

POL XXXX                      WATER RESOURCES PROGRAM POLICY REGARDING RESERVATIONS OF WATER FOR FUTURE USES FROM THE JOHN DAY-MCNARY POOLS REACH OF THE COLUMBIA RIVER

Resource Contact:            Office of Columbia River                      Effective Date: June, XX, 2019

References:                      WAC 173-531A-040 and WAC 173-531A-050

Purpose:                              To clarify the interpretation and intent of the language in the rule relating to the 2020 date associated with the reservations of water for future irrigation and municipal uses in WAC 173-531A-040 and -050. This 2020 date was intended to communicate a planning horizon or projected date that allocation of the reserved water would be completed, but not an expiration date or sunset date for the reservations. The reservations of water for irrigation and municipal use shall be fully allocated at such time as the entire reserved amounts of water are authorized for use through the issuance of permits and then beneficially used.

Application:                      This Interpretive Statement applies to the implementation of Chapter 173-531A WAC, and water right applications, permits, and certificates associated with the John Day-McNary Pools reservations established under WAC 173-531A-040 and -050.

**The Department’s John Day-McNary Pools Reservations Policy**

Through the adoption of Chapter 173-531A WAC, Ecology established reservations of water from the John Day-McNary Pools Reach of the Columbia River that are to be allocated for future irrigation and municipal uses. WAC 173-531A-040(1) states that “One million three hundred twenty thousand acre-feet per year are hereby reserved from the John Day/McNary Pools reach to provide a water supply for the 330,000 acres of irrigation projected to be developed by the year 2020.” WAC 173-531A-050 states that “Twenty-six thousand acre-feet of water per year is reserved from the John Day/McNary Pools reach to provide for future municipal supply to the year 2020.”

Ecology has determined it would be beneficial to clarify the rule language associated with the projected date of “the year 2020.” Ecology interprets the language of these rule provisions to mean that, at the time the rule was adopted, 2020 was the year when Ecology projected that water under the reservations would be fully allocated through development, but not that “the year 2020” prescribes a date when the reservations will expire.

After January 1, 2020, Ecology will continue to process water right permit applications for irrigation and municipal uses that fall under the reservations until all the water from the reservations is allocated. Applications for rights to use water under the reservations established in WAC 173-531A-040 and -050 are subject to RCW 90.03.290, which sets forth the criteria for the review of water right permit applications, and both Chapters 173-563 WAC and 173-531A WAC. Ecology will apply the provisions in Chapter 173-563 and -531A WAC in determining whether to approve applications, and in developing and applying conditions for new water right permits that are approved. However, if an application or permit is

cancelled, or issued for lesser amounts of water, or a certificated right is relinquished in part or in full, the water tied to these applications, permits, and certificates will again become available for appropriation. WAC 173-563-020(4) and WAC 173-531A-060 require that water right applications eligible for appropriation under the reservations be evaluated for their impacts on fish and existing water rights through consultation with local, state, and federal agencies and Indian tribes. If deemed necessary through the agency and tribal evaluation, any new water right may be subject to instream flow protection or other mitigation conditions determined on a case-by-case basis.

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