

Chehalis River Curtailments 2023

(Year 7/8...2015, 2016, 2017, 2018, 2019, 2020,
2021 and 2023)

Mike Gallagher
Water Resources Section
Southwest Regional Office

Chehalis Basin Partnership – June 23, 2023

Presentation Outline

- Washington's Watersheds
- Water rights overview of WRIA 22 and WRIA 23
- Current Streamflow Conditions in WRIA's 22 and 23
- Curtailments of Junior Water right Holders in the Upper and Lower Chehalis Watersheds

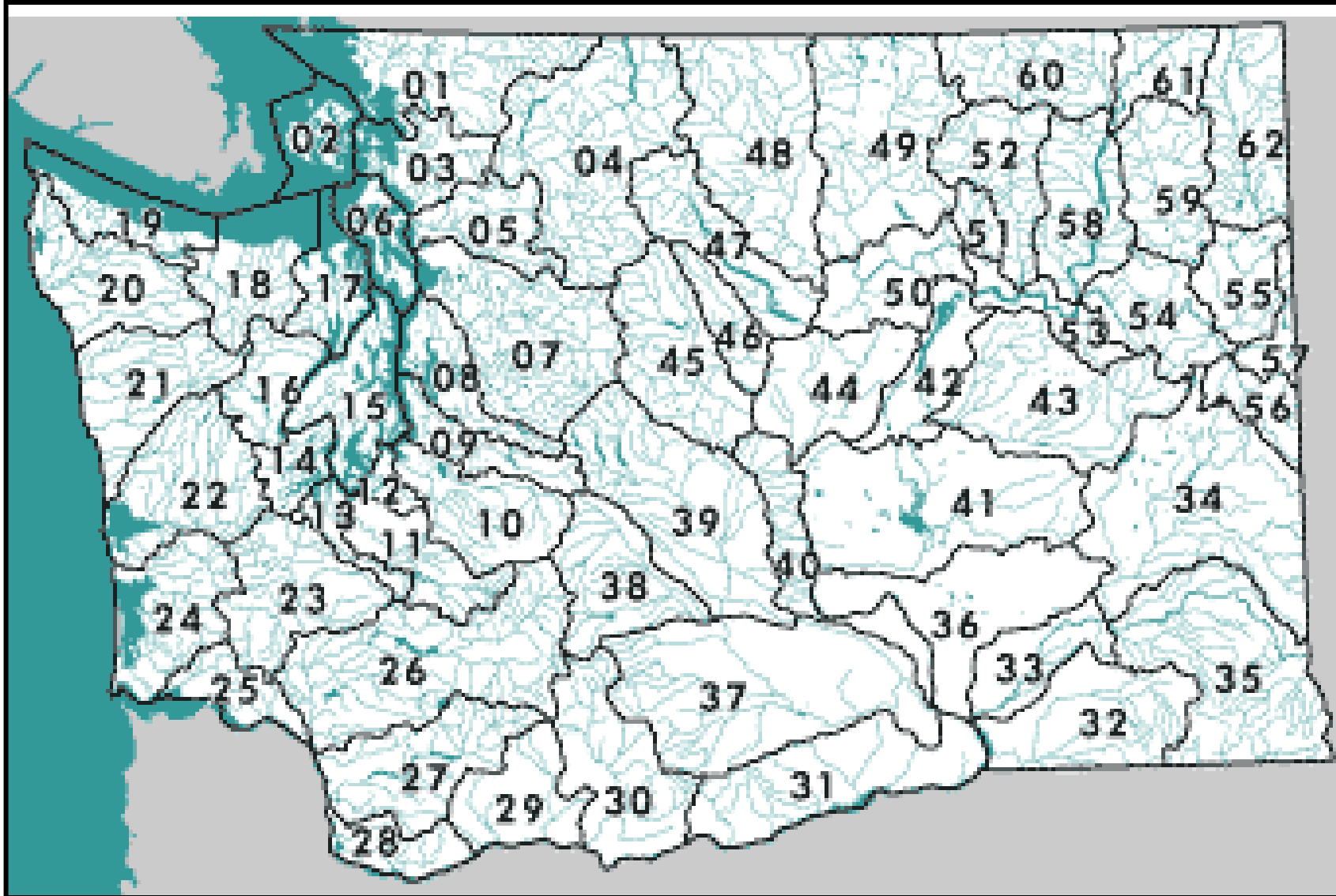
Washington's Watersheds

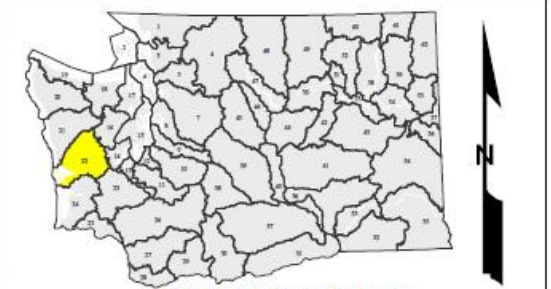
What is a WRIA?

