

CAG Transfer Guidelines

A. Basic Criteria (Principles) and some conditions for “fast track” response to transfer request be articulated including:

1. Equivalent reductions in consumptive use

- Maintain neutrality to TWSA
 - Must be incorporated in TWSA - main stem to main stem. All water must be accounted for
- Land has to remain dry for the period of transfer

2. Water that would have been used if not for transfer

- Intent has a lot to do with this. It is not a fast process if intent is questioned
- There are clear criteria that can be developed that deal with intent
 - Is watered, recently watered
 - Apply to a specific tract (two kinds of transactions - specific parcel/tract or bulk amount of water from an entity)
- Transferring a water right for a year is still beneficial use
- Following lands – easy transferability of right
- Due diligence prior to the transaction. May include use of a "Chinese" wall.

3. Transfer must adhere to specific delivery schedule

- Water has to be available at the sellers/donors point of diversion at the time of use at the location the water is being transferred to. Some rights are not full season rights
- Districts should submit a map with transfer requests

4. Must be no adverse change in instream flow

- Adverse - depends on where it is and when. Time and location is everything. May be trade off issue - e.g. net benefit to fish and others. Technical criteria can be articulated concerning time and location
- Need specific group to advise Bureau of Reclamation/DOE on these criteria. A CAG working Group has been formed for this purpose. The group includes representatives of the Bureau of Reclamation, WA Department of Ecology, WA Department of Fish and Wildlife, Yakama Indian Nation, US Fish and Wildlife Service, National Marine Fisheries Service.
- Would be "easier" if there were adopted flow criteria

5. Operational Impacts

B. Develop and agree to technical details that support the principles

- What do you need to know to answer the questions that apply to the criteria? This helps to guide the EA and consultation with Bureau, Fish and Wildlife and NMFS.
- What blanket statements can be made in EA that speed up the analysis?
- Technical requirements developed, on the ground, in 2001 should be documented for longer term reference and use

C. Develop scenarios that describe the technical criteria

- Eight scenarios were identified in which to consider fundamental criteria
 1. Main stem to main stem
 2. Tributary to main stem
 3. Main Stem to tributary
 4. Upstream transfers
 5. Downstream transfers
 6. Transfers between surface and ground water
 7. Sticks, and
 8. Bundle of sticks