



Upper and Lower Chehalis Watersheds: 2019 Curtailments and Drought Conditions

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Water Resources Program – Southwest Region
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Presentation Outline

2019 Curtailments

5th year in a row, + 4 private water ski lakes

Current Conditions

How is this year different?

Drought Defined

What is a drought, legally speaking?

Drought Response

What options are available?



2019 Curtailments

2019

Curtailment of Junior Water Rights

- **Ecology's SWRO Water Resources Section issued curtailment notices again in 2019 to approximately 93 "Junior" water right holders of surface water diversion irrigation water rights that are junior to the Chehalis Instream Flow regulation, adopted in 1976.**
 - **(Any junior surface water rights for indoor domestic purposes are not curtailed.)**
- **Fifth year in a row Curtailment Notices have been issued to the same 93 "junior" water right holders.**

Additionally, four Curtailment Orders issued (for the first time) to private water ski lakes located in the Chehalis watershed

Kerlee S2-28347



Maytown Inc S2-27714



Skiview - Estates G2-27612



Lake Silverado S2-28518



Chapter 173-522 WAC
WATER RESOURCES PROGRAM IN THE CHEHALIS
RIVER BASIN, WRIA-22 AND 23

WAC

- 173-522-010 General provision.
- 173-522-020 Establishment of base flows.
- 173-522-030 Future allocation of surface water for beneficial uses.
- 173-522-040 Priority of future rights during times of water shortage.
- 173-522-050 Streams closed to further consumptive appropriations.
- 173-522-060 Effect on prior rights.
- 173-522-070 Enforcement.
- 173-522-080 Appeals.
- 173-522-090 Regulation review.

WAC 173-522-010 General provision. These rules, including any subsequent additions and amendments, apply to waters within and contributing to the Chehalis River basin, WRIA-22 and 23 (see WAC 173-500-040). Chapter 173-500 WAC, the general rules of the department of ecology for the implementation of the comprehensive water resources program, applies to this chapter 173-522 WAC.

[Order 75-31, § 173-522-010, filed 3/10/76.]

WAC 173-522-030 Future allocation of surface water for beneficial uses. The department has determined that there are public waters available, subject to base flow, for allocation to beneficial uses from all streams within the Chehalis basin; except for those streams and times declared closed in WAC 173-522-050. The department shall maintain a current tabulation of the amount of water that is available for appropriation at each stream management unit specified under WAC 173-522-020(1).

[Order 75-31, § 173-522-030, filed 3/10/76.]

WAC 173-522-040 Priority of future rights during times of water shortage. (1) Rights established in the future pertaining to waters available for allocation in WAC 173-522-030 shall be subject to a priority of use. Rights for domestic use, including irrigation of lawn and noncommercial garden not to exceed one-half acre, and livestock use excluding feedlot operation, shall be superior to all other consumptive and non-consumptive uses.

(2) As between rights established in the future within a priority of use, the date of priority shall control with an earlier-dated right being superior to those rights with later dates.

(3) Additional water use priorities may be promulgated, when required, in the future.

[Order 75-31, § 173-522-040, filed 3/10/76.]

WAC 173-522-050 Streams closed to further consumptive appropriations. The department, having determined there are no waters available for further appropriation through the establishment of rights to use water consumptively, closes the following streams to further consumptive appropriation. An exception is made for domestic and normal stockwatering where there is no alternative source of water supply.

Surface Water Closures:

STREAM	DATE OF CLOSURE	PERIOD OF CLOSURE
Beaver Creek, tributary to S. Fk., Newaukum River	12-5-52	1 May-31 Oct.
Beaver Creek, tributary to Black River	10-28-52	" "
Bunker Creek	1-17-50	" "
Dempsey Creek	11-15-74	" "
Dillenburgh Creek	8-21-72	" "
Hanford Creek	5-7-52	" "
Hope Creek & Garrard Creek	8-28-73	" "
Kearney Creek	10-27-52	" "
Lincoln Creek	11-5-48	" "
Middle Fork, Newaukum R.	4-7-50	" "
Mill Creek	3-21-52	" "
Mov Chehalis	4-25-57	" "
Salmon Creek	12-18-56	" "
Rock Creek	4-11-73	" "
Scatter Creek	7-20-50	" "
Stearns Creek	4-28-53	" "
Wildcat Creek	10-28-52	" "
Williams Creek	5-6-52	" "
Wynoochee River	3-9-62	" "
Black River	Date of Adoption	1 July-30 Sept.
Skookumchuck River	" "	" "
S. Fk. Chehalis river	" "	" "
Salzer Creek	" "	1 June-30 Sept.

