



MUNICIPAL WATER

Spokane Valley
Water Supply



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PRESENTATION OUTLINE

- Brief Municipal Water Law Recap
 - Emphasis on **Brief**
- History of Spokane Valley
- Current Water Service Areas
- Current Challenges Faces Purveyors



MUNICIPAL WATER LAW RECAP

- Western Water Law Fundamentals: A water right becomes perfected (vested) after water is put to a beneficial use.
- Municipal Water: The Washington State Department of Ecology (“Ecology”) issued many water right certificates for municipal uses based on system capacity (also referred to as pumps and pipes certificates) rather than beneficial use.
- *State v. Theodoratus*, 135 Wn. 2d 582 (1998): The Washington Supreme Court held that Washington’s surface and groundwater codes require actual beneficial use to perfect a right. Did not address—but raised concerns—over inchoate municipal water.

MUNICIPAL WATER LAW RECAP... CONT.

The 2003 Municipal Water Law (“MWL”)

- Declared that existing municipal water rights based on system capacity (pumps and pipes certificates) are "right[s] in good standing" and prohibits Ecology from "revoking or diminishing" these certificates except in limited circumstances (RCW 90.03.330(2), (3))
- Limited Ecology’s issuance of future municipal water rights certificates based upon actual beneficial use (RCW 90.03.330(4))
- Defined “municipal water supplier” and “municipal water supply purposes” (RCW 90.03.015(3) and (4))

MUNICIPAL WATER LAW RECAP... CONT.

- *Lummi Indian Nation v. State*, 170 Wn.2d 247 (2010) – The Washington Supreme Court affirmed the MWL, rejecting facial constitutional challenges.
- *Cornelius v. Ecology*, 182 Wn.2d 574 (2015) – As applied challenge to MWL, court reaffirmed validity.
 - The Washington Supreme Court upheld the “good standing” and “municipal” status of WSU’s water rights.
 - The decision affirmed applications to amend WSU’s water rights, including the “unperfected” portions that reflect as-yet unused quantities intended for future use, to enable a well relocation and consolidation project on campus.
 - Upheld: Municipal water rights not subject to relinquishment

MUNICIPAL WATER LAW RECAP... CONT.

- Ecology Policy 2030
 - Describes Ecology's current implementation approach to the MWL and is "advisory only" – not a statute or WAC
- Last updated in November 2024
- Language focuses on whether the water right is in "good standing" and the "original intent" of the water right
- Application of Policy 2030 by Ecology means:
 - Municipal Inchoate water rights not subject to relinquishment.
 - But they can't be transferred to other municipal purveyors.

THE HISTORY OF SPOKANE VALLEY

- Incorporated in March 2003
- Formed from Multiple Unincorporated Communities
 - Trentwood; Veradale, Dishman, Greenacres, Opportunity
- Population increased at Least 14.8% since incorporation
 - 2010 Census: 89,755 (first official US Census Data)
 - 2020 Census: 103,078
 - 2025 Population Estimate: 108,405 (from US Census Bureau)



THE HISTORY OF SPOKANE VALLEY

- Water Utilities are not Provided by the City
- Water Systems Pre-date the City
 - Water Districts, RCW Title 57
 - Irrigation Districts, RCW Title 87
 - Private Corporations with Municipal Service
- Historically: Ag Land ➔ Small Communities ➔ City



Vera Water Power
1907-1908 (Left)
1930's (Right)



<https://verawaterandpower.com/about/history/>

CURRENT WATER SERVICE AREAS SPOKANE VALLEY

- City of Spokane Valley has 15 Distinct Water Purveyors (13 Municipal Supply)

1. Carnhope Irrigation District No. 7
2. East Spokane Water District No. 1
3. Spokane County Water District No. 3
4. Orchard Ave. Irrigation District No. 6
5. Hutchinson Irrigation District No. 16
6. Modern Electric Water Company
7. Model Irrigation District No. 18
8. Vera Water & Power
9. Pincroft Mobile Home Park
10. Irvin Water District No. 6
11. Consolidated Irrigation District No. 19
12. Trentwood Irrigation District No. 3
13. Holiday Trailer Court
14. Spokane Industrial Park
15. Kaiser Trentwood

