

**COLUMBIA RIVER BASIN WATER MANAGEMENT PROGRAM – POLICY ALTERNATIVES**

POLICY ISSUE	PREFERRED ALTERNATIVE	PROPOSED IMPLEMENTATION METHOD	PROPOSED SCHEDULE
Selecting Water Supply Projects	Ecology will actively pursue the most cost-effective and beneficial methods to meet the future water supply needs of the Columbia River basin. Both large and small water supply projects will be evaluated and considered. Ecology will continue to fund studies designed to identify large off-channel storage projects that would serve multiple water supply purposes and benefit both public and environmental water needs. Ecology will also work to identify other, likely smaller, water supply opportunities that might substitute for, or complement, new large off-channel storage. Opportunities include: using watershed plans to identify and pursue smaller storage projects; possibly partnering with upstream jurisdictions (Idaho and/or Canada) to manage current storage or create new storage capacity for fish critical months; buying or negotiating changes in operations of existing federal facilities to provide additional water when and where it is needed; aquifer storage and recharge; passive ground water recharge; and other water conservation and acquisition projects.	Policy  (inclusion in Columbia River Basin Water Management Program Policy Document)	Draft December 2007  Public Comment January 2008  Final March 2008
Calculating Net Water Savings from Conservation	Ecology will use GUID-1210 (a 2005 Ecology guidance document that establishes Ecology’s approach for determining irrigation efficiency and consumptive use of water) for calculating net water savings. Ecology may, if required by RCW 34.05, propose a rule that adopts the GUID-1210 methodology as the basis for calculating consumptive use and net water savings.	Rulemaking	Schedule to be determined

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Funding Criteria for Conservation Projects	Net water savings derived from funding conservation projects will be assigned to benefit both instream flows and out-of-stream uses on the Columbia River. Projects would be qualified and then ranked by the magnitude and significance of the instream and out-of-stream benefits expected. In-kind contributions and cost-sharing by applicants will be among the criteria to be developed by Ecology.	Policy  (inclusion in Columbia River Basin Water Management Program Policy Document)	Draft December 2007  Public Comment January 2008  Final March 2008
Defining Acquisition and Transfer	<p>For purposes of determining where Account funds may be spent, Ecology will define the terms “acquisition” and “transfer” as follows:</p> <p><b>“Acquisition”</b> means funding projects using the Columbia River account for the purpose of effectuating the following forms of consumptive water use reduction:</p> <ul style="list-style-type: none"> <li>▪ Purchase of water rights to place in the Trust Program;</li> <li>▪ Crop water duty reductions (e.g., deficit irrigation without crop change);</li> <li>▪ Change in crops (e.g., permanent change of orchard to vineyard);</li> <li>▪ Fallowing or idling corner irrigation of center-pivot irrigation systems;</li> <li>▪ Switching from irrigated to non-irrigated crops; or</li> <li>▪ Partial season acquisitions (e.g., foregoing irrigation after first cutting of hay).</li> </ul> <p><b>“Transfer”</b> means the change of a water right from one place and person to another place and person, or the issuance of a new permit where the consumptive demand associated with the new permit is mitigated by a water right “acquired” using Account funds and held in the Trust Program. Pumps and pipes infrastructure projects are not considered to be “acquisition” or “transfer.”</p>	Policy  (inclusion in Columbia River Basin Water Management Program Policy Document)	Draft December 2007  Public Comment January 2008  Final March 2008

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Conditioning Water Rights on Instream Flows	Ecology will continue to apply the instream flow water right created by the 1980 Columbia River Instream Flow Rule to new permits and to season of use changes that authorize a beneficial use during a different season than the mitigation water right. In situations where demand shifting from critical summer months to less critical winter months would result in a benefit to aquatic species, Ecology will consider case-specific waivers of the 1980 instream flow rule after consulting with the Directors of the Department of Fish and Wildlife and the Department of Agriculture and the Commissioner of Public Lands.	Policy  (inclusion in Columbia River Basin Water Management Program Policy Document)	Draft December 2007  Public Comment January 2008  Final March 2008
Initiating Voluntary Regional Agreements	Ecology will support water users with common interests to consider a VRA where it benefits the Columbia River Management Program and is in the public interest. Ecology will respond to and work with proponents to execute new VRA proposals that are consistent with RCW 90.90.030. However, this will not be a major focus of Ecology's activities.	Policy  (inclusion in Columbia River Basin Water Management Program Policy Document)	Draft December 2007  Public Comment January 2008  Final March 2008
Processing Voluntary Regional Agreements	Ecology currently processes water rights applications according to the "Hillis Rule" (Chapter 173-152-050 WAC). Ecology will continue this practice for new Columbia River applications, including those associated with a VRA. This means that, generally, Ecology will process new water right applications and water right change applications in two separate lines in the order they are received within an Ecology region. Ecology may make decisions from multiple water sources within a Region, beginning with the application with oldest priority date from each source. Ecology generally prioritizes its work by source (WRIA) for efficiency in investigation and permitting. The priority date is based on the date an application is filed with Ecology (WAC 173-152-030).	Policy  (inclusion in Columbia River Basin Water Management Program Policy Document)	Draft December 2007  Public Comment January 2008  Final March 2008