Note: Affected reach is from mouth to headwaters and includes all tributaries in the contributing drainage area unless specifically excluded.

[Order 75-31, § 173-522-050, filed 3/10/76.]

WAC 173-522-060 Effect on prior rights. Nothing in this chapter shall be construed to lessen, enlarge, or modify the existing rights acquired by appropriation or otherwise.

[Order 75-31, § 173-522-060, filed 3/10/76.]

WAC 173-522-070 Enforcement. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-522-070, filed 6/9/88.]

(6/9/88)

[Ch. 173-522 WAC—p. 7]

Future water rights subject to base flows set in this regulation

Seniority of water right based on priority date

Water rights established prior to this rule are grandfathered in

Ecology regulatory and enforcement authority

Chehalis River Basin—WRIA's 22 and 23

Month	Day	12.0240.00 Newaukum R. S. Fork	12.0245.00 Newaukum R. N. Fork	12.0250.00 Newaukum R.	12.0253.00 Salzer Cr.
Jan.	1	125	62	250	11
	15	125	62	250	11
Feb.	1	125	62	250	11
	15	125	62	250	11
Mar.	1	125	62	250	11
	15	125	62	250	11
Apr.	1	125	62	250	11
	15	125	62	250	11
May	1	110	47	210	5.8
	15	88	36	160	2.8
June	1	70	27	118	1.4
	15	56	21	90	.73
July	1	45	16	68	.38
	15	36	12	52	.20
Aug.	1	29	9	38	.10
	15	27	7	35	.05
Sep.	1	27	7	35	.05
	15	27	7	35	.05
Oct.	1	22	6.4	42	1.4

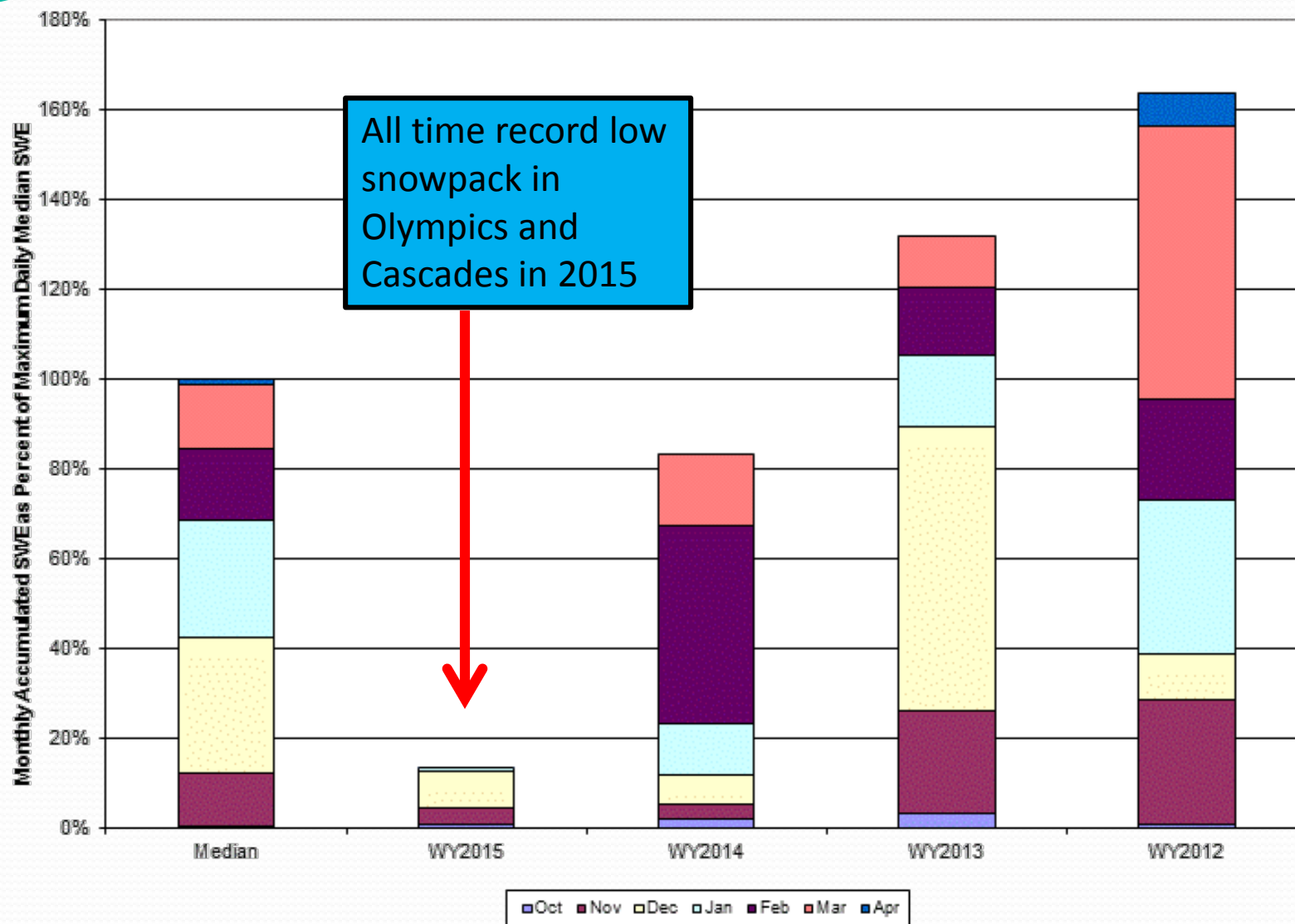
Month	Day	12.0309.00 Porter Cr.	12.0310.00 Chehalis R. at Porter	12.0325.00 Cloquallum Creek	12.0343.00 Satsop R. E. Fork
Jan.	1	90	2500	150	280
	15	90	2500	150	280
Feb.	1	90	2500	150	280
	15	90	2500	150	280
Mar.	1	90	2500	150	280
	15	90	2500	150	280
Apr.	1	90	2500	150	280
	15	90	2500	150	280
May	1	56	1900	118	240
	15	35	1420	92	210
June	1	29	1060	70	175
	15	24	800	55	152
July	1	21	610	45	130

