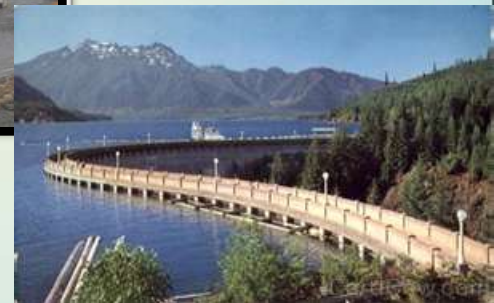
Fish Propagation



Industrial



Wildlife Propagation



Power

Can a water right be changed?

Yes.

- Many water right holders make changes to existing water rights in order to meet changing needs.
- Changes can be made to the
 - Place of use
 - Point of diversion or withdrawal
 - Additional points of diversion (s) or withdrawal(s)
 - Purpose of use (including season of use)



However there can be added complexities:

- i.e. a point of withdrawal and place of use of a ground water permit can be changed, but the purpose of use cannot be changed until the water right has been perfected (Certificate)
- See: <http://www.ecy.wa.gov/pubs/981802wr.pdf>

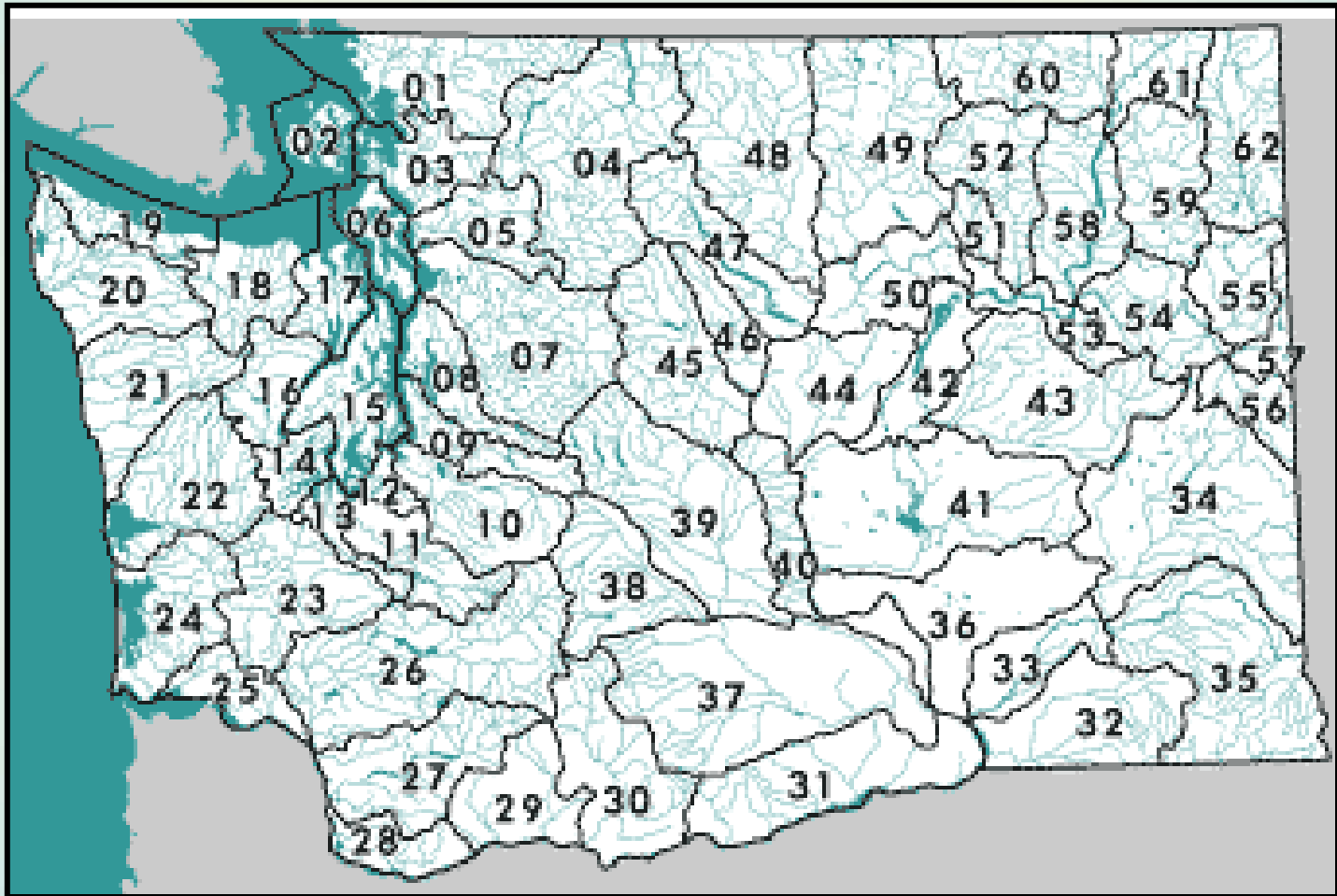
Cost Reimbursement Process can help expedite water right decisions