WRIAs are areas defined by higher elevation that capture precipitation and funnel rain and snowmelt through smaller subbasins into streams, tributaries, and rivers.

Due to Washington's varied terrain and precipitation levels, water availability is different in each location.












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



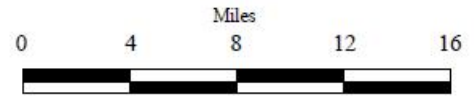


LOWER CHEHALIS
Water Resources Inventory Area #22
Instream Resource Protection Program (IRPP)

IRPP Status

-  Instream Flow
-  Seasonal Closure
-  IRPP Stream Gage
-  County
-  Township/Range
-  Sections
-  Highways
-  Secondary Roads
-  Lakes
-  WRIA 22
-  City

Scale: 1:320,500

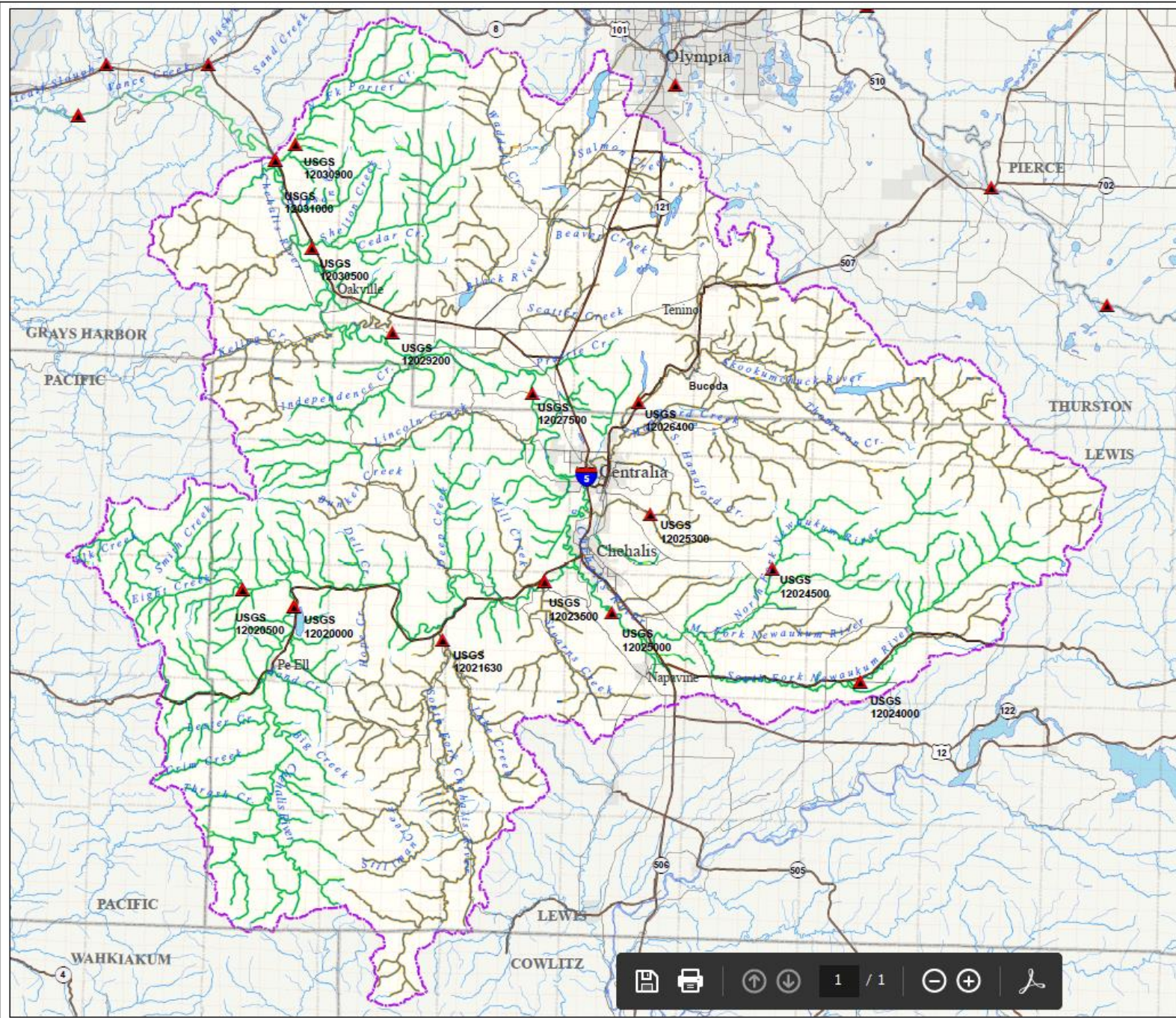


This map is a graphic representation of Chapter 173-522 WAC. The information displayed herein is not intended to replace or amend agency regulations and should be considered preliminary. Please refer to the actual rule language for details regarding rule implementation.















