

Columbia River Policy Advisory Group December 13, 2012

Methow Valley/Twisp Water Right

Melissa Downes of Ecology and Teresa Scott of the Department of Fish and Wildlife shared their perspectives on policy issues associated with the Town of Twisp's application for a water right, in the context of a set of actions occurring in the Methow Valley. Ecology is considering use of an Overriding Consideration of Public Interest declaration in order to enable a change in time of use, which would assist Twisp with their water rights. Ecology believes that its investment in four other projects in the Methow Valley provides sufficient in-stream flow benefits to outweigh the seasonal impacts of a new appropriation for Twisp. The Department of Fish and Wildlife is looking for alternatives to traditional mitigation that are better for fish. WDFW is interested in circumstances that are not simply permit-by-permit or project-by-project decisions, but instead are linked to overall benefits. WDFW wants to look at all the recovery projects in the Methow, and a broad range of issues.

CRPAG members and the audience had these questions and observations:

- Do you have constituent buy-in? [Yes, from the City and County and irrigators].
- Shouldn't the real policy question be based on "providing sufficient habitat benefits"?
- Where are we in the process of determining the permit issues? What about the reserve and interruptibles? [The in-stream flow rule allocates 14 cfs among seven reaches. In accounting for the 2cfs in question, Ecology may need to move into rulemaking.]
- How many discrete actions are in one package? [Four are partially funded by the Columbia River account.]
- In trying to fix the set of issues, it would be wise to include the 67 interruptibles, as part of a more comprehensive, holistic approach.
- What has Twisp done to achieve conservation? [Aggressive leak detection. Adopted progressive rate structure.]
- There should be a high bar for out-of-kind mitigation.
- We have lost sight of the purpose of in-stream flow rule, which is beneficial use. This is an overwhelmingly positive package for fish. Adding 11cfs to 24 cfs in the Twisp River is huge, against a decrement of a few hundredths of cfs for winter seasonal flow in the mainstem Methow.
- This package may help interruptibles, but it likely won't be enough to extend their season.
- If you layer too many things into the in-stream flow rule, then we get concerned. There is some question as to whether the rule even has relevance to policy on-the-ground.
- Twisp is a regional service center and the agencies should assist in in-filling and expansion, to be consistent with the intent of the Growth Management Act.
- The lack of impact of this action on the Columbia River is necessary but not a compelling reason to support it, due to how far it is from the Columbia. The more immediate factor is the health of the tributary.
- I am in favor of Ecology going forward with issuance of this water right.

Leasing of Water to Oregon Irrigators

Derek Sandison of the Department of Ecology, Steve Greenwood of Oregon Solutions, and Barry Norris of the Oregon Department of Water Resources, opened a discussion that was a follow-up

to the State of Oregon's presentation to the CRPAG in October. Washington and Oregon have had discussions over the last year to develop an inter-state partnership on water resource issues. Ecology has previously purchased 5,000 af of water from the Port of Walla Walla, available at Wallula, which is no longer being used to irrigate a pulp tree farm. Ecology holds this water in trust. The agency is testing different ways to make the water available. To date, three parties in Washington have leased some of the water. Oregon is interested in leasing the remaining water (about 1,500 af) at a price of \$150,000 per year, and Ecology is considering the idea.

CPRAG members and the audience had these questions and observations:

- Would it be possible to link this leased water to three districts in Oregon who have foregone water in order to protect water for fish?
- This is not a large action and is benign. This is largely a symbolic action with potential future benefit. I'm not worried about the border.
- What we should be working toward is an integrated approach that requires looking not just at water withdrawals, but how water management fits with dam operations and other factors impacting salmon recovery. We should assure that there will be enough water in the river after any withdrawals to meet salmon flow targets, and that has not been demonstrated. Until there is an integrated solution, I would prefer to keep the 5,000 af in the Columbia.
- I encourage Ecology to be receptive to NOAA's overture to deal with these issues on a larger scale.
- Will there be more demand in-state for this water? Will these rights become more valuable over time within Washington State?
- What is the term of the lease? [The original lease is 10 years; eight years are left. There is no specific proposal from Oregon yet.]
- One risk is that, even though this is short term water, people could come to rely on it. Then it would become a political risk. [Possibly. Due to the nature of the lease, any irrigator would limit his investment. It could help bridge a project in some way.]
- The details of the proposal will make a difference in terms of benefits to Washington State.
- Is this an opportunity for an additional gateway to Oregon? [Oregon is looking at it as a learning opportunity and is definitely interested in other opportunities.]
- A potential concern is the location of where the leased monies are spent. If these monies are diverted to western Washington, for example, that would be a problem.
- Leasing water to Oregon would be a prudent thing to do versus losing money. We are looking to take advantage of the market place. The monies could help us with pressing needs elsewhere, for example, in the Methow.
- Has anything like this been done in the western United States? [No. This would be precedent setting.]

