

Columbia River Basin Water Management & Lake Roosevelt Drawdown

History

- Columbia River Initiative (CRI) began with Governor Locke in 2004.
- Effort made to implement CRI with rule-making process by the Department of Ecology (DOE) when he was “lame duck” governor and contested gubernatorial election was still being decided.
- Legislature rejected rule-making authority of DOE to implement CRI without legislative authorization. Legislature believed any water management system on the Columbia would require legislation.
- Governor Gregoire agreed to a Columbia River Task Force (CRTF) to take a fresh look at management of the Columbia that would address existing and new water rights on the river. First meeting was in June of 2005.
- Continuation of meetings throughout the interim and into the 2006 session with working draft of concepts first offered by the DOE in November 2005. This draft of concepts incorporated the concerns of both Democrats and Republicans on the CRTF.
- Negotiations on the CRTF appeared to reach an impasse. Republican members then offered their own concept bill (focused mainly on new storage) at the beginning of session, which “jump-started” the process again. Later this language and the DOE proposal were incorporated into a single bill that passed the Senate Water, Energy & Environment Committee.
- Interested groups then worked up compromise language which met agreement among all members of the CRTF and the governor.
- This language was placed on HB 2860, which then passed the Legislature.
- The legislation became effective on July 1, 2006 and received \$200 million in state bond funding through the capital budget.

E2SHB 2860 (2006)

Storage

Creates the Columbia River Basin Water Supply Development Account (CRBWSDA) to receive state money and payments (if any) from construction of storage and voluntary regional agreements and allows for expenditures from this account in the following shares:

- $\frac{2}{3}$ for construction of new storage
- $\frac{1}{3}$ for other purposes (conservation)

The legislature makes the final decision on what projects to fund.

Water resources available from *new* storage will be allocated in the following amounts:

- $\frac{2}{3}$ for out-of-stream uses
- $\frac{1}{3}$ for instream flows

Requests for new water from the two-thirds portion will continue to use the existing water rights permit system, *except* that there will be no further mitigation or consultation required for out-of-stream water that comes from new storage.

Except for the new development of storage facilities, no funds from this account may be used for water acquisition or transfer between WRIsAs (water resource inventory areas) without specific legislative authority. (This is to protect the dewatering of northern counties).

The two-thirds/one-third standard shall *not* apply to any future transfers and changes of existing water rights within the Columbia Basin.

New Water Supplies

DOE will focus its efforts on providing new water supplies for the following needs:

1. Alternatives to groundwater for irrigators in the Odessa subarea aquifer.
2. Pending water right applications from the mainstem of the Columbia River.
3. Removing the interruptible status of water right holders on the mainstem of the Columbia River that are subject to instream flows or other mitigation conditions to protect flows.
4. New municipal, domestic, industrial, and irrigation water needs within the Columbia River basin.

Voluntary Regional Agreements

Voluntary Regional Agreements (VRAs) are only allowed for *new* water from the mainstem of the Columbia River, for groundwater within one mile of the river, and for a designated section of the lower Snake River.

The mitigation standard is “no negative impact on the mainstem flows in July and August” for the Columbia River and “April through August” for the Snake River VRAs must be harmonized with affected watershed plans.

Before a VRA can be adopted, Ecology must consult with designated parties for 60 days (includes tribes and DFW) and have a 30-day public comment period. The existing consultation WAC will not apply. This process substitutes for the WAC consultation process.

VRAs cannot become required templates for other VRAs along the Columbia River that may develop in the future, and VRAs cannot be conditioned to prohibit the current water right application process or affect existing Habitat Conservation Plans.

Mainstem Water Supply Inventory

DOE is required to develop a water supply inventory of current and future uses of water from the mainstem of the Columbia River. Included in this list are conservation projects developed under this chapter and the amount of conserved water which they have achieved and a list of potential water supply and storage projects which include economic and environmental benefits. (Conservation projects funded prior to the passage of HB 2860 and the volume of water they conserved will not be included in the list.) Reports for both lists must be made available by November 15, 2006 and updated every five years.

Mainstem Water Resources Data

DOE is required to use existing data from watershed planning groups, BPA, irrigation districts, federal agencies, and other sources to show the aggregate amount of water rights issued by the state and the aggregate amount in reported use from those who are required by law to meter and report. This aggregate data must be posted on DOE’s website no later than June 30, 2009 and periodically updated.

Conserved Water

Net water saved on account of conservation measures funded by the account must be placed in trust in proportion to the state funding provided to implement the project.

Implementation

- ◆ **Additional Employees** - DOE anticipates hiring 15 additional employees by July 1, 2006 to begin the implementation of HB 2860.
- ◆ **SEPA/EIS** - In May 2006, the DOE initiated a SEPA (State Environmental Policy Act)/EIS (Environmental Impact Statement) for the Columbia River Basin Water Management Program. The purpose of this process is to create an umbrella of protection from future litigation for many of the projects that result from implementation of this legislation. Seven public meetings were held around the state on the program during May 2006, and additional public meetings will be convened after a draft is proposed by the department.

On February 15, 2007, the SEPA/EIS was completed. It provides an adaptive management policy for conservation and water storage projects to be developed with this water management program.

