

WRIA 1 Water Right Adjudications

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Department of Ecology WRAC Update

November 14, 2022



Water in Washington State

Who owns the water?

- Public resource, legally regulated
- Prior appropriation
- Date of first use

Sources of law

- Statutes (RCWs)
- Rules (WACs)
- Court rulings
- Treaties
- Federal law

Department of Ecology role

- Rulemaking
- Permitting system
- Adjudication



What is an Adjudication?

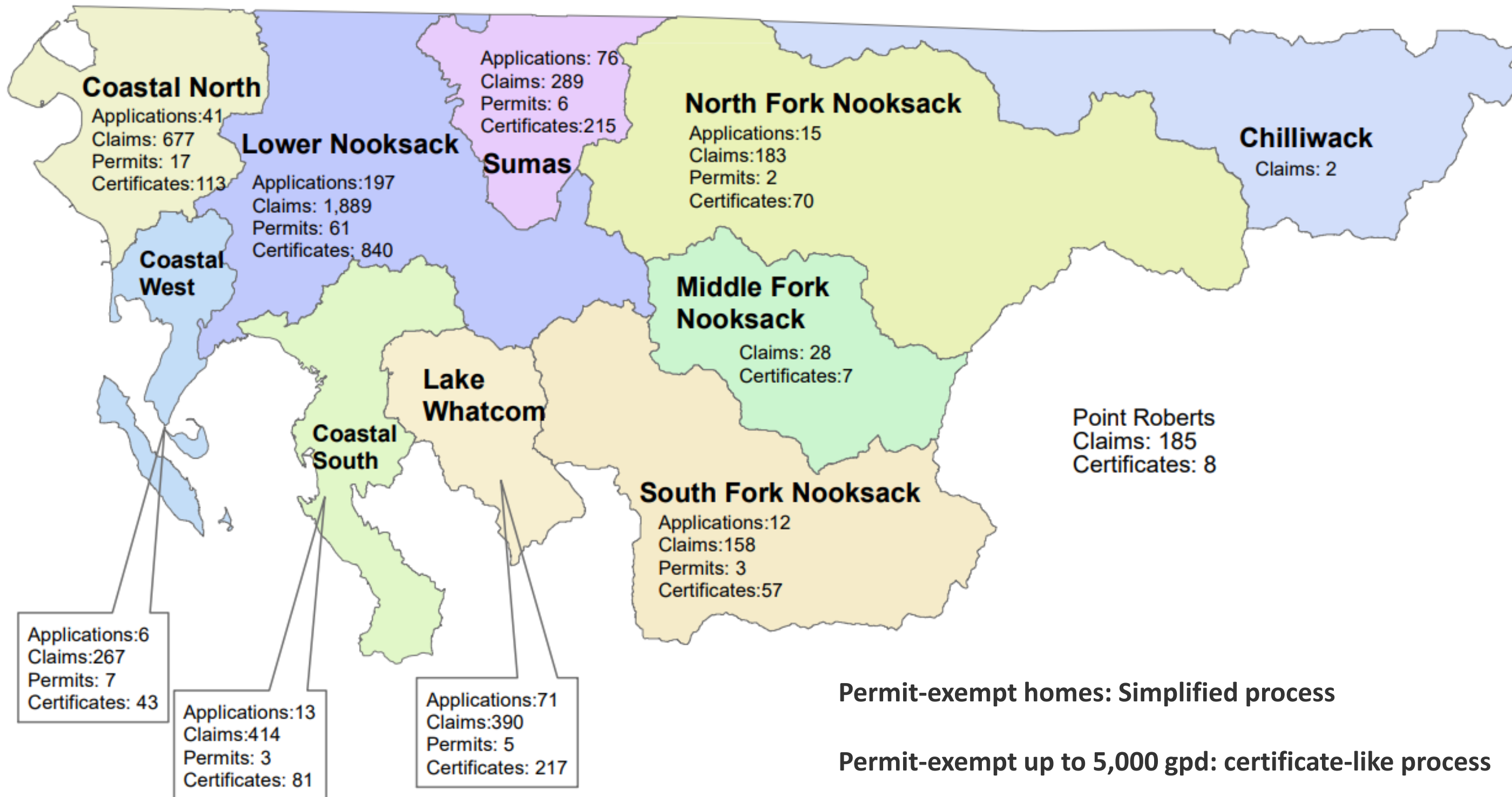
- Recognizes all legal water use, including Federal and Tribal rights
- Ecology joins all water users and claimants in Superior Court
- Users submit claim form and supporting evidence
- Ecology reviews claims and reports to Court with recommendations
- Court issues priority schedule