Wenatchee River Basin

Mike Kaputa of Chelan County, Jason Hatch from Trout Unlimited, and Dan Haller of Aspect Consulting reviewed a set of issues confronting parties in the Wenatchee River Basin and in particular in the Icicle Creek drainage. There are 12 tributaries to the Columbia River in the Wenatchee River Basin covering 1,400 square miles. 85% of the lands are managed by the U.S. Forest Service. The Basin has 9,000 acres of tree fruit. There very limited storage capacity in the Basin.

There is a history of conflict and litigation in the Basin. Parties have been trying to develop a comprehensive water plan and recently met in a two-day workshop to discuss various paths forward. Participants at the workshop sought to agree on a broad set of principles including in-stream flow, hatcheries, tribal treaty rights, municipal demand, and reliable water for agriculture.

One key element that will come into focus in the next few months is coordinated cost reimbursement processing. The Wenatchee Reserve was established in 2007. No permits have yet been drawn down against the reserve. 2010 legislation allows applications to be processed as a group for \$5,000 to \$15,000 per application. (The actual cost will be determined once the total number of participants is known.) From mid-December until mid-2013, Ecology will notify 150 potential applicants and determine who is able and willing to participate in this coordinated permit processing.

One project of particular interest in the Icicle Creek Boulder Field Study, covering an area between the hatchery and irrigation diversion. The study seeks to understand if there has been an anthropogenic impact on this reach, and whether there is an alternative means of achieving passage for fish.

This study prompted a set of questions from the CRPAG:

- Was there fish passage historically? [Unclear. Bull trout are getting through now.]
- Is there a lot of geological instability in the area? [Yes.]
- What was the origin of the boulders other than natural causes? [That is one of the questions for the study.]
- How much habitat would be made accessible if the boulders were moved? [About 26 miles.]
- Are there additional barriers upstream? [There may be. It is flow dependent on irrigation.]
- Who owns the stretch? [The Forest Service is the majority owner, but much of the gravel area is privately owned.]
- Are there other anthropogenic studies around? [Some say that this is not a boulder field; it is a boulder cascade.]
- Are there derived nutrients upstream? [US Fish and Wildlife and a grad student are doing a study.]
- The Wenatchee Basin is one of the top watersheds for investment of state funds, even in a pared back environment.
- What about the water supply issues? It seems like most of the focus is on fish recovery. [There is a suite of needs for agriculture and municipal use, including restoring the storage capacity for 1,000 acre feet and providing a reserve to the City of Leavenworth.]
- What kind of water raise would the Peshastin storage project entail? [It would be to the permitted level.]

Manastash Creek Restoration Project

Urban Eberhart of the Kittitas Reclamation District and Anna Lael of the Kittitas Conservation District described a project related to Manastash Creek. This is the first project to come to fruition under the Yakima River Basin Integrated Plan as an “early action” project. Prompted by a Notice of Intent to Sue, the irrigators and conservation district have been working for 10 years on a set of activities on a large section of the tributary that periodically dries up, thereby eliminating fish habitat. With an influx of new money from the Bureau of Reclamation, the irrigation district will

construct a pressurized pipeline to bring water from Lake Easton to a new point of diversion, thereby helping to keep the creek hydrated. Other efforts by BPA, Ecology, USFW and NRCS have helped to improve passage around irrigation diversions. In-stream flow has been improved by the use of trust water and acquisition of new water.

CRPAG members and the audience had these questions and observations:

- How does the flow get into the dry reach? [Water is diverted at Lake Easton]
- Have there been other studies to review needs in this area? [Yes, they focused on rehydration]
- What is the interruptible status of the water rights? [The new 17.7 cfs is pro-rated on July 1. KRD offers a consistent flow of water all summer.]
- The Bureau of Reclamation has done a great job expediting this project and emphasizing the fish benefits within the Integrated Plan.