Water Resources Program, August 2006

Data Sources: Ecology, WDNR, WDOT

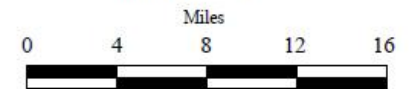


UPPER CHEHALIS
 Water Resources Inventory Area #23
 Instream Resource Protection Program (IRPP)

IRPP Status

-  Instream Flow
-  Seasonal Closure
-  IRPP Stream Gage
-  County
-  Township/Range
-  Sections
-  Highways
-  Secondary Roads
-  Rivers/Streams
-  Lakes
-  WRIA 23
-  City

Scale: 1:305,000



This map is a graphic representation of Chapter 173-522 WAC. The information displayed herein is not intended to replace or amend agency regulations and should be considered preliminary. Please refer to the actual rule language for details regarding rule implementation.



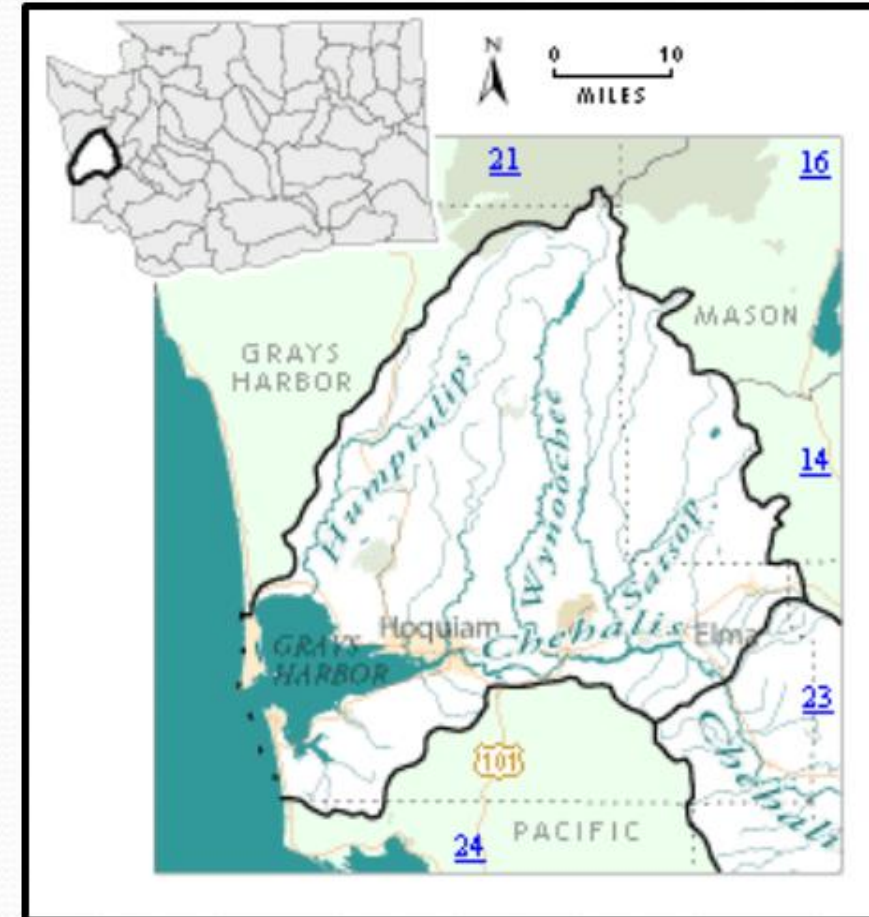
Water Resources Program, August 2006

Data Sources: Ecology, WDNR, WDOT

Water rights in WRIAs 22 and 23

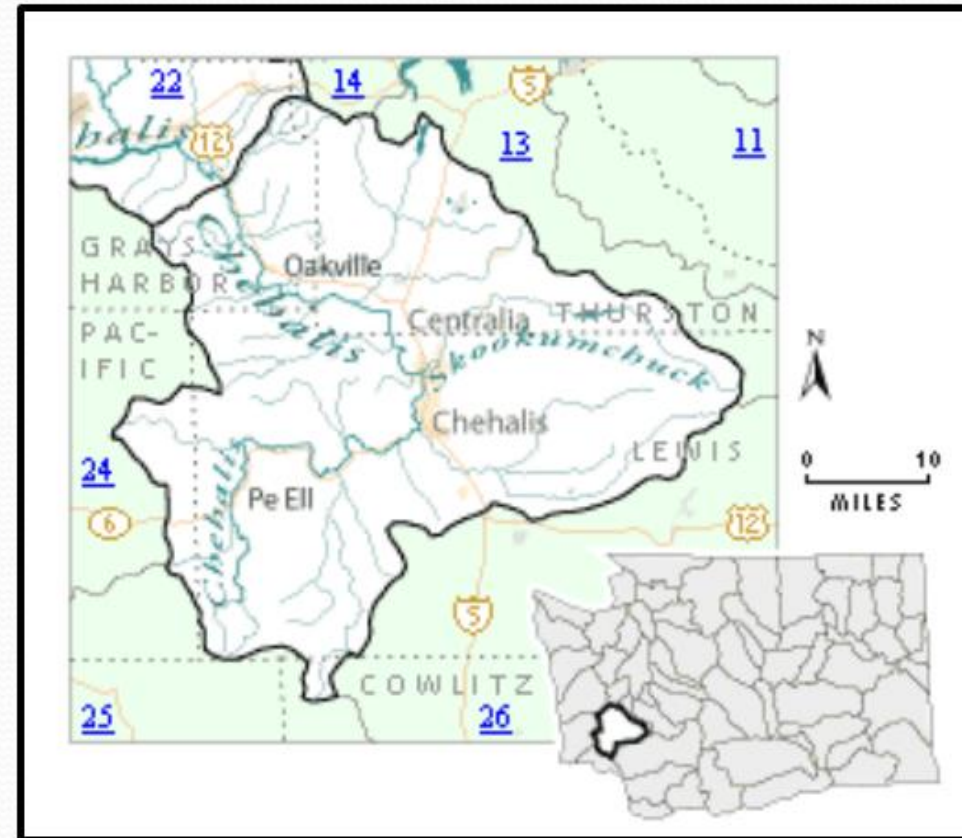
Existing Water Rights in WRIA 22 Lower Chehalis Watershed

	WRIA 22 – Lower Chehalis
New Applications	33 60
Change Applications	2 2
Existing Water Right Certificates	692
Existing Water Right Permits	15 13
Existing Water Right Claims	3,121



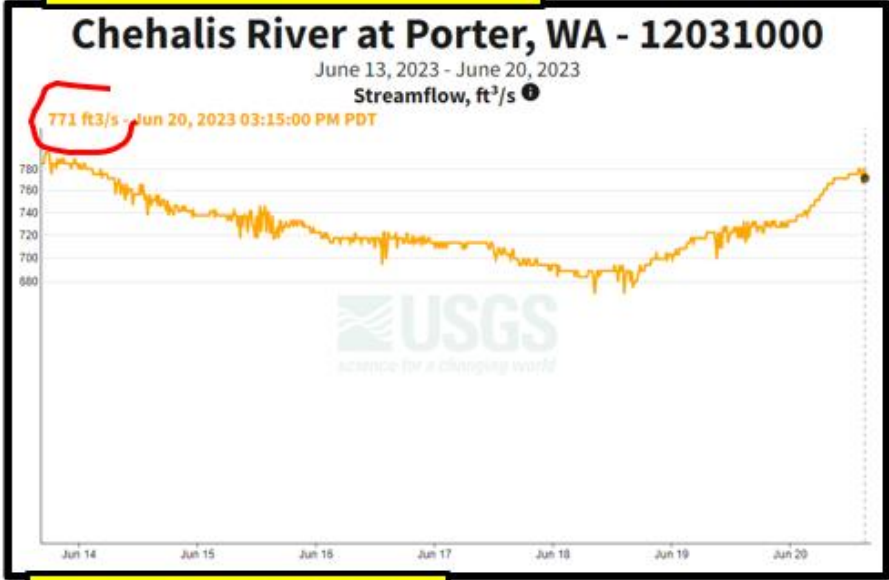
Existing Water Rights in WRIA 23 Upper Chehalis Watershed

	WRIA 23 – Upper Chehalis
New Applications	71 60
Change Applications	8 9
Existing Water Right Certificates	1,691
Existing Water Right Permits	43 14
Existing Water Right Claims	5,307