CURRENT WATER SERVICE AREAS SPOKANE VALLEY

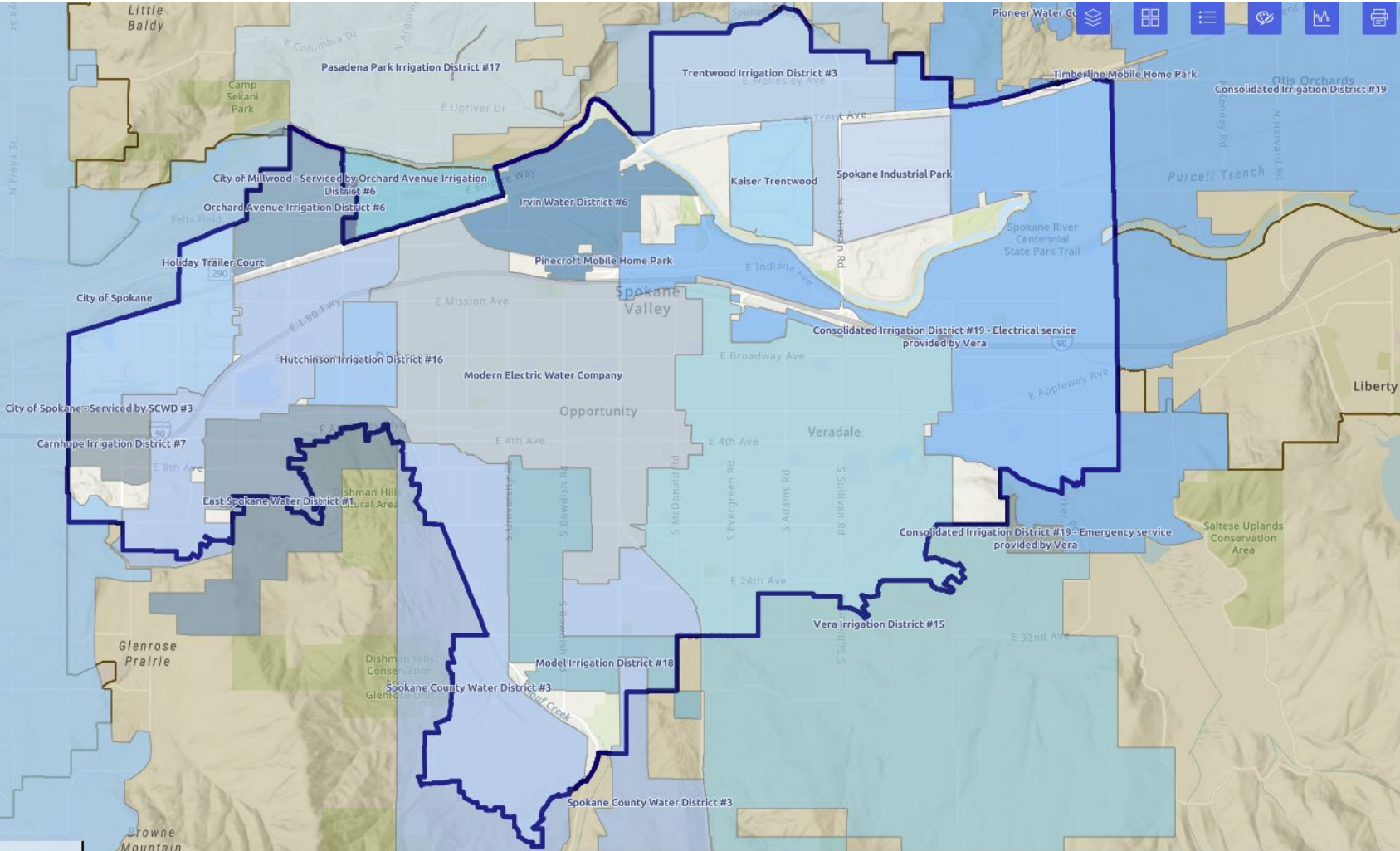
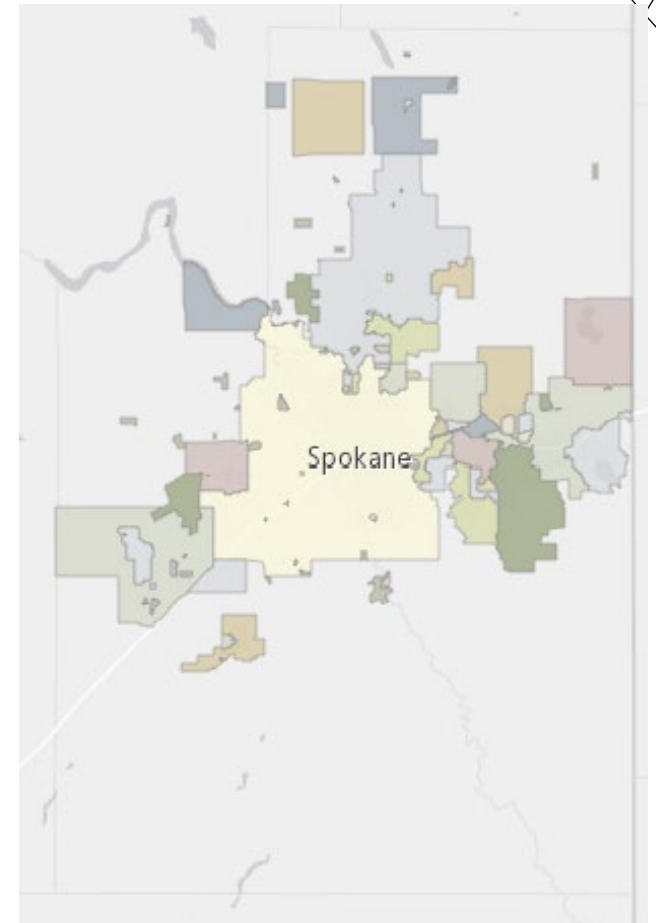