Aquifer Recharge and Storage

Derek Sandison provided a short overview of a more extensive briefing that will occur at the March CRPAG meeting on aquifer recharge and storage. Most irrigation districts have few options for diverting water. Historically districts have been dependent on surface storage. More recently Ecology and others have been focusing on regional, modular designs to provide sub-surface storage and the re-timing of water, which also could integrate irrigation and wind energy storage.

2013 Legislative Session

Derek briefed the CRPAG on the forthcoming legislative session, which begins on January 14, 2013. The Governor's budget is expected to include about \$80m in appropriation and re-appropriation for the Columbia River account. The Governor's budget is also expected to provide about \$20m for funding the Yakima River Basin Integrated Plan. Ecology intends to offer a policy bill that endorses the Integrated Plan and provides a financial framework of taxable and non-taxable accounts to assist in the funding of projects.

The next meeting of the CRPAG will be March 6, 2013 at the State Farm Bureau's office in Olympia.

Attendees:

CRPAG members and alternates:

- Dale Bambrick, NOAA
- Jon Culp, WA State Conservation Commission
- Michael Garrity, American Rivers
- Jason Hatch, Trout Unlimited
- Paul Jewell, Kittitas County
- Mike Leita, Yakima County Commission
- Chris Marks, Confederated Tribes of the Umatilla Reservation
- Teresa Scott, Washington Department of Fish and Wildlife
- Mike Schwisow, WA Water Resources Assc./Columbia Basin Development League

Craig Simpson, East Columbia Basin Irrigation District
John Stuhlmiller, Washington Farm Bureau
Rob Swedo, Bonneville Power Administration
Stephanie Utter, Bureau of Reclamation
Matt Watkins, Tri Cities Municipal

Others in attendance:

Neil Aaland, Washington State Association of Counties
Jennifer Austin, House Republican Caucus
Mike Beckwith, Bureau of Reclamation
Moroni Benally, University of Washington
Theo Burgoon, Upper Columbia Salmon Recovery Board
Sally Carpenter, citizen
Wendy Christensen, Bureau of Reclamation
Marie Cobb, Intera
Corey Cormack, Bureau of Reclamation
Stu Crane, Yakama Nation
Charity Davidson, Washington Department of Fish and Wildlife
Melissa Downes, Department of Ecology
Urban Eberhart, Kittitas Reclamation District
Steve Greenwood, Oregon Solutions
Dan Haller, Aspect Consulting
Tim Hanrahan, GeoEngineers
Wally Hickerson, ICF Jones and Stokes
Tim Hill, Department of Ecology
Perry Huston, Okanogan County
Al Josephy, Department of Ecology
Mike Kaputa, Chelan County
Chuck Klarich, Yakima Basin Storage Alliance
Jonathan Kohr, Washington Department of Fish and Wildlife
Paul La Riviere, Washington Department of Fish and Wildlife
Anna Lael, Kittitas County Conservation District
Walter Larrick, Bureau of Reclamation
Kevin Lindsay, GSI Water Solutions
David McClure, Klickitat County
Candy McKinley, Bureau of Reclamation
Greg McLaughlin, Washington Water Trust
Jeremy Pratt, CardnoENTRIX
Cindy Preston, Department of Natural Resources
Joel Purdy, GeoEngineers
Joye Redfield-Wilder, Department of Ecology
David Reeploeg, Office of Senator Cantwell
Rick Roeder, Department of Natural Resources
Derek Sandison, Department of Ecology
Mark Schuppe, Department of Ecology
Peter Schwartzman, Pacific Groundwater Group
Cliff Sears, Grant PUD
Dan Silver, facilitator
Jim Skalski, Department of Ecology

Ken Slattery, Washington Water Trust
Toni Smith, Landau Associates
Paul Stoker, Groundwater Management Area
Tom Tebb, Department of Ecology
Ed Thomas, CH2MHill
Steve Thurin, HDR
Craig Trummel, Attorney
Bill Wagoner, National Frozen Foods Coop
Kyle Lynch, Legislative Asst for Representative Judy Warnick, 13th District
Dawn Wiedmeier, Bureau of Reclamation
Bill Zachman, Department of Ecology