Cost Reimbursement –

The cost reimbursement option allows a private consultant to do the work that Ecology hydrogeologists and permit writers would ordinarily do. Presently, Ecology has eight consulting firms pre-approved to do this work. Applicants assume the full cost of processing their water right application

See: <http://www.ecy.wa.gov/pubs/0511016.pdf>

WA has 62 major “watersheds”, or WRIA’s, and each has their own “story”



How many Water Rights are there in WA?

Water Rights: 53,000

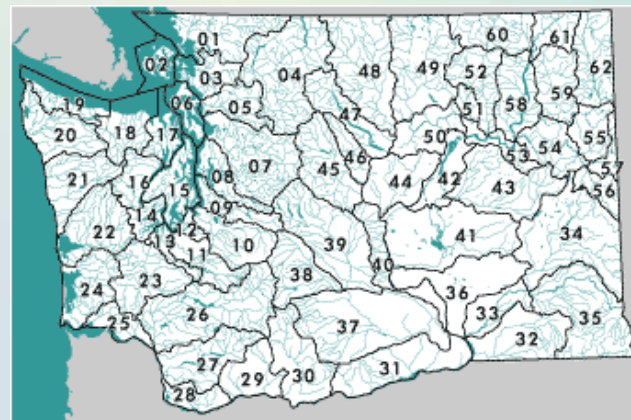
50,000 “Certificates” issued

3,000 “Permits” in development

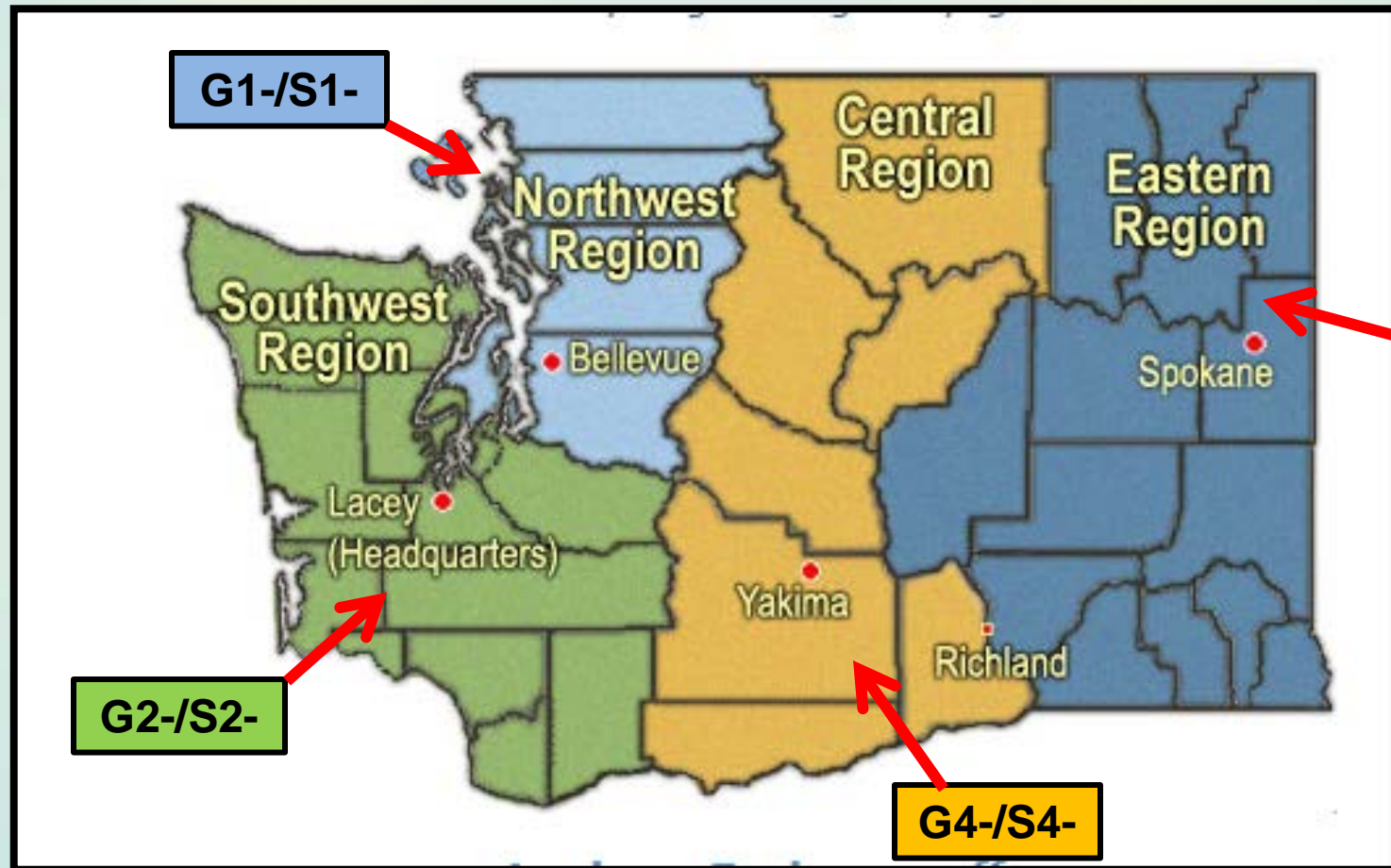
Claims: 170,000

“**Claims**” to use surface water and groundwater pre-date modern water law and are called claims – not water rights.

Permit exempt individual wells: 400,000 +



