



Upper Columbia Water Right Adjudication

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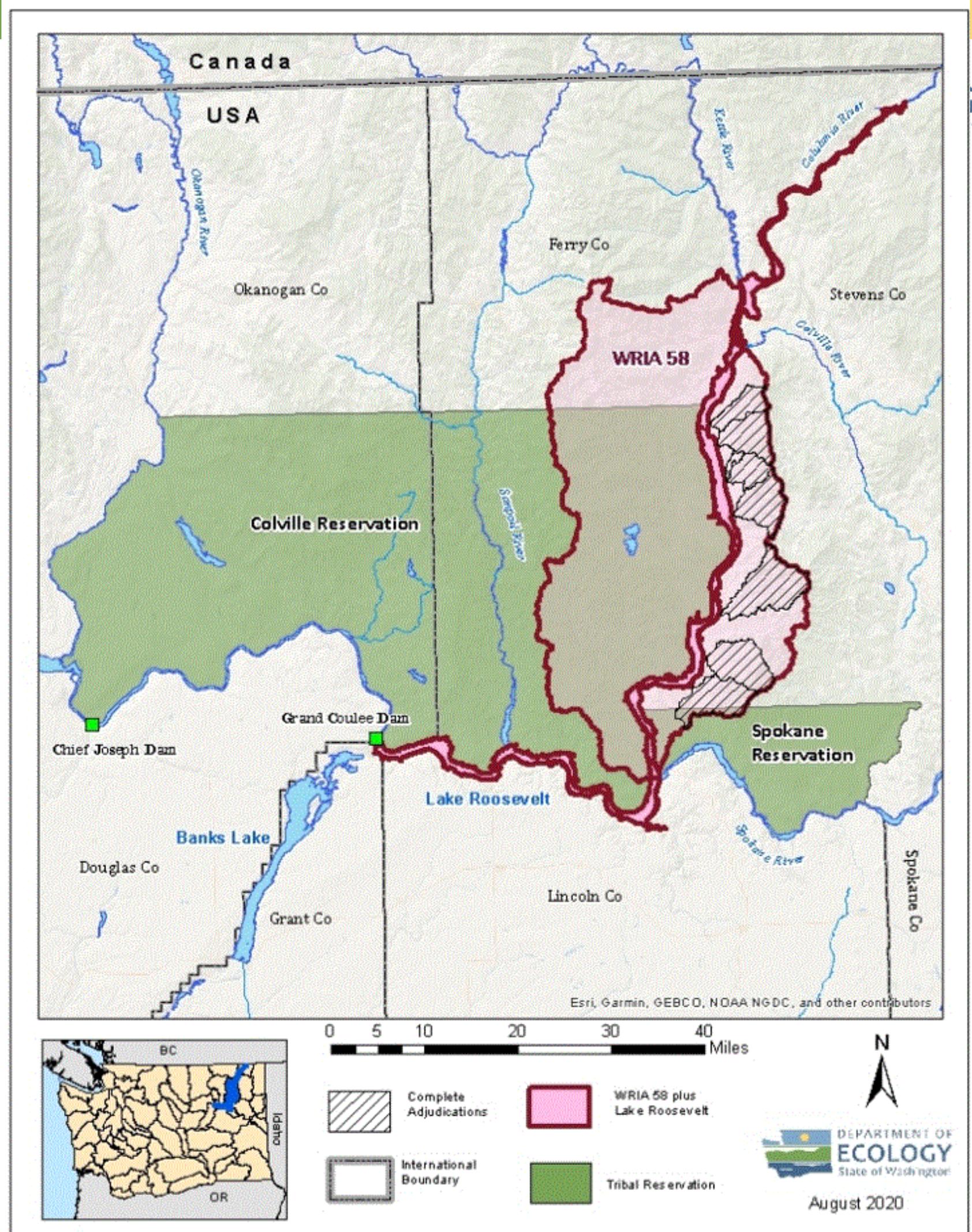
Department of Ecology

January 5, 2023



Lake Roosevelt and Middle Tributaries (WRIA 58)

- USBR right
- May propose adjustment to surface water boundaries
- Ground water where it impairs Lake waters



What is an Adjudication?

