

WRIA 1 Water Right Adjudications

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January 30, 2023



Water in Washington State

Who owns the water?

- Public resource, legally regulated
- Prior appropriation
- Date of first use is “priority date”

Sources of law

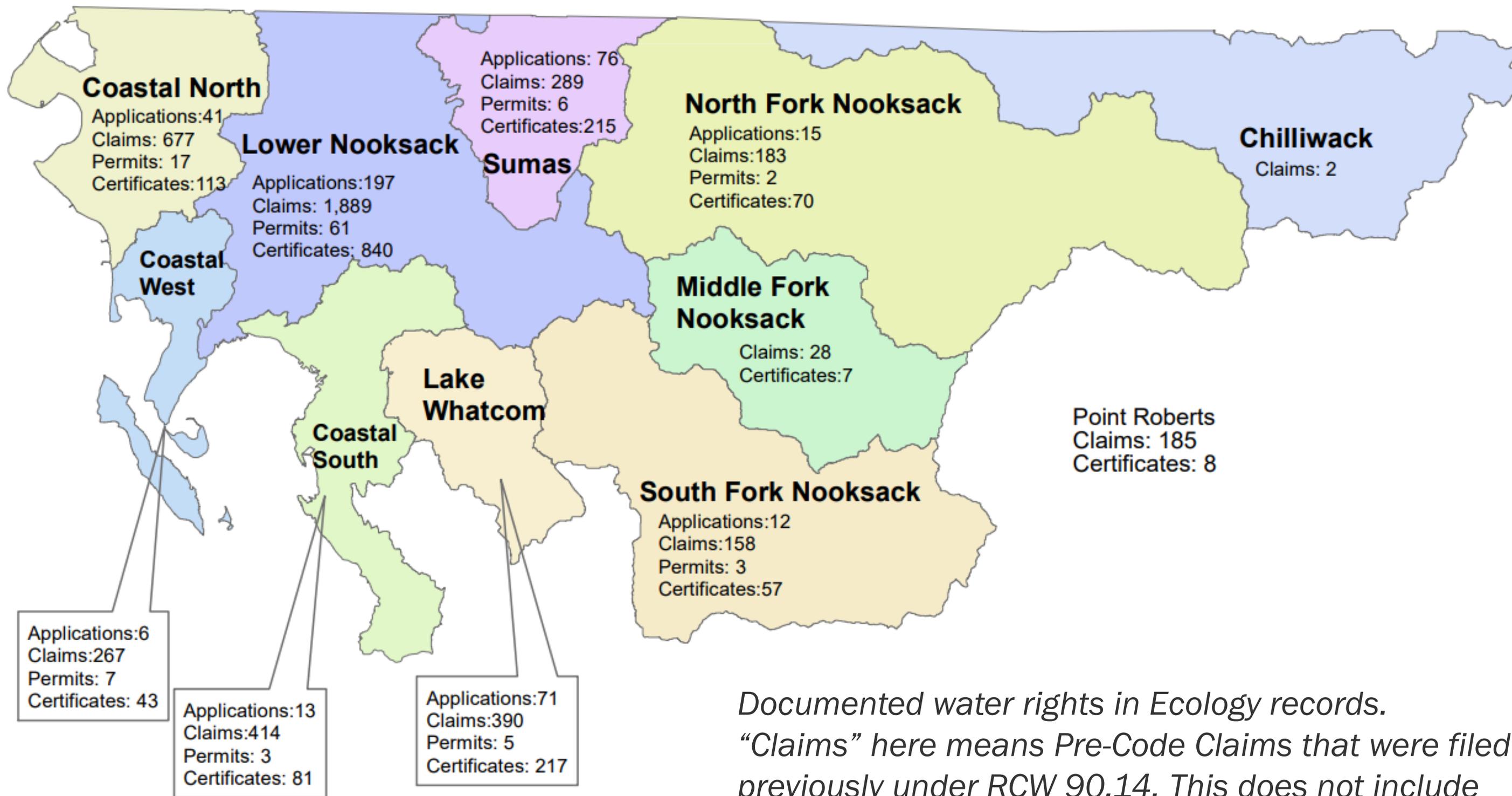
- Statutes (RCWs) and Rules (WACs)
- Treaties and federal law
- Regulated through certificates, streamflow, and planning



What is Adjudication?

- Quantifies all legal water use, including Federal and Tribal rights
- Ecology notifies all water users and claimants
- Final decree shows all legal users in order

Nooksack Subbasin Water Right Totals



*Documented water rights in Ecology records.
 “Claims” here means Pre-Code Claims that were filed previously under RCW 90.14. This does not include permit-exempt uses, which are not on record but will be adjudicated.*

WRIA 1 (Nooksack)

Challenges	Solutions
Records do not reflect use <i>100-year-old pre-code claims, overlap, gaps</i>	Clear prioritized inventory Clean up old paperwork
Instream flow confusion <i>Tribal treaty claims, 1985 rule</i>	Fair and clear under the law <i>Final flows for fish</i>
Hard to buy, sell or lease water <i>How can we bank or mitigate?</i>	Adjudicated certificates can possibly be banked, sold, leased or changed
All rights vulnerable to impairment <i>When will we know “Who’s on First?”</i>	Who has what, and what is leftover?
Infrastructure solutions needed <i>Storage, piping, pumping . . . From where? To who?</i>	Know who needs water, who gets water . . . And funding to support it.