Department of Ecology Regions



Current Number of Pending Water Right Applications Statewide

Region	Change Applications June 9, 2015	Change Applications June 30, 2008	New Applications June 9, 2015	New Applications June 30, 2008
Central Region	668	631	2,194	2,196
Eastern Region	123	419	717	1,062
Northwest	122	189	1,144	1,505
Southwest	35	103	827	982
TOTAL	949	1,343	4,884	5,745



Pending Water Right Applications WRIA 11 – Nisqually Watershed

	WRIA 11 - Nisqually
New Applications	77 (20 in Thurston Co.)
Change Applications	9 (1 in Thurston Co.)
Existing Water Right Certificates	982
Existing Water Right Permits	36
Existing Water Right Claims	3,155

Number of MU Use Requests

6 [4 in Thurston Co.]

Number of DM Use Requests

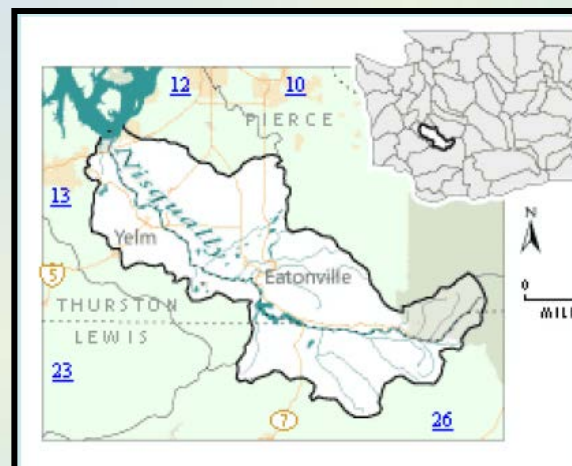
38 [9 in Thurston Co.]

Number of ▲DM Use Requests

1 [1 In Thurston Co.]

