

Skagit River Basin Water Reservations

In 2001, the Department of Ecology (Ecology) adopted an instream resources protection program for the Skagit River Basin (WAC 173-503). The rule established instream flows throughout the basin to protect flow levels in streams, as required by Washington water law. In 2006, Ecology amended the rule to reserve a limited amount of water for future out-of-stream uses.

This publication answers basic questions about the water reservations and their conditions of use.

Q: How does an instream flow affect me?

A: Under Washington law, water rights are based on the “first in time, first in right” principle. Older water rights have priority over more recent rights when there is not enough water to satisfy all rights. Water rights established after the effective date of the rule (April 14, 2001), *including permit-exempt wells*, are junior to the instream flow. This means that water users would have to stop using water if flow levels drop below the river’s instream flow.

Q: Why was the rule amended and how does it affect me?

A: Ecology amended the rule to reserve a limited amount of water for future out-of-stream uses. New water rights issued from the reservation would *not* have to be interrupted if the flow levels drop below the instream flow in the river.

Q: How is the reserved water distributed?

A: The reserve water is distributed in specific, finite amounts among 25 subbasins. Once all the water in a subbasin is allocated (legally spoken for), that subbasin is closed to further water uses unless the use is mitigated to offset its impact on streams.

Q: Is there still water available in each subbasin?

A: As of June 2011, the Carpenter-Fisher subbasin reservation was used up and the subbasin was closed. Ecology records show that the Nookachamps subbasin is the only other reservation in the Skagit basin that appears at or near being fully allocated. Contact Ecology for current information on quantities of water remaining.

Definitions

Instream flow: A stream flow level set in rule that is needed to protect and preserve fish, wildlife, scenic, aesthetic, recreational, water quality, and other environmental values, and navigational values.

Permit-exempt well: In the state Ground Water Code, the groundwater permit exemption (RCW 90.44.050) allows for use of small amounts of groundwater for specific uses without going through the regular permitting process (“permit-exempt”).

Reservation (of water): Finite amounts of water set aside in rule for specific new uses; also called “reserves.” These uses may continue even when stream flows fall below established instream flow levels. Reserves usually have conditions of use that must be met to access them.

For additional information

on the Skagit River Basin and rule, please contact Ecology or visit our website at:

<http://www.ecy.wa.gov/programs/wr/instream-flows/skagitbasin.html>

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Q: What can the reserved water be used for?

A: There are three kinds of reservations, each for a different type of water use:

- Domestic, municipal, commercial/industrial.
- Agricultural irrigation.
- Stock watering.

Users must comply with certain conditions of use to access water from the reservations.

Q: How much water is available for domestic, municipal, commercial and industrial use, and what are the conditions of use?

A: Ecology reserved approximately 9,370,208 gallons per day to be used from both surface and groundwater sources, including permit-exempt uses. The conditions of use are:

- You cannot use water from the reservation if you can connect to a public water system within a timely and reasonable period.
- You must use groundwater from locations within the Skagit River tributary subbasins unless only surface water is available.
- You must meet the efficiency standards of the uniform plumbing code, as well as any local or state conservation standards which apply.
- Public water systems (two or more connections) must meter and report their water use to Ecology or a local authority.

Q: How much water is available for agricultural uses and what are the conditions of use?

A: Ecology has reserved 3,564 acre feet per year from surface and groundwater. The conditions of use are:

- You must obtain a water right permit from Ecology. Ecology will assess whether an existing or an “interruptible” water right can meet your needs.
- You can only use water from the Upper, Middle, or Lower Skagit River subbasins.
- You must meter your use and report it to Ecology.
- You are required to work with Ecology to minimize the effect of your water use on stream flows. This may be done through irrigation and conveyance efficiency, water metering, and/or irrigation scheduling.

Q: How much water is available for stock watering uses and what are the conditions of use?

A: Ecology has reserved 324,000 gallons per day for stock watering. The conditions of use are:

- You can use either surface or groundwater in the Upper, Middle and Lower Skagit subbasins,
- For surface water: You must obtain a water right from Ecology. Surface water users must also meter and report their water use to Ecology.
- Permit-exempt groundwater uses: You will *not* need to report your water use.

Note: Stock watering use established before April 14, 2001 is not affected by this rule.