

Nooksack Pre-Adjudication

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Fresh Water Management in Washington State

Water is . . .

- A public resource
- Used under prior appropriation

Three branches of state law

- Statutes (RCWs)
- Ecology Rules (WACs)
- Court rulings

Ecology currently regulates

- Rulemaking
- Permitting system
- Adjudication . . .



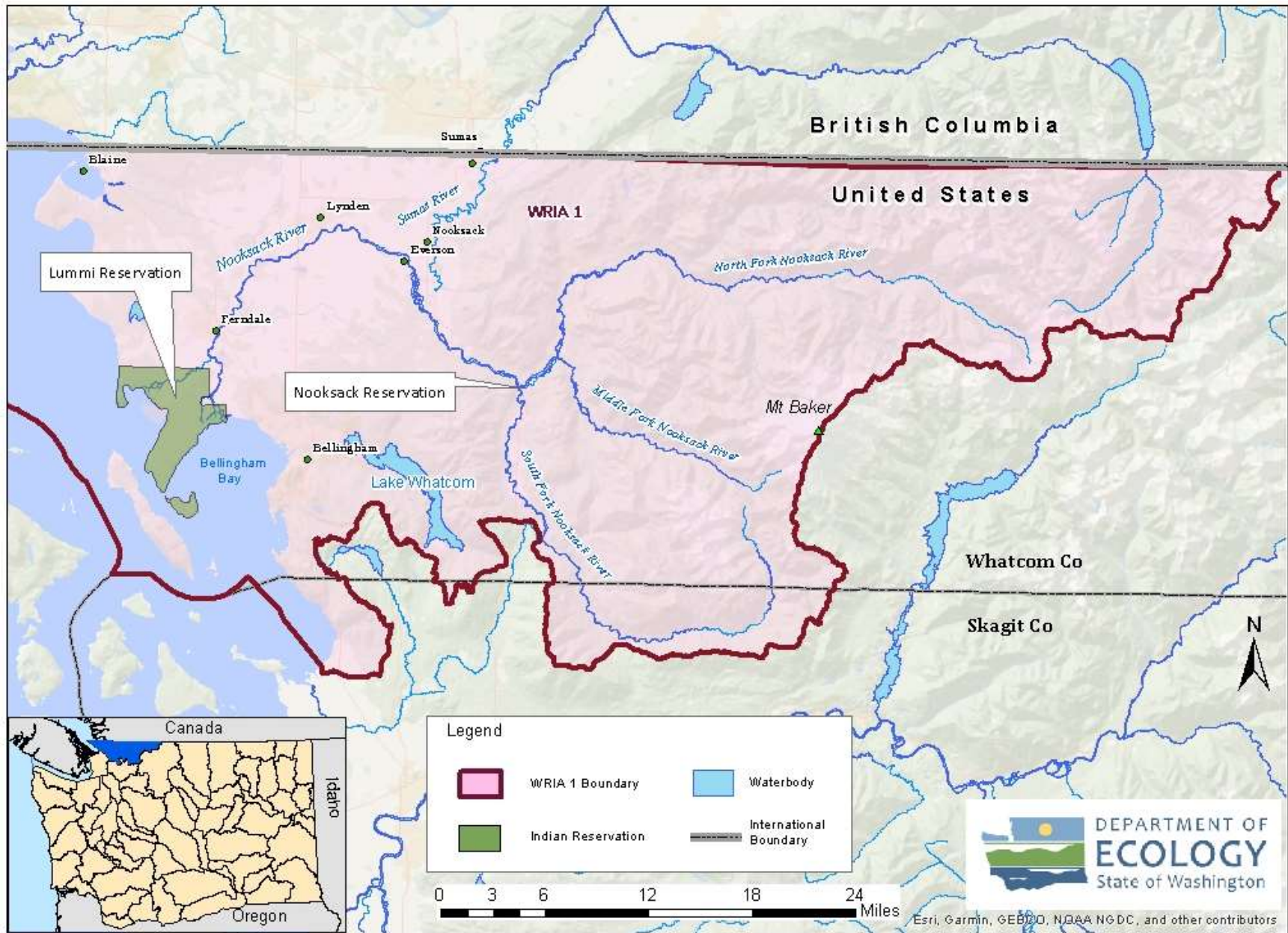
Only way to identify all legal water users on a source

What is an Adjudication?

- Superior Court prioritizes rights from oldest to newest
- Single process for all history, and law of water use
- Result = Final Court Decree



Ecology's Recommendation: WRIA 1 - Nooksack



Why is a Nooksack Adjudication Needed?

- Records do not reflect use
- Hinders planning, regulation, mitigation, banking and transfer
- All rights are vulnerable
- Federal and Tribal rights are not quantified
- Only sure way to long-term solutions



How do Adjudications Work?

Sample years based on 2021 start date

1. Ecology defines a water source and identifies users (2021-2022)
2. Ecology files in Superior Court (2023). Court sets deadlines and process (2023-2024).
3. All water users respond with a claim and supporting evidence (2023-2025 or beyond)
4. Ecology provides a Report of Findings (2025 or beyond, perhaps in phases, depending on subbasins)
5. Water users may object to Ecology or each other (2023 at the earliest)
6. Court rules on rights and issues a schedule (10-20 years after filing, possibly in phases)



Nooksack Solutions

- Adjudication Status
- Whatcom County-led negotiation
- Grants and projects





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<https://ecology.wa.gov/WaterRightadjudications>