Oldest Application Date

December 9, 1991



Pending Water Right Applications WRIA 13 – Deschutes Watershed

	WRIA 13 - Deschutes
New Applications	17 (17 in Thurston Co.)
Change Applications	0
Existing Water Right Certificates	1,098
Existing Water Right Permits	78
Existing Water Right Claims	3,876

Number of MU Use Requests

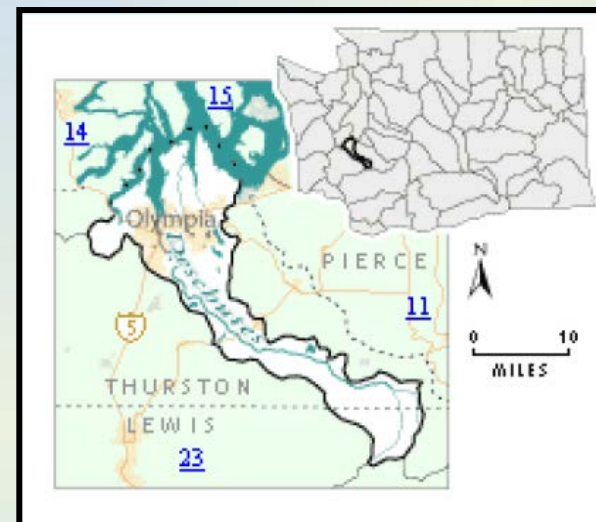
6 [6 in Thurston Co.]

Number of DM Use Requests

8 [8 in Thurston Co.]

Oldest Application Date

November 23, 1999



Pending Water Right Applications WRIA 14 – Kennedy-Goldsborough Watershed

	WRIA 14 – Kennedy Goldsborough
New Applications	38 (7 in Thurston Co.)
Change Applications	4 (0 in Thurston Co.)
Existing Water Right Certificates	1,216
Existing Water Right Permits	79
Existing Water Right Claims	3,505

Number of MU Use Requests

2 [0 in Thurston Co.]

Number of DM Use Requests

18 [1 in Thurston Co.]

Number of ▲MU Use Requests

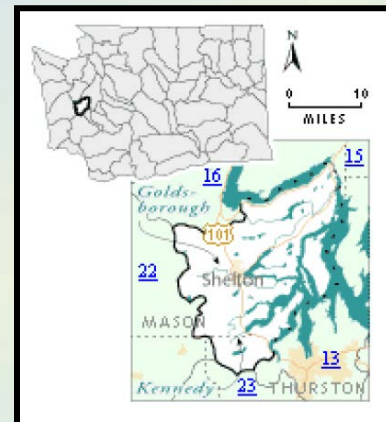
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Number of ▲DM Use Requests

1

Oldest Application Date

May 18, 1992



Pending Water Right Applications WRIA 23 – Upper Chehalis Watershed

	WRIA 23 – Upper Chehalis
New Applications	65 (36 in Thurston Co.)
Change Applications	7 (0 in Thurston Co.)
Existing Water Right Certificates	1,776
Existing Water Right Permits	49
Existing Water Right Claims	5,307

Number of **MU** Use Requests

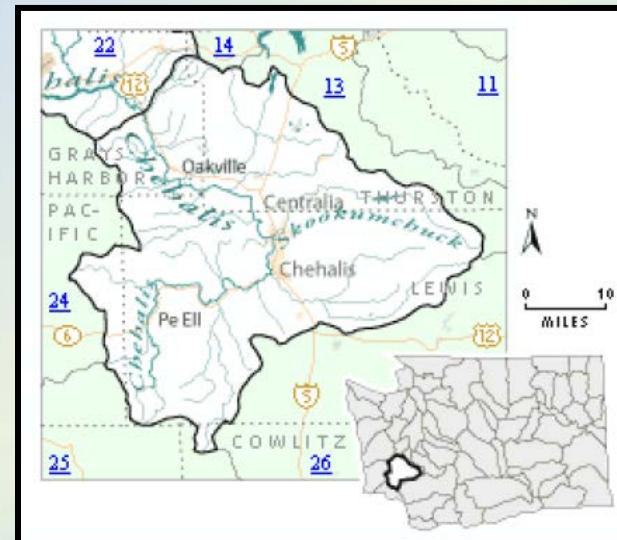
7 [1 in Thurston Co.]

