

WASHINGTON DEPARTMENT OF ECOLOGY ADOPTS NEW WATER MANAGEMENT RULE FOR THE WALLA WALLA BASIN

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The Washington Department of Ecology (Ecology) has adopted an updated water management rule for the Walla Walla Basin, an area where increased population and economic growth have placed pressure on already-limited water resources. The Walla Walla Basin, renowned for its vineyards and wineries, straddles the Washington-Oregon border. The new rule, which applies only to the Washington side of the basin, establishes instream flow water rights, places controls on permit-exempt withdrawals from the shallow gravel aquifer system, and limits future withdrawals during high flow periods. The updated rule, which took effect on September 5, 2007, can be found at Washington Administrative Code (WAC) chapter 173-532.

In a press release announcing the new rule, Ecology Director Jay Manning called the new rule “a critical step in the daunting task before us – restoring stream flows, while meeting current and future water demand.”

Overview of the Walla Walla Basin

The Walla Walla Basin is located partly in northeastern Oregon and partly in southeastern Washington, in Walla Walla County and part of Columbia County. It has three major water systems: the Touchet, the Mill Creek/Yellowhawk Creek, and the Walla Walla River. The basin has two primary aquifers: a gravel (shallow) aquifer and a deeper basalt aquifer.

The watershed poses unique water management challenges. The basin has limited water resources and has probably been over-appropriated since the early 1900s. It has been reported that, as early as the 1880s, parts of the Walla Walla River were seasonally dried up. Water supply is presently unreliable for existing water users. Many water right holders with rights dating back to the 1890s are unable to exercise their water rights between July and October. Natural low flow conditions occurring in the late summer and early fall are intensified by water withdrawals, harming salmon and other fish. Due to the condition of

the watershed and potential impact on existing water rights, no new surface or ground water rights have been granted in the Walla Walla Basin since 1996.

Although growth in the area was limited for many years following the adoption of the 1977 rule, this is changing. Population in the Washington portion of the basin is projected to increase by approximately 24 percent between 2000 and 2020. The Department of Ecology determined that changes to water management in the basin are necessary to accommodate current and projected growth and the accompanying water demands.

A local Watershed Planning Unit was formed to address necessary changes to the management program originally adopted in 1977. The rule amendment is based, in part, on recommendations in the 2005 Walla Walla Watershed Plan, and includes additional revisions which establish guidelines and strategies to better address the condition of the watershed. Ecology's adoption of the rule followed two years of extensive public input, including "intense discussions" with the planning unit, other stakeholders, county elected officials and the Confederated Tribes of the Umatilla Indian Reservation. "I appreciate the commitment of our partners in the watershed to better protect the basin's water supplies and their support of this rule," Manning said.

Elements of the New Rule

State law requires Ecology to promulgate rules setting minimum stream flows designed to protect the resources that depend on flowing water – including fish, wildlife, recreation, navigation, water quality, livestock watering and aesthetic needs. Once an instream flow is established by regulation, it is treated as a water right under state law, and new out-of-stream water allocations, if approved, have a junior priority to the instream flow as well as to other senior water rights. In practice, where minimum stream flows are identified by rule but not attained at all times of the year, new water rights are "interruptible" when actual stream flows are lower than the regulatory instream flows.

The 1977 rule did not establish instream flows. With the rule amendment, Ecology adopted new instream flows based on recommendations of the Watershed Planning Unit. Monthly instream flows are now set on the Walla Walla River, Mill Creek, North Fork Touchet River and Touchet River. The new instream flows will not affect existing water rights, but are designed to prevent any further degradation of streamflows in the Touchet and Walla Walla Rivers and Mill Creek systems. The streams in the basin do not presently meet the adopted flow levels. According to Ecology, flow restoration is a "key objective" of the basin management rule.

The rule amendment modifies the existing seasonal closures on surface waters, and closes the shallow (gravel) aquifers connected to surface waters year-round, except for some limited uses. For example, future permit-exempt groundwater use from the shallow

aquifer in areas with a zoned density of one residence or more per ten acres will be managed differently than in the past. Exempt wells (for stockwatering or domestic uses) can still be drilled under the amended rule, but the amount of water that can be withdrawn will be limited, and metering will be required. For certain types of new development and water use, various mitigation options must be employed, including payment of a mitigation fee of approximately \$2,000.

Ecology “listened to our many concerns on behalf of the county, and after numerous meetings and much work, an acceptable plan has now resulted,” said Gregg Loney, chair of the Walla Walla County Commissioners. “By working together we have been able to preserve access to the shallow aquifer for landowners in the 10-acre zoning area of the county, and address our shared goals of water conservation and protecting existing water rights, including instream flows.”

Conclusion and Implications

One inherent limitation in Washington’s approach to instream flow regulation is that establishing a minimum flow through the rule-making process does not necessarily guarantee that water will actually be in the stream when it is needed. As with other recently-updated basin regulations, the amended Walla Walla rule highlights the need for creativity and flexibility in developing alternative sources of water, and in managing the resource to meet the needs of people and fish.