- ◆ **Voluntary Regional Agreements (VRAs)** - DOE has begun working with CRSRIA (Columbia River Snake River Irrigators Association) to draft a VRA which will allow the irrigators to develop new water supplies from the mainstem of the Columbia River provided that there are no stream flow reductions during the months of July and August as stipulated in HB 2860. It is anticipated that the VRA will be finalized shortly after the SEPA/EIS review is completed. As of June 2008, the VRA between DOE and CRSRIA is still under negotiation. It appears that a phased-in approach of conservation projects and issuance of new water rights based upon the construction and merits of the conservation projects is still being discussed.
- ◆ **Mainstem Storage Alternatives Study** - By July 31, 2006, DOE had identified four storage alternatives. However, only Hawk's Creek and Crab Creek represent potentially viable reservoir locations. Since 2007 another potential storage site in upper Okanogan County, known as Shanker's Bend, is being reviewed by the Okanogan PUD.
- ◆ **Communication Strategy** - HB 2860 created two standing advisory groups of stakeholders to advise DOE on conservation and storage projects. The first group is the *Policy Advisory Group (PAG)* which has assisted DOE with establishing criteria for funding conservation and storage projects. The PAG has also made recommendations to the DOE on policy decisions and priorities affecting the management of the mainstem of the Columbia River, including legislation (SB 6874) introduced during the 2008 Session. The second group is the *Technical Conservation Project Advisory Group* which is composed of water resource experts who provide technical analysis and scoring of proposed water conservation and storage projects to DOE.
- ◆ **Grant Management Program** - Currently 42 applications for funding projects are currently under review by the DOE. The PAG will make recommendations to the

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department on the merits of these projects. The DOE will then submit a list of projects to the Governor and the legislature for funding. Grants for the 2007 funding cycle will be awarded in July of 2009.

Additional Legislation

SB 6151 (2006)

The Legislature passed the Odessa subarea aquifer/relinquishment bill, which provides for an exemption to relinquishment for irrigated lands using groundwater within the Odessa Groundwater Management Subarea.

SB 6874 (2008)

SB 6874 is the result of the historic 2006 legislation, HB 2860, that broke the gridlock of no new water rights being appropriated from the Columbia River since the 1980's.

SB 6874 makes new water available for agricultural, municipal, and environmental needs. Water in Lake Roosevelt will be lowered an additional 1 foot to 1.5 feet which will provide up to 132,500 acre feet of water for out-of-stream and instream uses in the Columbia River Basin. This new water will be apportioned in accordance with the requirements of HB 2860 at 2 buckets for out-of-stream and 1 bucket for instream uses.

Following are the amounts and uses of water from the drawdown of Lake Roosevelt based upon whether the year is a normal or a drought year:

Amounts

New water is made available for agriculture, municipalities, and fish.

- ◆ 82,500 acre feet (AF) of water during a normal year.
- ◆ An additional 50,000 acre feet (AF) of water available during a drought year.

Of the 82,500 AF during a normal year of precipitation:

- ◆ 30,000 AF (36%) is for the Odessa deep well irrigators.
- ◆ 25,000 AF (30%) is for municipal needs.
- ◆ 27,500 AF (33%) is for instream flows.

Of the 50,000 AF during a drought year:

- ◆ 33,000 AF (66%) is for interruptible water right holders.
- ◆ 17,000 AF (34%) is for instream flows.

Uses

Water to Odessa deep well irrigators will do the following:

- ◆ Remove 10,000 acres of highly productive croplands off groundwater wells.
- ◆ Lessen the impact of water depletion on the Odessa Aquifer.
- ◆ Help sustain agriculture (mainly potato production) in the area of the Odessa Sub-Area Aquifer which provides in total up to \$600 million per year and 7,500 jobs in the local economy.
- ◆ Provide more time to address the needs of other deep well irrigators and recharging of the aquifer.

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Municipal water will do the following:

- ◆ Allow many of the 128 municipal and industrial water right applicants currently in line to receive new water.
- ◆ Allow for new jobs and anticipated growth of population of 20% over the next 20 years in the Columbia Basin.
- ◆ Generate revenues from a strong regional economy and anticipated growth for state and local governments.

Water for fish will do the following:

- ◆ Increase stream flows for reducing the risk to fish during the months of July and August when water levels are at their lowest.
- ◆ Sustain and make potential improvements to the Columbia River's \$50 million per year fisheries economy (\$3 million commercial fishing; \$47 million recreational fishing).

Water during drought years will do the following:

- ◆ Allow interruptible water right users access to as much as 33,000 AF of water so their crops will continue to receive water.
- ◆ Increase instream flows in the Columbia River by as much as 17,000 AF during the months of July and August when fish needs are greatest.

Additional merits:

- ◆ Providing new water for many throughout most of the Columbia Basin will lessen the need of cities and agricultural interests to shop for existing water rights, especially in economically distressed NE counties.
- ◆ The sum of \$2 million will be made available for impacts to affected NE counties.
- ◆ \$150,000 will be available for providing a report to the Legislature on policy recommendations for protecting affected NE counties from loss of water to out-of-basin transfers.
- ◆ The Department of Ecology will aggressively pursue development of new water supplies in affected NE counties for both instream and out-of-stream uses.
- ◆ The \$6.025 million per year of funds to the tribes is coming from the state general fund and not from the Columbia River Basin Account which will continue to have a sizeable amount of funds available for the pursuit of new storage.
- ◆ It is anticipated there will be a Memorandum of Agreement (MOA) between the five northeast Washington counties (Okanogan, Ferry, Pend Oreille, Stevens, Lincoln) and the Department of Ecology in an effort to obtain new supplies of water for out-of-stream and instream uses.

Development of new water storage continues to be a major focus of eastern Washington legislators. As the Columbia River Basin Water Management Program is developed with guidance from the Columbia River Policy Advisors Group and direction from the DOE, legislators are hopeful that additional water will be made available for beneficial uses over large parts of the state.