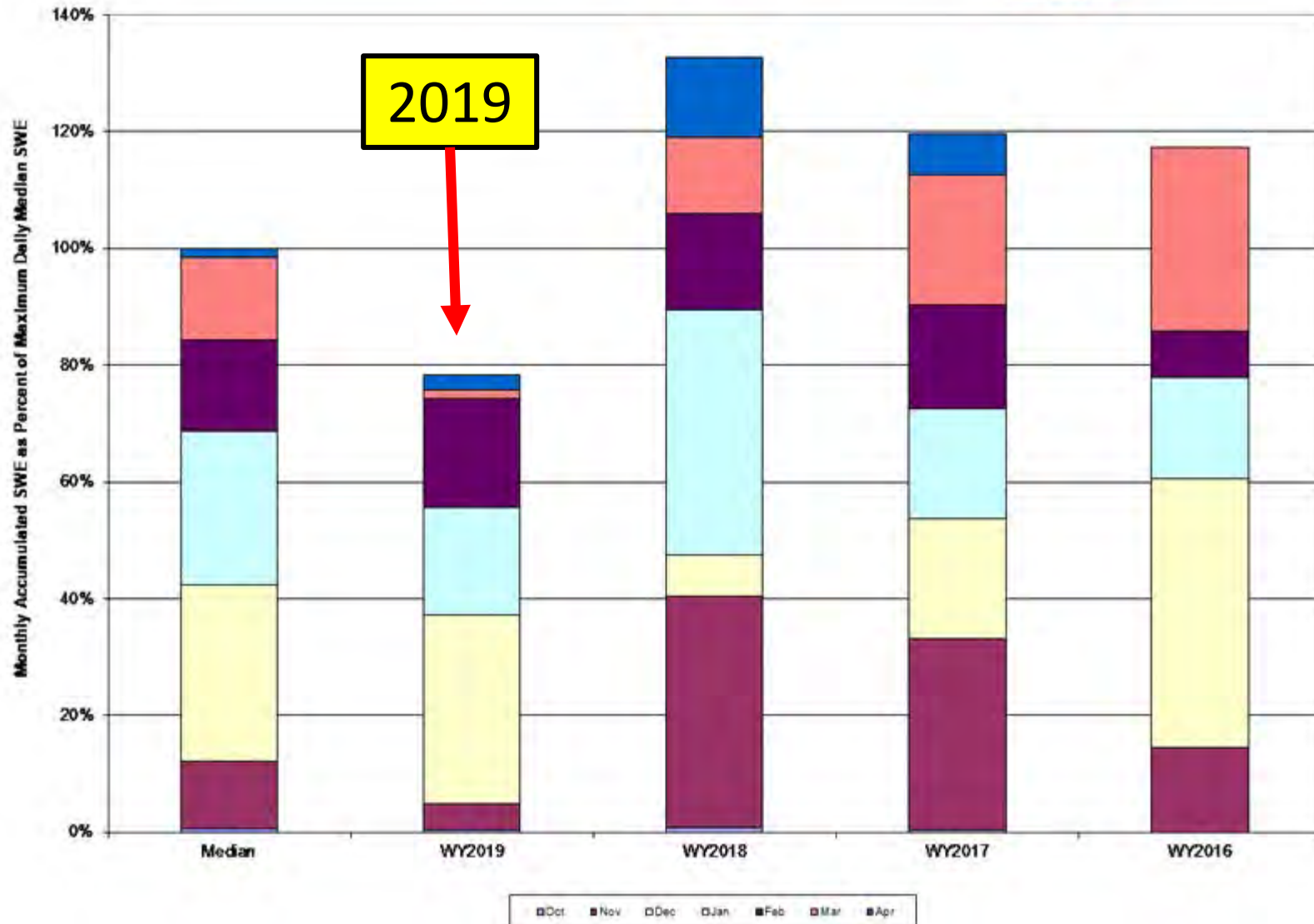
Month	Day	12.0343.00 Decker Cr.	12.0345.00 Satsop R. M. Fork	12.0350.00 Satsop R. nr.	12.0350.02 Chehalis R. Satsop
Jan.	1	130	260	1100	3800
	15	130	260	1100	3800
Feb.	1	130	260	1100	3800
	15	130	260	1100	3800
Mar.	1	130	260	1100	3800
	15	130	260	1100	3800
Apr.	1	130	260	1100	3800
	15	130	260	1100	3800
May	1	115	203	910	2910
	15	103	160	750	2300
June	1	91	125	600	1750
	15	81	98	500	1360
July	1	72	78	425	1085
	15	64	61	360	860
Aug.	1	56	48	300	680
	15	50	38	240	550
Sep.	1	50	38	260	550
	15	50	38	260	550
Oct.	1	54	41	280	640
	15	58	45	300	750
Nov.	1	77	83	475	1305
	15	100	145	720	2220
Dec.	1	130	260	1100	3800
	15	130	260	1100	3800