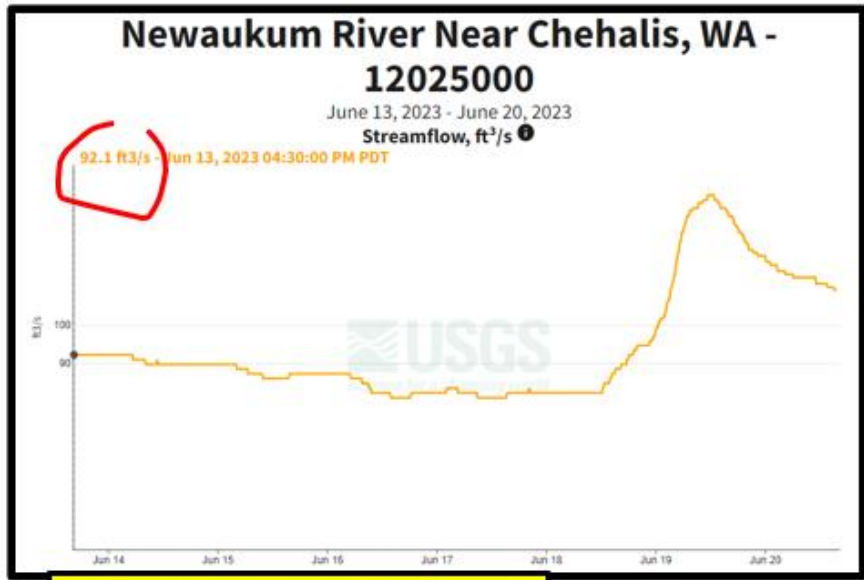


**Current Streamflow Conditions in the
Upper Chehalis (WRIA 232) and
Lower Chehalis (WRIA 22) Watersheds**