- Superior Court prioritizes rights from oldest to newest
- Only way to identify all legal water users on a source
- Single process to consider all water use history and law
- Result = Final Court Decree
- Different jurisdictions:
 - State Court (Ecology as plaintiff)
 - Federal (U.S. vs. Washington et al)

Possible Pathways (*Acquavella* model)

Federal Tribal

- Colville Confederated Tribes
- Spokane Tribe
- Treaty tribes

Federal Non-Tribal

- USBR rights
- National Forest Service
- National Parks Service

Major Claimants

- Three CBIDs
- All within USBR rights

Minor Claimants

- Lake Roosevelt Diversions (80-100)
- Tributary and Groundwater Users (800-1000)

CERTIFICATE RECORD No. 24, PAGE No. 11793
 Stevens, Lincoln, Ferry,
 STATE OF WASHINGTON, COUNTY OF Grant and Okanogan

CERTIFICATE OF SURFACE WATER RIGHT

(In accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendment thereto, and the rules and regulations of the Department of Ecology.)

THIS IS TO CERTIFY That UNITED STATES OF AMERICA acting through BUREAU OF RECLAMATION

of Boise, Idaho, has made proof to the satisfaction of the Department of Ecology of a right to ~~the use of~~ ^{store and use} the public surface waters

of the State of Washington from Columbia River impoundment located

a tributary of -- with point of ~~diversion~~ ^{diversion} within Government Lot Sec. 1, T. 28 N., R. 30 E.W.M. in Grant County; and Government Lot 7, Sec. 1, T. 28 N. R. 30 E.W.M. and Government Lot 4, Sec. 6, T. 28 N., R. 31 E.W.M.; both in Okanogan County and the intervening course of the Columbia River

~~for~~ ^{for} ~~the purpose(s) of~~ ^{the purpose(s) of} irrigation and power generation

under and specifically subject to provisions contained in Reservoir Permit No. R-434 issued by Department of Ecology, and that said right to ~~the~~ ^{storage and} use of said waters has been perfected in accordance

with the laws of Washington, and is hereby confirmed by the Department of Ecology and entered of record in Volume 24, at Page 11793; that the priority of the right hereby confirmed dates from

May 16, 1938; that the quantity of water under the right hereby confirmed, the aforesaid purposes is limited to an amount actually beneficially used and shall not exceed

6,400,000 acre-feet annually for irrigation and power generation

A description of the lands to which such surface water right is appurtenant is as follows:

For power generation:

Government Lot 3, Sec. 1, T. 28 N., R. 30 E.W.M. in Grant County; and Government Lot 7, Sec. 1, T. 28 N., R. 30 E.W.M. and Government Lot 4, Sec. 6, T. 28 N., R. 31 E.W.M.; both in Okanogan County; and the intervening course of the Columbia River; AND

For irrigation:

Lands within the boundaries of the Columbia Basin Project.

STATE OF WASHINGTON
 DEPARTMENT OF ECOLOGY

CERTIFICATE OF WATER RIGHT

- Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
 Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE May 16, 1938	APPLICATION NUMBER 21868	PERMIT NUMBER 15994	CERTIFICATE NUMBER S3-01622C
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NAME BUREAU OF RECLAMATION, U.S. DEPARTMENT OF THE INTERIOR - BOISE, IDAHO			
ADDRESS (STREET) Box 043	(CITY) Boise	(STATE) Idaho	(ZIP CODE) 83724

This is to certify that the herein named applicant has made proof to the satisfaction of the Department of Ecology of a right to the use of the public waters of the State of Washington as herein defined, and under and specifically subject to the provisions contained in the Permit issued by the Department of Ecology, and that said right to the use of said waters has been perfected in accordance with the laws of the State of Washington, and is hereby confirmed by the Department of Ecology and entered of record as shown, but is limited to an amount actually beneficially used.