When flows get below these instream flow levels, surface water rights that are "junior" to the instream flow rule can be curtailed.



Current Conditions

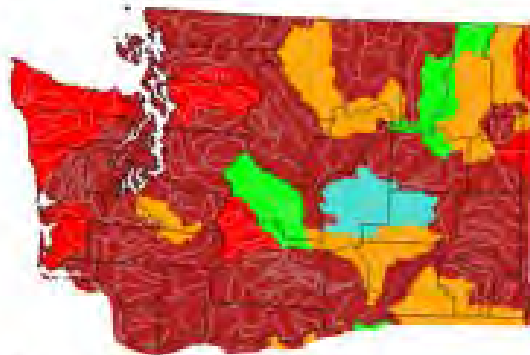




7-day average flow – June 15

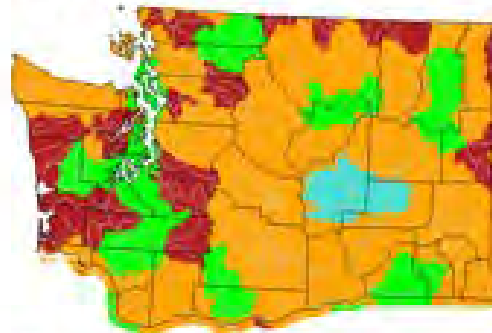
2015

Monday, June 15, 2015



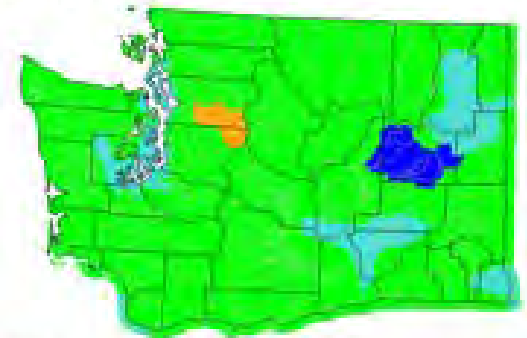
2016

Wednesday, June 15, 2016



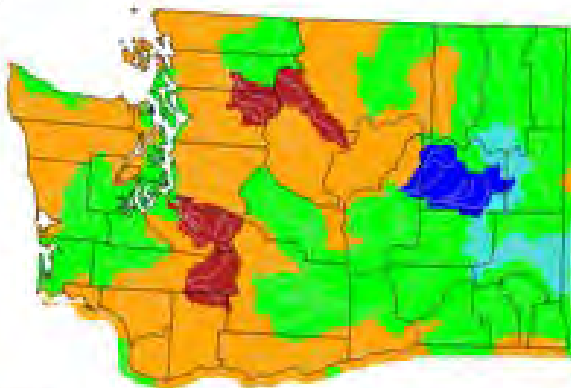
2017

Thursday, June 15, 2017