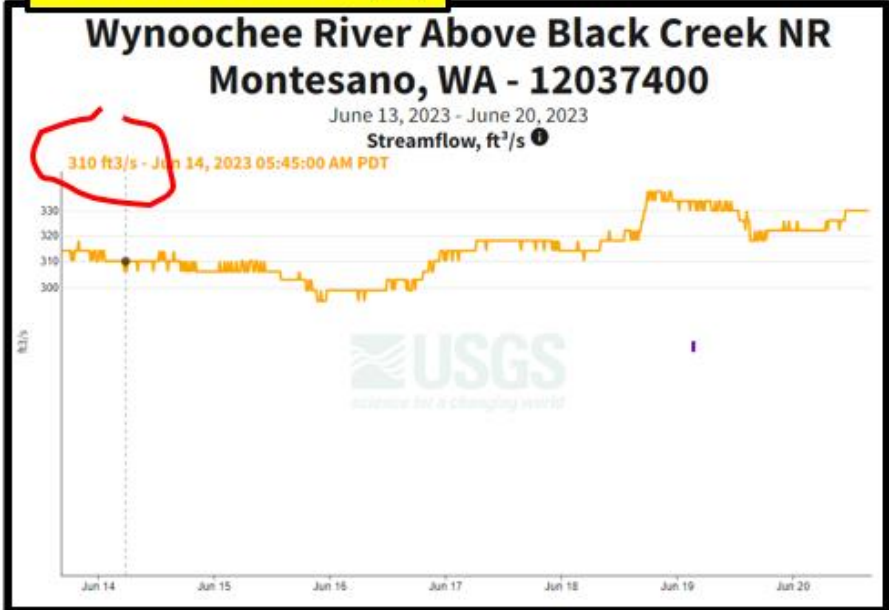
June 15 – 30: 800 cfs



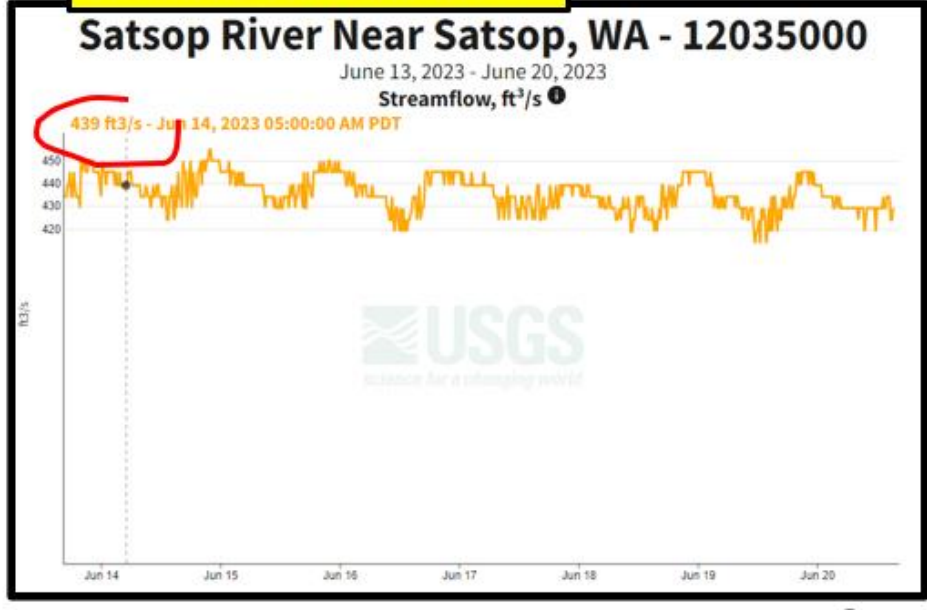
June 15 – 30: 90 cfs



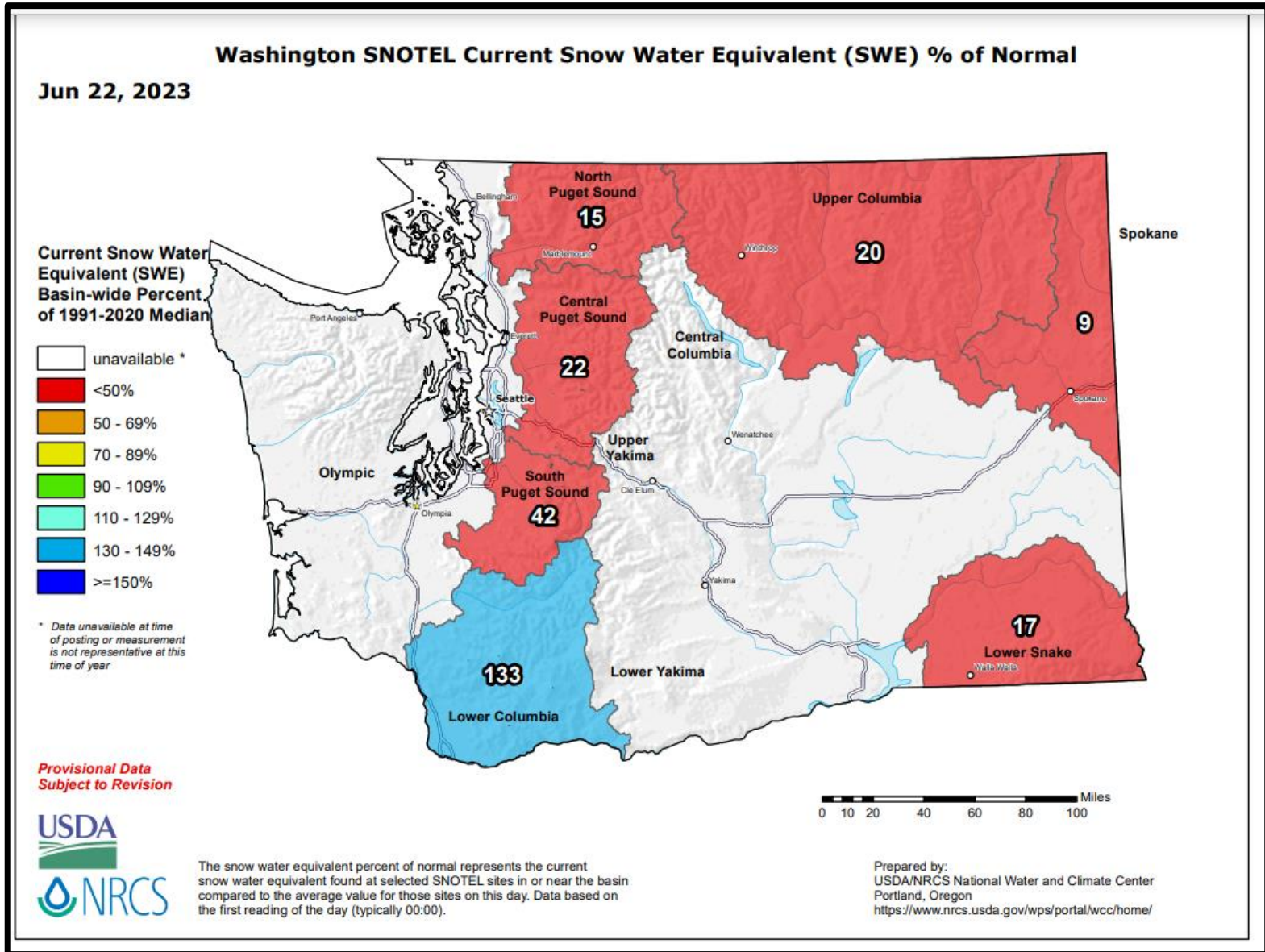