Adjudication Process

1. Ecology
identifies
WRIA 1
users

Surface and ground water
Permits, certificates,
pre-code claims
Permit-exempt by rural parcel

2. Ecology
files in
Superior
Court
Approx.
Fall 2023

Notify all parties
Propose process to Court
Court sets deadlines, pathways

Adjudication Process

3. Water users respond by filing a court claim

(Late 2023 at the soonest)

Online,
phone
and in-
person
support

Electronic
or paper
filing
available

Designed
for users
without
lawyers

3. FILING A COURT CLAIM

Do you use water from a pipe or well?
(Not including water system customers)

Small residential users	Other Permit-Exempt Wells	Documented Rights
<p>Non-commercial residences</p> <p>Simplified Process:</p> <ul style="list-style-type: none">-Date of first use-Place of use-Single signature	<p>Up to 5,000 gpd</p> <p>Date of first use</p> <p>Highest use / current use</p> <p>Full claim explaining use</p>	<p>Find in WRTS</p> <p>Permits, certificates, pre-code claims</p> <p>Priority date from document</p> <p>Quantity and place of use</p>

**Ecology's current proposal*

Solutions,
Collaboration
and
Agreed
Settlement
Possibilities

3. Claims submitted to Court and Ecology

4. Evidence submitted (2024 or later)

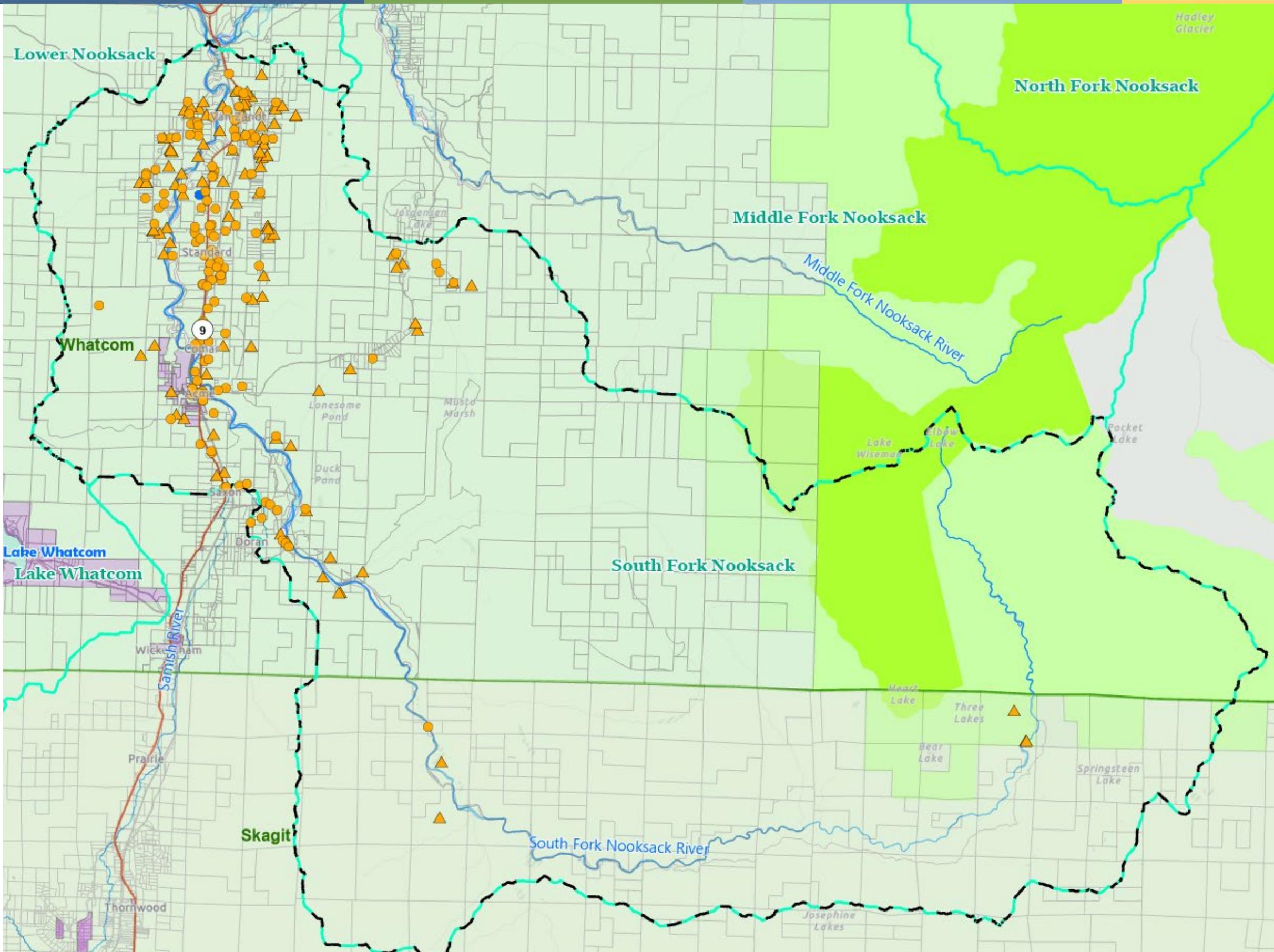
5. Ecology prepares Report of Findings (About 2025 . . .)

Opportunity for water user feedback

6. Final Schedule

Court issues schedule(s) in order of priority

Adjudication Process





For more information:



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