WRIA 1 (Nooksack and North to Canada)

- Records do not reflect legal or actual use
- Disagreements about instream flow
- Hard to mitigate, buy or lease water
- All rights vulnerable to impairment
- Infrastructure solutions needed

Nooksack Subbasin Water Right Totals

(Surface water and groundwater)



Adjudication Process

Ecology
defines
source,
identifies
users

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

Ecology
files in
Superior
Court

Notify all parties
Propose process
Court sets deadlines, pathways

Water users respond with a claim

Online and
phone
support

E-filing
available

Legal or
technical
consultants
not
required

Adjudication Process

Claims submitted to Court and Ecology

Evidence submitted

Ecology prepares
Report of Findings

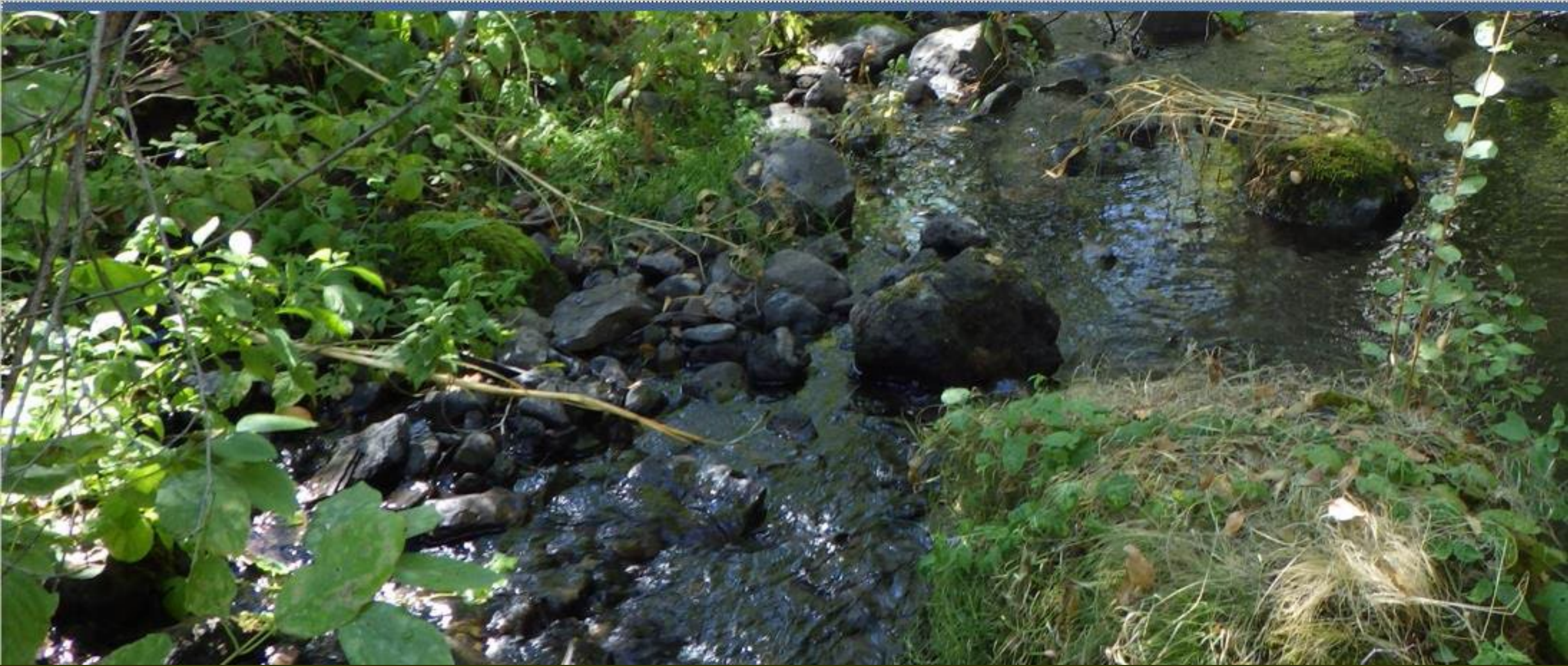
Objections,
cross-exams

Court makes final
rulings

Final Schedule

Court issues schedule(s) in order of priority

Adjudication Process



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