June 15 – 30: 360 cfs



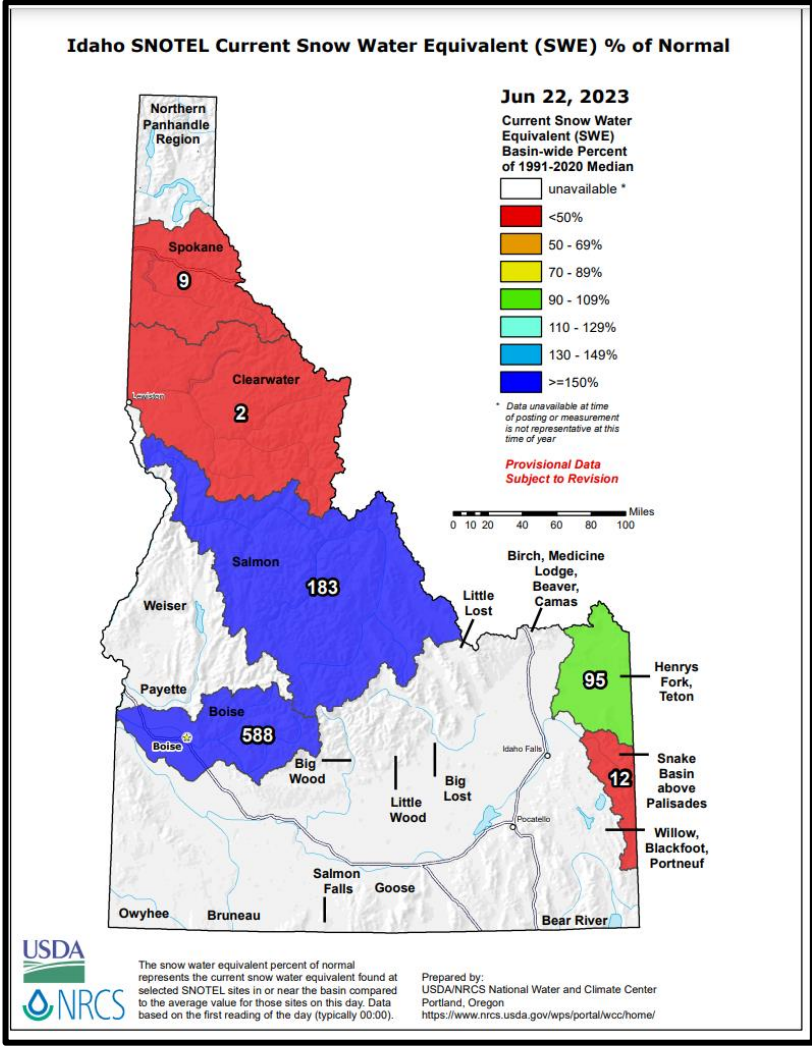
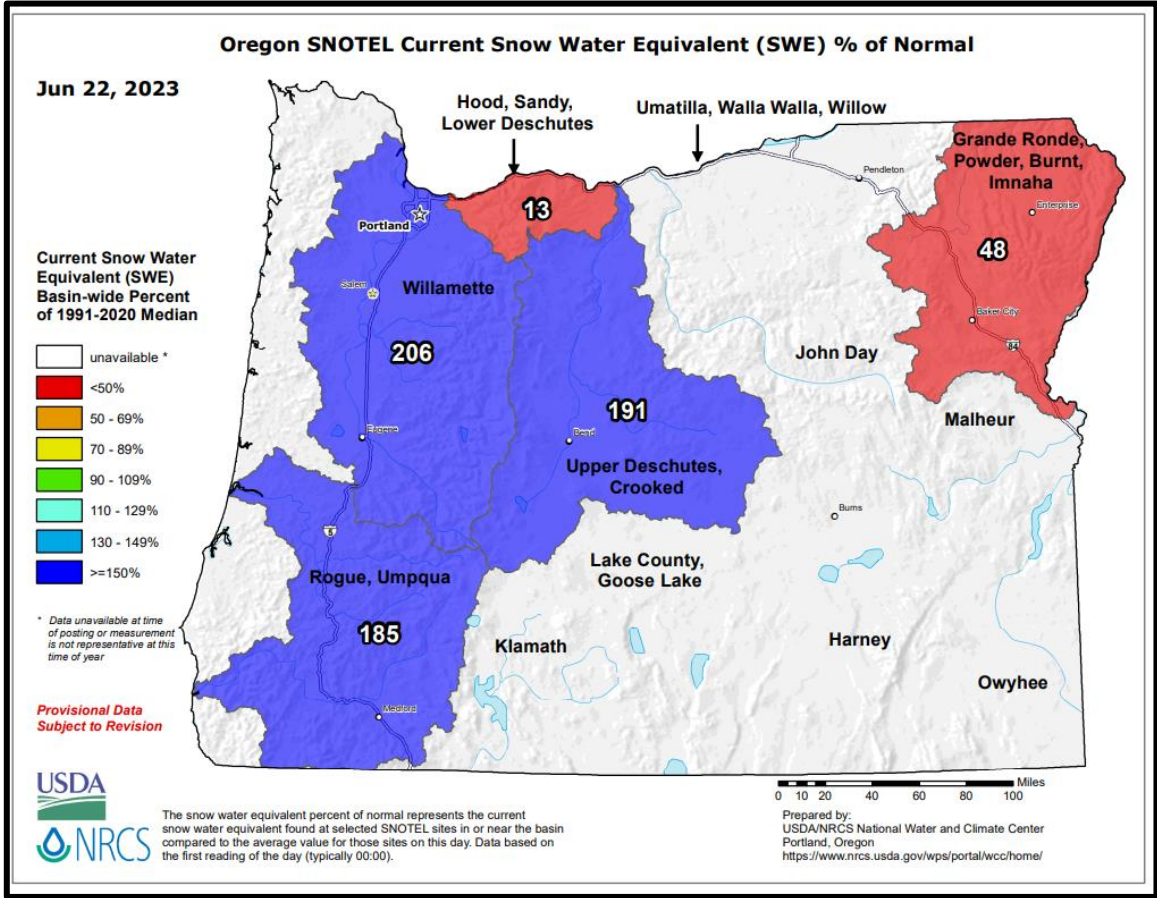
June 15 – 30: 500 cfs



