Water Right Adjudication Assessment

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www.ecology.wa.gov/WaterRightAdjudications
What is Adjudication?

- Omnibus Superior Court action prioritizes and quantifies every water right on a source
- Long-term, uniform and consistent process
- Final decree is inventory of priority, quantity, and purpose of all water rights
- Only way to include Federal and Tribal rights
Anticipated adjudication timeline

- 2022-23: Pre-adjudication work
- 2023-25: Initiate court action
- 2025-27: Determine legal water rights
- 2027-onward: Interim and Final Orders
Recommended for Adjudication:
Lake Roosevelt and Middle Tributaries
(WRIA 58)
Upper Columbia Water Rights

- Tribal water rights
  - Colville Confederated Tribes (1872)
  - Spokane Tribe (1881)
  - Potential land reservation and aboriginal rights
- U.S. Bureau of Reclamation (1938) rights
  - Irrigation Districts and end users are not parties
  - Existing projects (Odessa) are secondary use permits
- Other federal water rights
- Private water rights
Private Water Rights

- 550 or fewer
- Previous adjudications
  - Alder Creek (1924)
  - Cheweka Creek (1924)
  - Corus Creek (1926)
  - Stranger Creek (1926)
  - Quilisascut Creek (1929)
  - Orapahan Creek (1931)
  - Jennings Creek (1933)
  - Harvey Creek (1972)
- Fish & Wildlife SWSL limits
Upper Columbia Water Rights

- “Sharing in the Dark”
  - Tribal water use is unknown and unregulated
  - Protection from impairment is voluntary
- Tribes don’t have full benefit of reservations
- All State and Federal water rights are uncertain
- Inconsistent and uncertain markets and regulation
Next Steps

- Decision package is part of Ecology’s Budget Request
- No agency request legislation or statutory changes
- Legislative Report supports budget request
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