PUBLIC WATER TO BE APPROPRIATED

SOURCE Columbia River	TRIBUTARY OF (IF SURFACE WATERS)		
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MAXIMUM CUBIC FEET PER SECOND 13,450	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR 2,910,000
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QUANTITY, TYPE OF USE, PERIOD OF USE
 13,450 cubic feet per second, 2,910,000 acre feet per year, each year, for the irrigation of 590,000 acres, non-consumptive low-head hydroelectric power generation, municipal, industrial and recreation supply.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL
 1500 feet east and 200 feet south from the W 1/4 corner of Sec. 1

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) Gov't Lots 3 & 4	SECTION 1	TOWNSHIP N. 28	RANGE, (E. OR W.) W.M. 30 E	W.R.I.A. 42	COUNTY Grant
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RECORDED PLATTED PROPERTY		
LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Area served by the Columbia Basin Irrigation Project distribution system and associated facilities within Lincoln, Okanogan, Douglas, Grant, Adams and Franklin Counties.





**Confederated Tribes
of the Colville Reservation**

21 Colville Street
PO Box 150, Nespelem, WA. 99155
(888) 881-7684 (509) 634-2200 Fax: (509)634-4116
www.colvilletribes.com

August 30, 2019

Director Maia Bellon
Washington Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Re: Petition of Confederated Tribes of the Colville Reservation for Determination and Adjudication of Water Rights and for Initiation of General Stream Adjudication of Tribal Water Rights

Dear Director Bellon:

By this letter, the Confederated Tribes of the Colville Reservation (“Tribes” or “Colville Tribes”) requests that the Washington Department of Ecology (“Department”) commence a general stream adjudication including but not limited to the Columbia River System, the Okanogan River System, all tributaries and boundary waters, and all groundwater within those systems and others as they affect the Colville Indian Reservation. WASH. REV. CODE §§ 90.03.110 to -.245. The Petition of the Confederated Tribes of the Colville Reservation To Commence a General Adjudication of the Tribes’ Water Rights Including All Surface and Groundwater Rights (“Petition”) setting forth the Tribes’ claims is attached to this letter. As set forth in the Petition, the Tribes’ claims are well-developed and ready for adjudication, and are summarized as follows:

- The Tribes claims water necessary to satisfy its rights, protected under federal law, to the Columbia River and its tributaries upstream, downstream and within the Colville Indian Reservation, including but not limited to the Columbia River, the Okanogan River and its tributaries, all streams within the Timentwa-Omak Lake Basin, Omak Creek and tributaries, Nespelem River and tributaries, Sanpoil River and tributaries, all streams with the Upper Inchelium Basin, all streams within the Lower Inchelium Basin, all streams within the Buffalo-McGinnis

**PETITION TO
WASHINGTON DEPARTMENT OF ECOLOGY**

BY

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

**TO COMMENCE A GENERAL ADJUDICATION OF THE WATER RIGHTS OF THE
CONFEDERATED TRIBES OF THE COLVILLE RESERVATION INCLUDING ALL
SURFACE AND GROUNDWATER RIGHTS**

I. INTRODUCTION

The Confederated Tribes of the Colville Reservation (“Tribes”) files the instant petition requesting the Washington Department of Ecology (“Ecology”) to initiate a stream adjudication to resolve the Tribes’ rights under federal law to the waters of the Columbia River and its tributaries flowing through or adjacent to the Colville Indian Reservation (“Reservation”), to the waters of the Okanogan River and its tributaries flowing through or adjacent to the Reservation, to all groundwater underlying the Reservation, to all groundwater and surface waters within the Reservation that are not tributaries to the Columbia or Okanogan Rivers, to all groundwater and surface water appurtenant to allotments, wherever located, of members of the Tribes, to all groundwater and surface water necessary to support the Tribes’ off-reservation hunting, fishing, trapping, gathering and cultural use rights, to groundwater contributing to the flows of the

Columbia River and tributaries, and to groundwater contributing to the flows of the Okanogan



Preparation Work (*approximate*)