Current Snowpack in WA Snow-Water Equivalent



Snow Water Equivalent Maps for Oregon and Idaho



Curtailment of Junior Water Rights

Based on streamflow levels as shown in the USGS stream gage graphs, Ecology's SWRO Water Resources Section will be sending curtailment notice letters again this month 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.)

WRIA 22/23 Instream Flow Regulation – Adopted in 1976

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	" "
Dillenbaugh Creek	8-21-72	" "
Hanaford Creek	5-7-52	" "
Hope Creek & Garrard Creek	8-28-73	" "
Kearney Creek	10-27-52	" "
Lincoln Creek	11-9-48	" "
Middle Fork, Newaukum R.	4-7-50	" "
Mill Creek	3-21-52	" "
Mox 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.]

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	8.4	42	1.4

Month	Day	12.0309.00 Porter Cr.	12.0310.00 Chehalis R. at Porter	12.0325.00 Cloquallum Creek	12.0340.00 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	260	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.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

June 2, 2021

Re: Notification to Restrict Surface Water Use

Dear Junior Water Right Holder:

Currently minimum instream flows are not being met for the Chehalis, Newaukum, Satsop and Wynoochee Rivers. Managing our state's water resources, including instream flows in rivers and streams, is a critical part of preparing for and solving water resources emergencies. We have to ensure as river flows decrease people, farms, and migrating fish have adequate water supplies. We expect flows to decrease further as the summer continues.

You are receiving this notification letter because our records show that you have a surface water right within the Chehalis River Watershed issued with provisions/restrictions to protect river flows that include existing senior water right holders. These restrictions are in accordance with Chapter 173-522 of the Washington Administrative Code (WAC) – Water Resources Program in the Chehalis River Basin, WRIA's 22 and 23. This instream flow regulation requires that all water right holders with surface water rights junior to the 1976 adoption date of the regulation cease diverting water from the following rivers if minimum instream flows set in WAC 173-522 are not being met:

- Chehalis River
- Newaukum River
- Satsop River
- Wynoochee River

This notification to restrict junior water rights does not include restricting water use associated with domestic supply for homes or stock watering. Those water rights issued for domestic supply should only be using water indoors – no outdoor water use. Most of the junior water rights that are to be restricted were issued for irrigation.

We expect junior water right holders to self-regulate their water use. Most junior water rights are conditioned to only use water from May 1 through October 1, unless minimum instream flows are not being met.

Listed below are the gauges located on the Department of Ecology Stream Flow Monitoring website, and the USGS Chehalis River Basin web site. **The gauge associated with your water**

Curtailment letter sent in 2021

right must be checked any day you intend to divert water. If your gauge on your right is not listed, please use a gauge downstream of your diversion on the main stem of the river nearest your diversion.

Lower Chehalis WRIA 22 Gauges:

- 12035000-Satsop River Near Satsop
- 120374000-Wynoochee River above Black Creek
- 12039005-Humtulpis River

Upper Chehalis WRIA 23 Gauges:

- 12020000-Cheahlis River Near Doty
- 12025000-Newaukum River Near Chehalis
- 12026400-Skookumchuck River Near Bucoda
- 12027500-Chehalis River Near Grand Mound
- 12031000-Chehalis River at Porter
- E2B060- Black River at Highway 12 (this is an Ecology gauge located on the Stream flow Monitoring Website).

To access the Department of Ecology Stream Flow Monitoring website type this URL into your browser <https://ecology.wa.gov/Research-Data/Monitoring-assessment/River-stream-monitoring/Flow-monitoring>. Click on the Statewide Stream Summary Map, then click the circle that is in the area of the gauge you are interested in checking.

To access the gauges on the USGS Chehalis River Basin web site type this URL into your browser <https://waterdata.usgs.gov/wa/nwis/current?type=chehalis>, each gauge will give that days instantaneous flows.

We are sending this notification letter to all junior water right holders in the areas potentially impacted by these restrictions. If you do not use water under a water right, received this letter in error, or you have any questions about the minimum daily flow please contact Opal Smitherman at (360)407-6859 or Opal.Smitherman@ecy.wa.gov.

Sincerely,

Opal Smitherman
Compliance and Enforcement
Department of Ecology
Southwest Regional Office