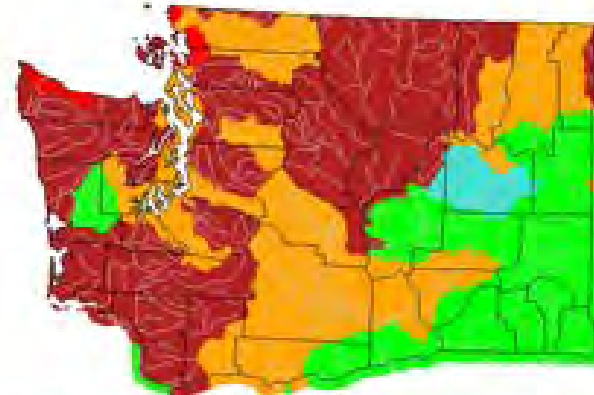
2018

Friday, June 15, 2018



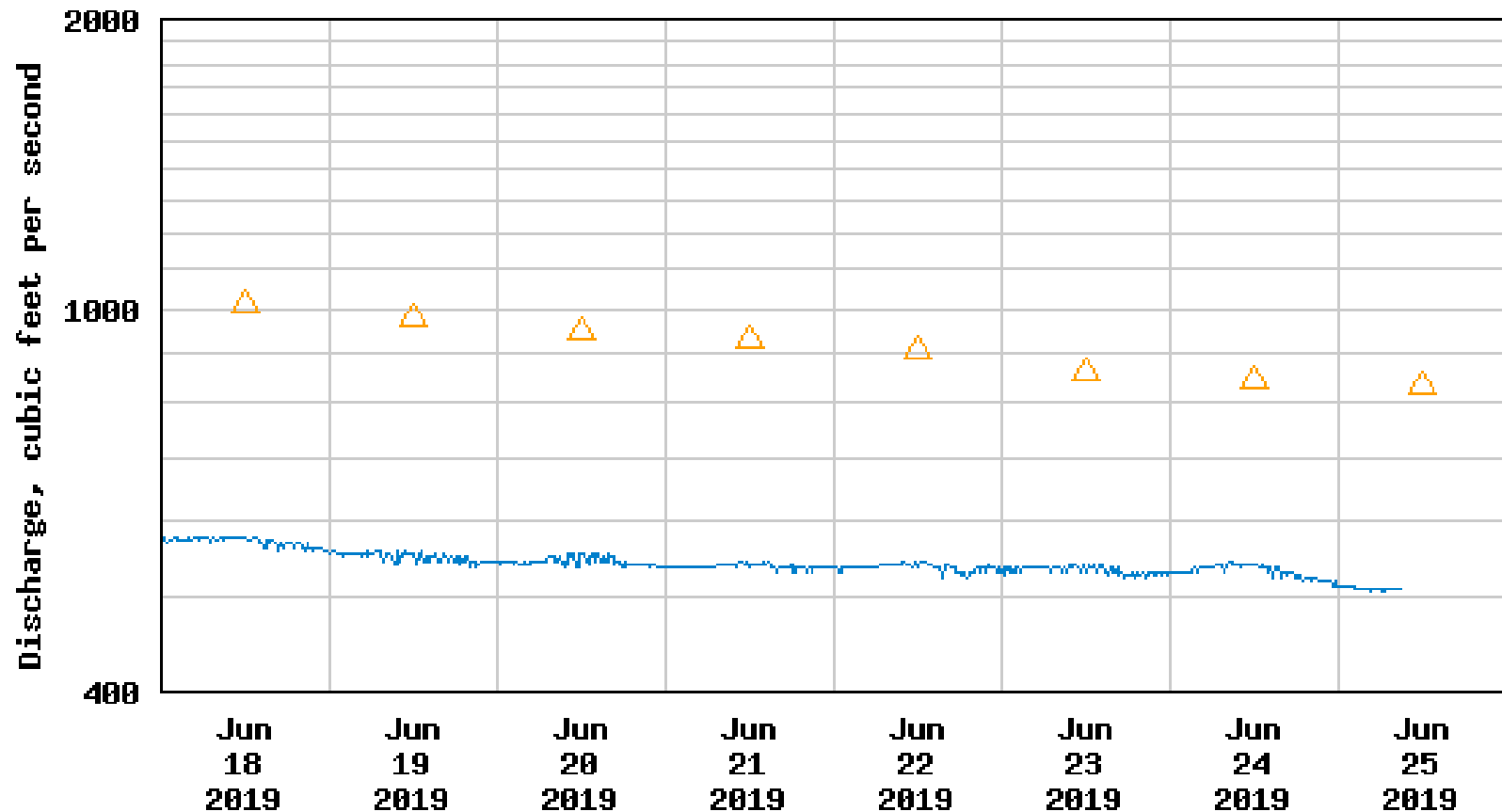
2019

Saturday, June 15, 2019





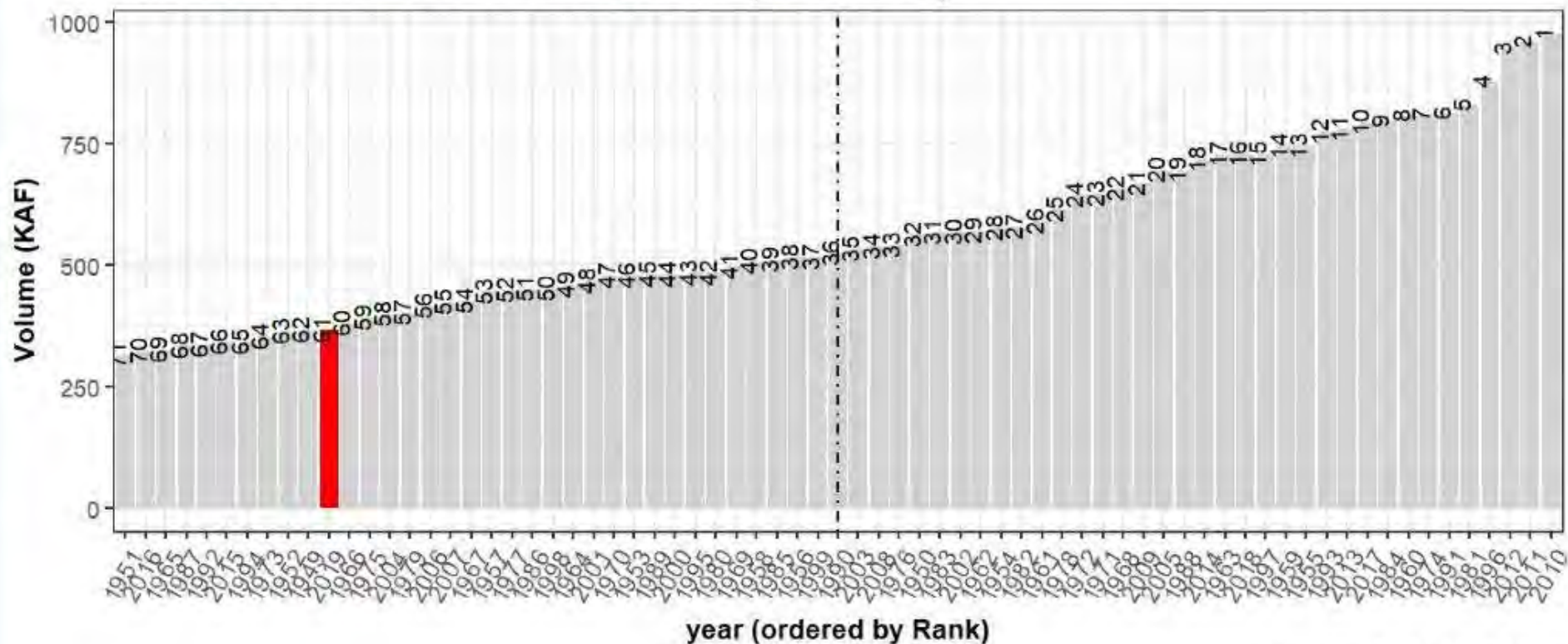
USGS 12031000 CHEHALIS RIVER AT PORTER, WA



