

Frequently Asked Questions (FAQ) about...

The Chelan County Water Management Program



Chelan County has formally established a Water Management Program to ensure water supplies are physically and legally available for residents of Chelan County. This FAQ summarizes details about the Program and how you can find out more information.

Q Why is Chelan County establishing this program?

Chelan County has tracked water supply in parts of the County using various grant funding sources. Those grants are no longer available. In order to fulfill its obligations under existing instream flow rules and anticipated future requirements, Chelan County must continue these efforts. Under the 2016 Supreme Court case “Whatcom County vs. Hirst, Futurewise, et al” and the 2018 Streamflow Restoration Act passed by the Washington State Legislature, counties in Washington must ensure water is physically and legally available when it issues a building permit or approves a subdivision. In response to these changes, Chelan County updated its County Code (Chapter 13.30) in 2021 to ensure it is in compliance with water law.

Q Do other Counties have the same kind of program?

Yes. Many other counties have started managing water supplies for rural water use, including Kittitas, Spokane, and Yakima Counties. Each of these counties have fee-based mitigation programs for rural wells, that used to be free and exempt from permitting.

Q In what basins does the new Chelan County program apply?

The Program applies in the Entiat and Wenatchee Basins because of the adopted instream flow rules. The Program applies in the Lake Chelan Basin because a reserve of water was created to balance out-of-stream uses with senior hydropower rights. This Program is codified in Chapter 13.30 of the Chelan County Code.

Q What does it mean to impair instream flow?

Impairment of instream flow by domestic wells was what led to Legislative changes. Even though household well use is small, cumulatively they have an impact on streams. If flows are protected for fish, that impact “impairs” or illegally diminishes the adopted flow unless it is mitigated.

Q Does Chelan County have adopted instream flow rules?

Yes. An instream flow rule was adopted in the Wenatchee Basin in 1983 ([WAC 173-545](#)) and updated in 2008. An instream flow rule was adopted in the Entiat Basin in 2005 ([WAC 173-546](#)). Key features of both rules include:

1. Water is set aside to protect fish.
2. A ‘reserve’ of water is set aside for new small out-of-stream uses, including domestic use.

Q How much water is in the reserve?

It varies by basin. Currently, some basins only have a few years of domestic growth remaining, while others have more than 20 years available. Chelan County tracks how much water remains available and reports that to Ecology. The County also is developing additional water supply to extend these reserves further to mitigate for new domestic uses. Mitigation requirements in each basin are being phased in based on the amount of water available remaining in existing reserves.





Q What does it mean for water to be physically and legally available?

In order to demonstrate water is physically available, a groundwater well or surface water source must provide at least 400 gallons per day. In order for water to be legally available it cannot impair senior water right holders or instream flows adopted by the Department of Ecology in rule. The Chelan County Health District verifies physical availability in all the basins in Chelan County. The Chelan County Natural Resources Department administers legal availability compliance in the Entiat, Wenatchee, and Lake Chelan Basins only. This process is completed prior to the building permit application process with Community Development, with the exception of existing Lake Chelan surface water users.

Q What kinds of projects can mitigate for new domestic uses?

Chelan County is evaluating a range of projects, including improved operation of existing storage, and buying existing rights to offset new uses.

Q What does it mean to impair a senior water right?

Washington is a Prior Appropriation state, meaning that “the first in time is the first in right.” If a new domestic well will interfere with an existing right, a building permit cannot be issued.

Q What are the new program requirements for Entiat, Wenatchee, and Lake Chelan?

Prior to applying for a new building permit with Chelan County Community Development in these basins, the Water Mitigation application must be submitted with fees. The application will be reviewed to determine whether the building permit will result in new indoor, outdoor, or combined uses. This application will then be debited as a new water use to the appropriate geographic reserve and a water mitigation approval will be issued. The water mitigation approval document will need to be submitted with the building permit application. Once final occupancy is approved by Chelan County Community Development and the building permit is complete, a Water Mitigation Certificate will be recorded on the property.

Q How much is the new fee?

Fees include a one-time Water Mitigation Fee of \$1,000 to acquire replacement supplies and a one-time Water Mitigation Administration Fee of \$1,000 to operate the new program. The fees are phased with the administration fee taking effect on April 1, 2021 and the mitigation fee also taking effect on April 1, 2021 EXCEPT in the Entiat and Lower Wenatchee Basins (January 1, 2025 for those basins).

Q What would happen if Chelan County did not adopt this program?

The County would be at risk for legal action if it did not take steps to ensure water is legally available where that requirement exists prior to issuing a building permit. If the County did not create a fee program to replace water being allocated in the reserves of water, it would not be able to issue further building permits.

Q How do I find out more information?

Chelan County's website has more information on the new Program and whether it applies to your parcel. You may also contact the Natural Resources Department with your questions by phone or email.

www.co.chelan.wa.us/natural-resources/pages/water-mitigation-program

MaryJo.Sanborn@co.chelan.wa.us | 509.860.2135
Abby.Hendrickson@co.chelan.wa.us | 509.630.6430