Number of **DM** Use Requests

35 [25 in Thurston Co.]

Oldest Application Date

April 17, 1989



Summary of New and Change Applications in Thurston County

A total of 80 NEW Water Right Applications and 1 CHANGE Water Right Application

	WRIA 11	WRIA 13	WRIA 14	WRIA 23
New Applications	20	17	7	36
Change Applications	1	0	0	0
NEW MU (Municipal)	4	6	0	1
New DM (Multiple Domestic)	9	8	1	25
Change DM	1	0	0	0

WRIAs 11, 13, 14 and 23 Also have Instream Flow Regulations

An instream flow rule is a stream flow regime set in a state regulation. The Legislature has directed Ecology through state law to protect and preserve instream resources. One of the ways Ecology fulfills this mandate is to set instream flows in regulation (rule).

WRIAs 11, 13, 14 and 23 have “older” (pre-2000) instream flow regulations:

WAC 173-511, WAC 173-513, WAC 173-514 and WAC 173-522

Which :

- Establish Instream Flow levels of the main river and several basin tributaries
- Strongly limits additional surface water withdrawals from lakes and streams in the specific basin
- Requires groundwater withdrawals to demonstrate for no impact on streamflows and if impact, to mitigate for this impact
- Exempt wells are either partially exempt for the rule or completely exempt for the rule, depending on the rule.

Active “Municipal” (MU) Permits in Thurston County

File #	Cert #	Person	Stat	Doc	Priority Dt	Purpose	Qi	UOM	Qa	Ir Acres	WRIA	County
S2-*13460P		Olympia City	A	Pmt	6/8/1955	MU	10	CFS			11	THURSTON
G2-25636(B)		Cougar Ridge Homeowners	A	Pmt	7/2/1980	MU	180	GPM	56		13	THURSTON
G2-26816		Tumwater City	A	Pmt	10/14/1985	MU	3050	GPM	2100		13	THURSTON
G2-26813		Washington Water Service Co	A	Pmt	10/16/1985	MU	800	GPM	425		13	THURSTON
G2-28195		Tumwater City	A	Pmt	3/29/1991	MU	910	GPM	1465		13	THURSTON
G2-28527		Thurston Cnty Dept of Water & Waste	A	Pmt	6/12/1992	MU	870	GPM	521		23	THURSTON
G2-28841		Rainier City	A	Pmt	5/10/1993	MU	200	GPM	160		13	THURSTON
G2-28990		H & R Waterworks Inc	A	Pmt	1/10/1994	MU	250	GPM	70		13	THURSTON
G2-29085		Yelm City	A	Pmt	1/10/1994	MU	2100	GPM	942		11	THURSTON
G2-29165		Lacey City	A	Pmt	12/16/1994	MU	2000	GPM	2226		11	THURSTON
G2-29250		Thurston Cnty PUD 1	A	Pmt	7/27/1995	MU	125	GPM			13	THURSTON
G2-29304		Lacey City	A	Pmt	9/20/1995	MU	400	GPM	1000		11	THURSTON
G2-29414		Manke Lumber Co	A	Pmt	9/9/1996	MU	750	GPM	134		13	THURSTON
G2-29874		EDGEWATER BEACH WATER COMPAN	A	Pmt	8/20/1999	MU	125	GPM	20		14	THURSTON
G2-30249		LACEY CITY	A	Pmt	4/28/2005	MU	1000	GPM	600		13	THURSTON
G2-30248		Lacey City	A	Pmt	5/3/2005	MU	800	GPM	1066		13	THURSTON
G2-30251		Lacey City	A	Pmt	5/6/2005	MU	1000	GPM	1500		13	THURSTON
G2-30250		LACEY CITY	A	Pmt	5/6/2005	MU	800	GPM	1000		13	THURSTON
S2-30474		Pioneer Service Co	A	Pmt	6/9/2008	MU	0.067	CFS	25		14	THURSTON
G2-30617		Public Utility Dist No 1 Thurston Cnty	A	Pmt	5/30/2013	MU	510	GPM			13	THURSTON
TOTAL RECORDS:		20										