----- Provisional Data Subject to Revision -----

△ Median daily statistic (64 years) — Discharge

CHEHALIS - AT PORTER | 2019 FORECASTED RUNOFF (APR-SEPT) COMPARED TO HISTORIC RUNOFF (1949-2018)





Drought Defined

2019 Drought Timeline

- **May 20** - Governor Inslee expanded the state's drought emergency declaration from three watershed (all in eastern WA) to 27 watersheds (including the entire Olympic Peninsula)
- **June 4** - Ecology begin accepting applications for grants to help address hardships related to this years drought conditions
- **June 6** - US Drought Monitor changed the status of the Olympic Peninsula from

Some numbers:

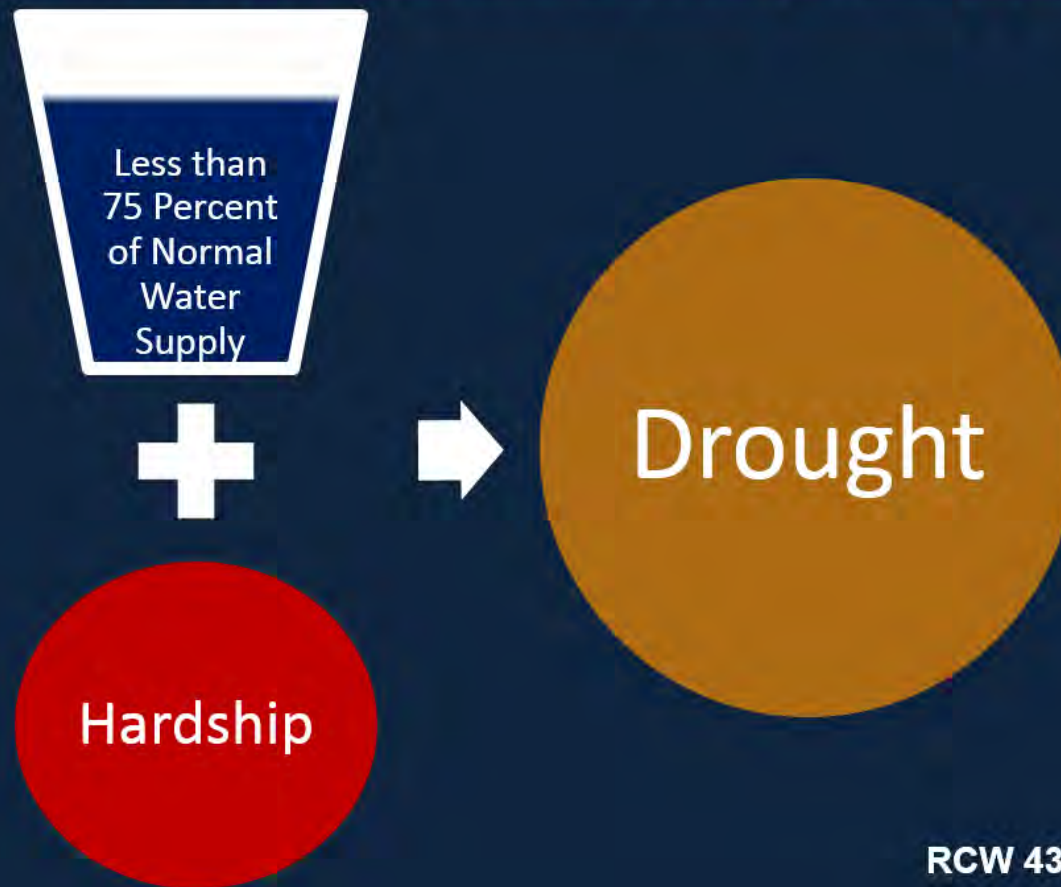
- Month of May was the 9th warmest for WA (since 1895)
- 71% of the rivers statewide are flowing below normal levels
- Statewide, March thru May tied for the 13th driest such period on record.
- Olympic Coast experienced the 2nd “driest” March – May since 1895 while the Palouse/Blue Mountain area had the 39th “wettest”

Definition of Drought

Drought conditions as defined in Washington state law:

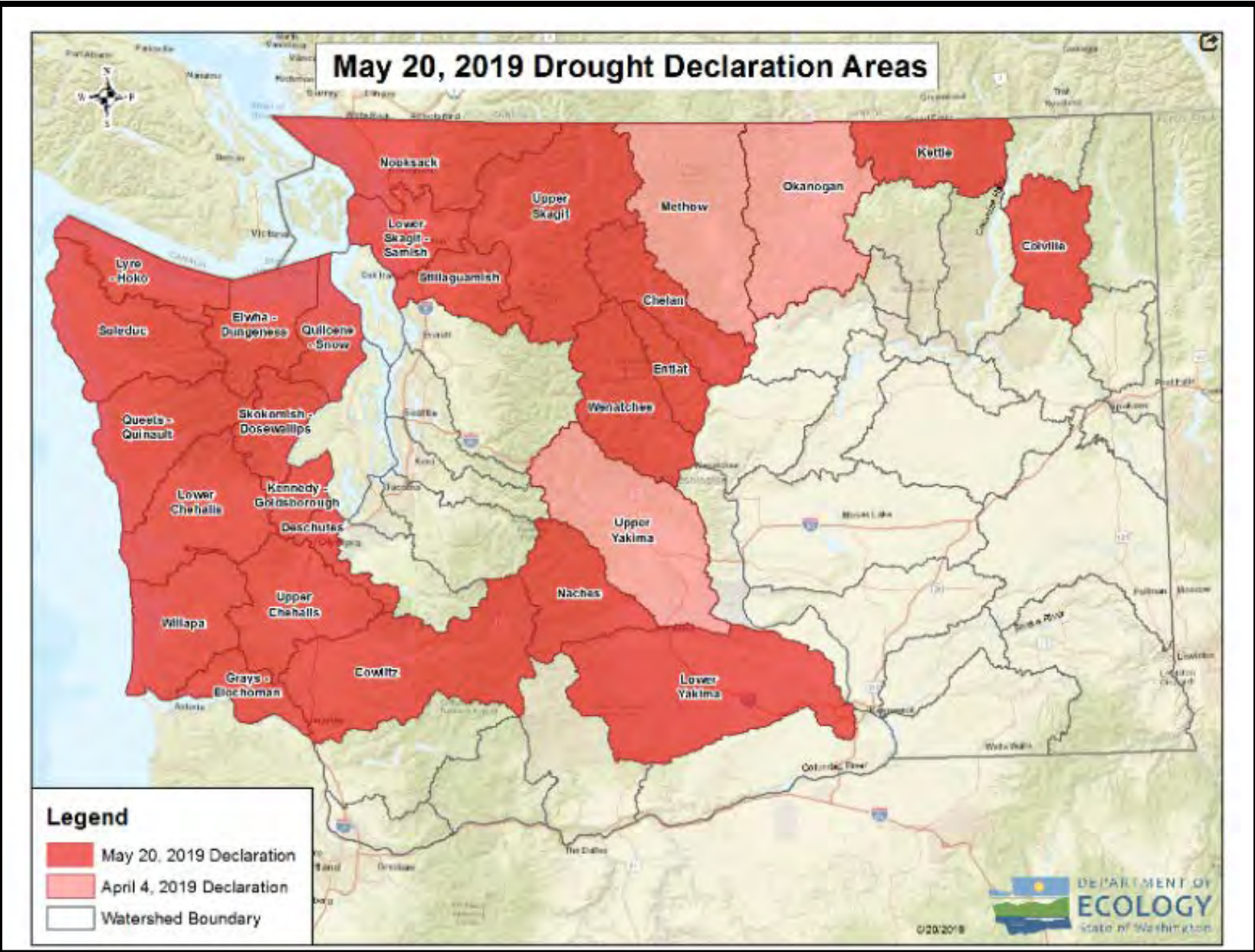
- **A geographic area is experiencing, or projected to experience, a water supply that is below 75 percent of normal, and;**
- **Water users within the area will likely incur undue hardships as a result of the water shortage**

Washington State's Drought Trigger



RCW 43.83B.400

Watersheds in WA where Drought is declared



Drought Planning

Once a drought is declared, Ecology is the lead agency for drought response and follows a comprehensive Drought Contingency Plan. Drought response efforts include:

- Aiding state agriculture
- Protecting public water supplies
- Safeguarding fish and boosting stream flows
- Maintaining critical energy supplies
- Preparing to fight wildfires (DNR)



Drought Response

Emergency Rule for Drought Relief Funding

- Address drought hardships to:
 - Public water supplies
 - Agriculture and livestock
 - Fisheries and wildlife



Drought Funding Eligibility

- Applicant must be a public entity
- Applicant must be capable of implementing the proposal in a timely manner (by April 2020)
- The associated water use must be an existing use under a legal water right
- Applicant must provide a 50 percent funding match, unless “fiscally disadvantaged.”

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<http://www.ecy.wa.gov/drought/>