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Defining “No Negative Impact” to Instream Flows of the Columbia and Snake Rivers	The Columbia River Water Management Act sets forth that there shall be no negative impact to stream flow allowed in July and August on the Columbia River and from April through August on the Snake River as a result of a VRA. Ecology will use metering, monitoring, stream gaging, and water masters to account for trust water rights derived from conservation and acquisitions together with all mitigated permits. Ecology will authorize new out-of-stream uses only within the first mainstem pool that benefits from a trust water right and any downstream pools, subject to the limitations of RCW 90.90.010(2)(a) on acquisitions and transfers. Net water savings from a tributary project would be measured at the mouth of the tributary.	Policy  (inclusion in Columbia River Basin Water Management Program Policy Document)	Draft December 2007  Public Comment January 2008  Final March 2008
Defining the Main Channel and One-Mile Zone	The Columbia River Water Management Act defines the mainstems of the Columbia and Snake Rivers to include “all water ... within the ordinary high water mark (OHWM) of the main channel...” and “all ground water within one mile of the ordinary high water mark.” Ecology interprets “all water” in these definitions to refer to diversions within the one-mile corridor, even where the place of use of the diverted water is outside of the one-mile corridor. The definition of the main channel and one-mile zone applies to: <ul style="list-style-type: none"> <li>▪ Water right permits issued from the mainstem;</li> <li>▪ The mitigation standard for VRAs (no negative impact on instream flows of the mainstems); and</li> <li>▪ The water resource inventory prepared for “effective mainstem water resource planning and management.”</li> </ul> A straight line will be drawn across the mouth of each tributary to delineate the mainstem channel. The main channel OHWM does not include any of the backwater areas on tributaries nor does it include tributary surface water rights within the one-mile corridor.	Policy  (inclusion in Columbia River Basin Water Management Program Policy Document)	Draft December 2007  Public Comment January 2008  Final March 2008

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<p>Coordinating VRA Mitigation and Processing New Water Rights</p>	<p>Processing new water rights from the Columbia River will require mitigation for any impacts to instream flows. The mitigation will be provided either through a VRA, or through the consultation process (WAC 173-563-020). The mitigation standard for Columbia River water rights covered by a VRA is no negative impact on instream flows during July and August. For the Snake River, it is no negative impact for the months of April through August. Mitigation under a VRA means avoidance of negative impacts on flows and must be in-kind, in-time, and in-place. Ecology will aggressively pursue funding of water supply projects to make mitigation water available for new mainstem permits, whether covered by a VRA or not. However, in some cases, adequate mitigation water may not be available. RCW 90.03.380(5)(c) allows Ecology to skip over a water right change application to the next person in line if information is lacking to make a decision on the request. There has been some concern that Ecology does not have similar statutory discretion for processing new water rights and must process them in the order they are received. However, Ecology may request permission from the senior applicant to be skipped over if the senior applicant has not provided enough information on the application. If state-funded mitigation is unavailable and those earlier in line that require mitigation cannot provide their own, Ecology would allow those earlier in line to voluntarily step aside for a set period of time. After that period of time, the application would be processed, even if adequate mitigation water has not been found. This may result in a denial of an application to the extent that mitigation was inadequate. If an earlier applicant declines to step aside, Ecology will process the application and would deny an application that fails to meet the four-part test under RCW 90.03.290.</p>	<p>Rulemaking</p> <p>Ecology will consider reasonable timeframes (e.g., two years) necessary to coordinate acquisition of adequate mitigation under the program (in-kind, in-place, in-time) with new application requests.</p>	<p>Schedule to be determined</p>

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<p>Coordinating VRA and Non-VRA Processing</p>	<p>WAC 173-152-030 states that Ecology will process new water right applications in the order they are received within a region. It also allows Ecology to make decisions from multiple water sources within a region, beginning with the oldest priority date in each source. The priority date is based on the date an application is filed with Ecology. Ecology will use a hybrid of two choices presented in the EIS to coordinate VRA and non-VRA application processing based on: 1) the source of mitigation water acquired and placed into the Trust Program (e.g., mainstem savings versus tributary savings), and 2) whether saved water must stay within the WRIA by statute (e.g., RCW 90.90.010(2)(a) without specific legislative authorization, as follows: If the source of mitigation water is a mainstem conservation, acquisition, or storage project, Ecology will group all applicants in the Columbia River one-mile corridor together. Ecology will process applications from the mainstem independent of WRIA boundaries when the source of water from a water supply project is from the mainstem Columbia, for example, the proposed Lake Roosevelt drawdown. If the source of mitigation water is a conservation or acquisition project within a tributary stream, Ecology will group applicants within the Columbia River one-mile corridor together with tributary WRIA permitting. Ecology will choose which WRIA to work in based on the availability of water rights within the Trust Program to match up with new permits from the Columbia River requiring mitigation to satisfy the no negative impact policy. The senior-most applicant within the WRIA will be processed ahead of older mainstem applicants downstream if those older applicants cannot benefit from mitigation water that must stay within the WRIA.</p>	<p>Policy  (inclusion in Columbia River Basin Water Management Program Policy Document)</p>	<p>Draft December 2007  Public Comment January 2008  Final March 2008</p>

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Funding Projects Associated with a VRA	The Columbia River Management Act does not directly require Ecology to use conservation or storage funding to assist in providing mitigation water for VRAs. However, Ecology will expend Account funds on projects that will provide mitigation for mainstem water right applicants, including those who participate in VRAs. Funding criteria for water supply projects will include incentives for federal, local, or private participation as a method of sharing responsibility for the costs of water supply development and to support long-term financial sustainability for the program.	Policy  (inclusion in Columbia River Basin Water Management Program Policy Document)	Draft December 2007  Public Comment January 2008  Final March 2008
Inclusion of Exempt Wells in Water Use Inventory	Ecology will include uses of ground water exempt from permitting in the water use inventory. However, the first inventories will address only uses that rely on wells for which electronic information is available. Over time, as resources and opportunities allow, Ecology will expand the inventories to include additional exempt uses. Ecology will provide access on its website to the aggregate inventory data by 2009.	Policy  (inclusion in Columbia River Basin Water Management Program Policy Document)	Draft December 2007  Public Comment January 2008  Final March 2008