Active "Multiple Domestic" (DM) Permits in Thurston County

File #	Cert #	Person	Stat	Doc	Priority Dt	Purpose	Qi	UOM	Qa	Ir Acres	WRIA	County
G2-21993		Driftwood Valley Camp Association	A	Pmt	4/7/1974	DM	50	GPM	22.6		13	THURSTON
G2-25610		Sunwood Lakes Homeowners Associat	A	Pmt	6/3/1980	DM	400	GPM	109		13	THURSTON
G2-25612		TPUD Acquisitions LLC	A	Pmt	6/4/1980	DM	195	GPM	50		13	THURSTON
G2-25845		Washington Water Service Co	A	Pmt	3/23/1981	DM	820	GPM	660		13	THURSTON
G2-26663		Washington Water Service Co	A	Pmt	3/15/1985	DM	175	GPM	58		11	THURSTON
G2-27371		Lacey City	A	Pmt	8/13/1986	DM	800	GPM	1026		13	THURSTON
G2-27623		Washington Water Service Co	A	Pmt	8/13/1986	DM	0	GPM	55.5		14	THURSTON
G2-27514(B)		Washington Water Service Co	A	Pmt	8/13/1986	DM		GPM	19.5		13	THURSTON
G2-27015		Thurston Cnty PUD 1	A	Pmt	11/17/1986	DM	175	GPM	50		13	THURSTON
G2-27332		Loma Vista Water Co	A	Pmt	4/28/1988	IR,DM	330	GPM	215.5	91	23	THURSTON
G2-27514(A)		Washington Water Service Co	A	Pmt	3/6/1989	DM	150	GPM	18		13	THURSTON
G2-28090		H&R Waterworks	A	Pmt	3/27/1991	DM	55	GPM	4		13	THURSTON
G2-28422		Cedar Ridge Estates Water Association	A	Pmt	3/11/1992	DM	100	GPM	40		23	THURSTON
G2-28424		Cedar Ridge Estates Water Association	A	Pmt	3/11/1992	DM	200	GPM	0		23	THURSTON
G2-28425		Cedar Ridge Estates Water Association	A	Pmt	3/11/1992	DM	3	GPM	0		23	THURSTON
G2-28586		PURCELL MIKE	A	Pmt	8/11/1992	DM	29	GPM	4.5		13	THURSTON
G2-28743		Washington Water Service Co	A	Pmt	2/9/1993	DM	60	GPM	11.5		13	THURSTON
G2-28779		Washington Water Service Co	A	Pmt	3/15/1993	DM	130	GPM	43.5		13	THURSTON
G2-28847		Washington Water Service Co	A	Pmt	5/18/1993	DM	48	GPM	22		13	THURSTON
G2-28846		Washington Water Service Co	A	Pmt	5/18/1993	DM	160	GPM	80		13	THURSTON
G2-28993		Griffin School Dist 324	A	Pmt	1/27/1994	IR,DM	70	GPM	10	4	14	THURSTON
G2-29340		Steamboat Square LLC	A	Pmt	1/16/1996	DM,CI	68	GPM	25		14	THURSTON
G2-29939		Robinson Ken	A	Pmt	9/19/2000	DM	50	GPM	6.5		13	THURSTON
G2-29951		Miller Land & Timber	A	Pmt	10/10/2000	SA,DM	116	GPM	43.84		13	THURSTON
G2-29958		Bronson Country Beach Club	A	Pmt	11/6/2000	DM	150	GPM	44		13	THURSTON
G2-29960		GRIFFIN SCHOOL DISTRICT	A	Pmt	11/27/2000	IR,DM	60	GPM	25.8	14	14	THURSTON
G2-30137		Miller Land & Timber LLC	A	Pmt	8/1/2003	DM	63	GPM	10.8		13	THURSTON
G2-30183		H&R Waterworks Inc	A	Pmt	2/27/2004	DM	300	GPM	33		13	THURSTON
TOTAL RECORDS:	28											

82 Water Right Decisions Made Between January 1, 2009 to June 10, 2015 in Thurston County

Purpose of Use	Number
Municipal (MU)	10
Multiple Domestic (DM)	8
Single Domestic (DS) (all at Summit Lake)	60
Commercial - Industrial	1
Fish Propagation	2
Stock/Irrigation	1