Image from City of Spokane Valley Arc GIS
Available here:
<https://spokanevalleywa.gov/267/Maps-GIS>

CURRENT WATER SERVICE AREAS SPOKANE VALLEY

- Spokane County Coordinated Water System Plan
 - Adopted in 1999
 - Applies to More than the Valley
 - Sets Future Growth Areas for Group A Municipal Water Purveyors
 - Developers Must Seek Water First from Designated Purveyor
 - Can't Seek Water from Other Purveyor; unless:
 - Consent; or
 - Water Service can't be provided in a timely and reasonable manner.



CURRENT CHALLENGES FACING PURVEYORS

- Growth – All Current Challenges Are Driven By Growth
- No Control Over Zoning
 - Water Utility does not set zoning – City of Spokane Valley does
 - Residential zones with higher density
 - Middle housing requirements increase density w/o looking at Water Rights
- Cost of Uncontemplated Construction
 - Multiple DoT projects occurring in the Valley
 - DoT and City require utilities to relocate
 - Need earlier notification of construction projects / better coordination

CURRENT CHALLENGES FACING PURVEYORS

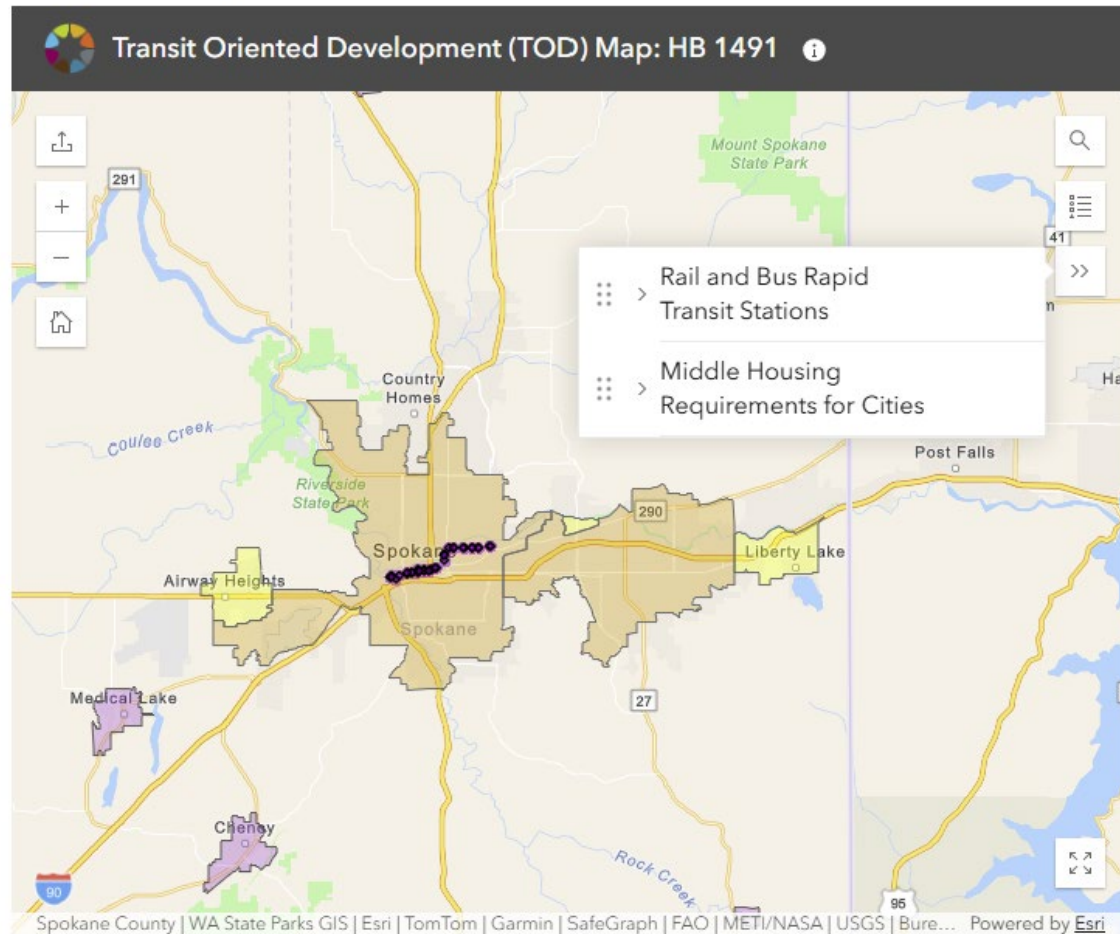
PROJECTED GROWTH IN SPOKANE COUNTY:

Spokane County		Projection Year: 2046		Permanent Housing Needs by Income Level (% of Area Median Income)							Emergency Housing Needs (Temporary)
		Population Target = 654,665		Total	0-30%		>30-50%	>50-80%	>80-100%	>100-120%	>120%
Countywide Estimated Housing Supply (2020)		221,840	6,613	937	34,798	61,803	32,035	20,981	34,673	1,192	
Countywide Additional Units Needed (2020-2046)		75,184	19,905	5,714	13,620	8,844	4,772	3,937	18,392	3,037	
Sum of Allocation to Jurisdictions (from User Inputs)		75,177	19,903	5,713	13,619	8,844	4,772	3,937	18,390	3,036	
User Input - % Share of County Population Growth. Values must sum to 100%		99.99% <-- Sum of user inputs for jurisdiction shares of county future net housing need. If increase 0.01 below 100%, increase shares. If above 100%, decrease shares.									
		* The location of 28 emergency housing beds within Spokane County is unknown. Therefore, they are not included in the jurisdiction table below.		Permanent Housing Needs by Income Level (% of Area Median Income)							Emergency Housing Needs (Temporary) *
		Total	0-30%		>30-50%	>50-80%	>80-100%	>100-120%	>120%		
35.21 %	Unincorporated Spokane County	Estimated Housing Supply (2020)	59,013	1,179	0	5,981	14,559	9,421	9,603	18,270	30
		Allocation Method A (2020-2046)	26,472	7,008	2,012	4,796	3,114	1,680	1,386	6,476	1,069
6.66 %	Airway Heights city	Estimated Housing Supply (2020)	3,626	67	0	685	1,997	545	134	198	0
		Allocation Method A (2020-2046)	5,007	1,326	381	907	589	318	262	1,225	202
3.37 %	Cheney city	Estimated Housing Supply (2020)	5,354	256	0	935	3,097	690	153	223	0
		Allocation Method A (2020-2046)	2,534	671	193	459	298	161	133	620	102
1.36 %	Deer Park city	Estimated Housing Supply (2020)	1,902	45	0	434	804	275	99	245	0
		Allocation Method A (2020-2046)	1,023	271	78	185	120	65	54	250	41
0.00 %	Fairfield town	Estimated Housing Supply (2020)	228	5	0	79	104	23	5	12	0
		Allocation Method A (2020-2046)	0	0	0	0	0	0	0	0	0
0.00 %	Latah town	Estimated Housing Supply (2020)	88	0	0	35	41	6	2	4	0
		Allocation Method A (2020-2046)	0	0	0	0	0	0	0	0	0
8.78 %	Liberty Lake city	Estimated Housing Supply (2020)	4,915	39	0	208	1,133	1,238	930	1,367	0
		Allocation Method A (2020-2046)	6,601	1,748	502	1,196	776	419	346	1,615	267
0.24 %	Medical Lake city	Estimated Housing Supply (2020)	1,828	184	0	159	839	329	96	221	0
		Allocation Method A (2020-2046)	180	48	14	33	21	11	9	44	7
0.05 %	Millwood city	Estimated Housing Supply (2020)	820	27	0	147	413	142	37	54	0
		Allocation Method A (2020-2046)	38	10	3	7	4	2	2	9	2
0.07 %	Rockford town	Estimated Housing Supply (2020)	195	0	0	62	85	25	7	16	0
		Allocation Method A (2020-2046)	53	14	4	10	6	3	3	13	2
0.00 %	Spangle city	Estimated Housing Supply (2020)	127	6	0	42	56	12	3	6	0
		Allocation Method A (2020-2046)	0	0	0	0	0	0	0	0	0
23.34 %	Spokane city	Estimated Housing Supply (2020)	99,938	3,534	937	19,479	47,090	11,873	7,118	9,907	1,134
		Allocation Method A (2020-2046)	17,548	4,646	1,334	3,179	2,064	1,114	919	4,293	709
20.90 %	Spokane Valley city	Estimated Housing Supply (2020)	43,751	1,265	0	6,515	21,579	7,456	2,792	4,144	0
		Allocation Method A (2020-2046)	15,713	4,160	1,194	2,846	1,848	997	823	3,844	635
0.01 %	Waverly town	Estimated Housing Supply (2020)	55	6	0	37	6	0	2	4	0
		Allocation Method A (2020-2046)	8	2	1	1	1	1	0	2	0

- NOTE: The above chart is pulled from Spokane County's 2026 Comprehensive Plan Update Board of County Commissioners Strategic Discussion Handout (dated 04.08.2024). The full handout is available here: https://www.spokanecounty.gov/DocumentCenter/View/54050/BoCC_2026_CompPlanUpdate_StrategicDiscussion_Handout_20240408?bidId=

CURRENT CHALLENGES FACING PURVEYORS

TOD Map



Light Brown Area
Designated by Dept. of Commerce
as requiring up to 4 units per lot or 2 ADU's
Per RCW 36.70A.840-842

Image Taken from:
<https://www.commerce.wa.gov/growth-management/housing-planning/transit-oriented-development/>

CURRENT CHALLENGES FACING PURVEYORS

- Why is Growth Such an Issue for the Valley Water Purveyors Now?
- Answer: Inability to Transfer Inchoate Water Rights
 - Some Purveyors are Reaching or Have Reached Paper Rights (Qa)
 - Requires Infrastructure to Deliver Water from Neighboring Purveyor
 - Short Term Solution: Wholesale of Water / Overlapping Boundaries
 - Long Term Solution: Need Policy 2030 Modified or a Legislative Fix



QUESTIONS?

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