

(editor's note: A follow on Q&A was added to the end this post on March 19, 2010)

March 15, 2010

Cabin Owners update:

I'm happy to announce that the efforts of cabin owners and camp representatives are finally paying off! We have taken a significant step to avoid shut offs in dry years by buying water to mitigate for impacts to pro-ratable water users by post-1905 domestic water users with rights confirmed by the adjudication court.

There are two things going on at the same time; we're working toward a short term solution as well as a long term solution. In April, the Washington State Department of Ecology will ask Yakima County Superior Court to temporarily transfer water rights to trusts for camps and cabin owners. The court only has jurisdiction to make temporary transfers so they cannot make them permanent. If approved, the transfer will mitigate for this summer's post-1905 domestic surface water users. This short term solution requires no action by water right holders and, if approved by the court, will remain in effect through the irrigation season. However, it does NOT cover water users without a water right confirmed by the adjudication court.

The long term solution is still water banking. The purchased water rights are also in the process of being transferred to trust permanently and managed in a water bank. Once water is available, Ecology will offer mitigation credits to post-1905 water right holders so they can protect themselves from future shut offs. Water right holders will need to apply to Ecology as early as this fall to get this process started. I will let you know when we can start accepting applications.

In the future, Ecology hopes to expand the water bank to offer solutions to non-water right holders as well. Mitigating for non-water right holders is more difficult since it requires an additional case-by-case analysis. I will keep you posted on Ecology's efforts.

As always, feel free to call or e-mail me with any questions. If you need more background information check out the following sources:

- Ecology's website "Water Buying for Camps and Cabin Owner's in the Yakima Basin" at: <http://www.ecy.wa.gov/programs/wr/cro/sb6861.html>
- "2006 Report to the Legislature: Potential Water Solutions for Domestic Surface Water Users --Yakima Basin Camps and Cabin Owners" that can be accessed at: <http://www.ecy.wa.gov/biblio/0611044.html>

Kelsey Collins

Kesi461@ecy.wa.gov

15 W. Yakima Ave., Suite 200

Yakima WA 98902

509-575-2640

Q & A:

“Why is Ecology only helping the junior water right holders?”

The intent of the water bank is to help ALL of the domestic surface water users in the Yakima Basin that face challenges getting legal access to water. Ecology’s first move of asking the court to temporarily transfer water to trust to mitigate for out of priority use could only be done for junior water right holders. Unauthorized water use cannot be addressed in such a transaction through the court.

“Why doesn’t Ecology develop a plan to help non water right holders?”

Non water right holders have always been considered in the plan to offer water credits through a water bank; however the quantity of water available at this time is still in question. Ecology purchased water rights, but they may not be enough to fix everyone. We won’t know how far the water will go until the water right has been transferred to trust and we see how many users we can cover. If users purchase credits for only what they need, the water will go farther (which is why metering is so important). We will start contacting folks as soon as the water is permanently transferred to trust (probably this fall).

In the 2006 Legislative Report, Ecology committed to helping junior water right holders first because they have been identified and quantified by the court and can be helped all at once. Ecology is relying on a brand new contract with the Bureau of Reclamation to improve the mitigation for their out of priority water use. The first uses of the contract could well face appeals by other water right holders. Mitigating the impacts of established water rights first is more defensible, and therefore a better place to start, than to issue mitigated permits to water users who have no legal authority to use water.

Also, Ecology is still trying to buy more water. The hope has always been to establish a robust water bank that can accommodate many different groups of water users. As we begin to sell credits to junior water users, we can use that money to purchase more water rights.