

OREGON



WATER RESOURCES
DEPARTMENT



DEPARTMENT OF
ECOLOGY
State of Washington

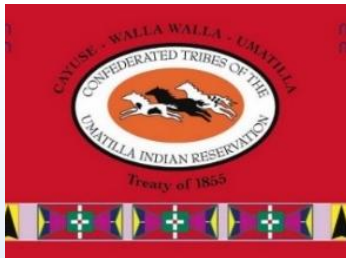
Update on Bi-State Protected Water in the Walla Walla Basin

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Chris Kowitz – North Central Region Manager
(OWRD)



Chris Marks – Water Policy Analyst (CTUIR)

Jaime Short – East Region Water Resources Section
Manager (ECY)

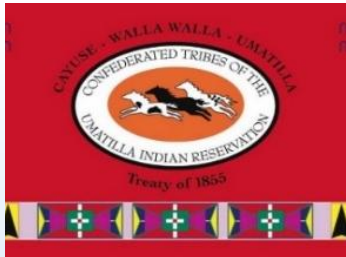


History of the Walla Walla Basin

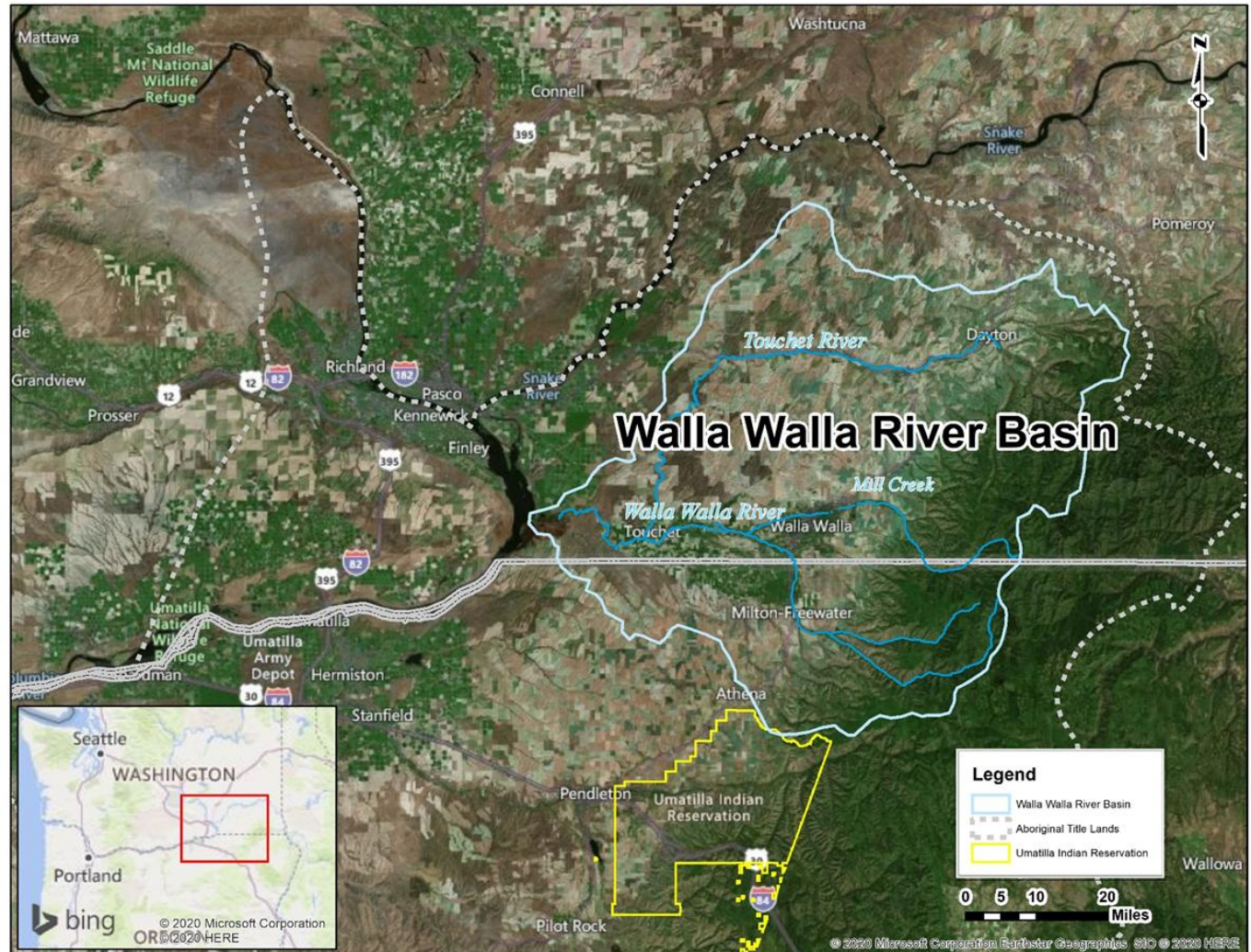
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History of the Walla Walla Basin



Walla Walla River mainstem in July.

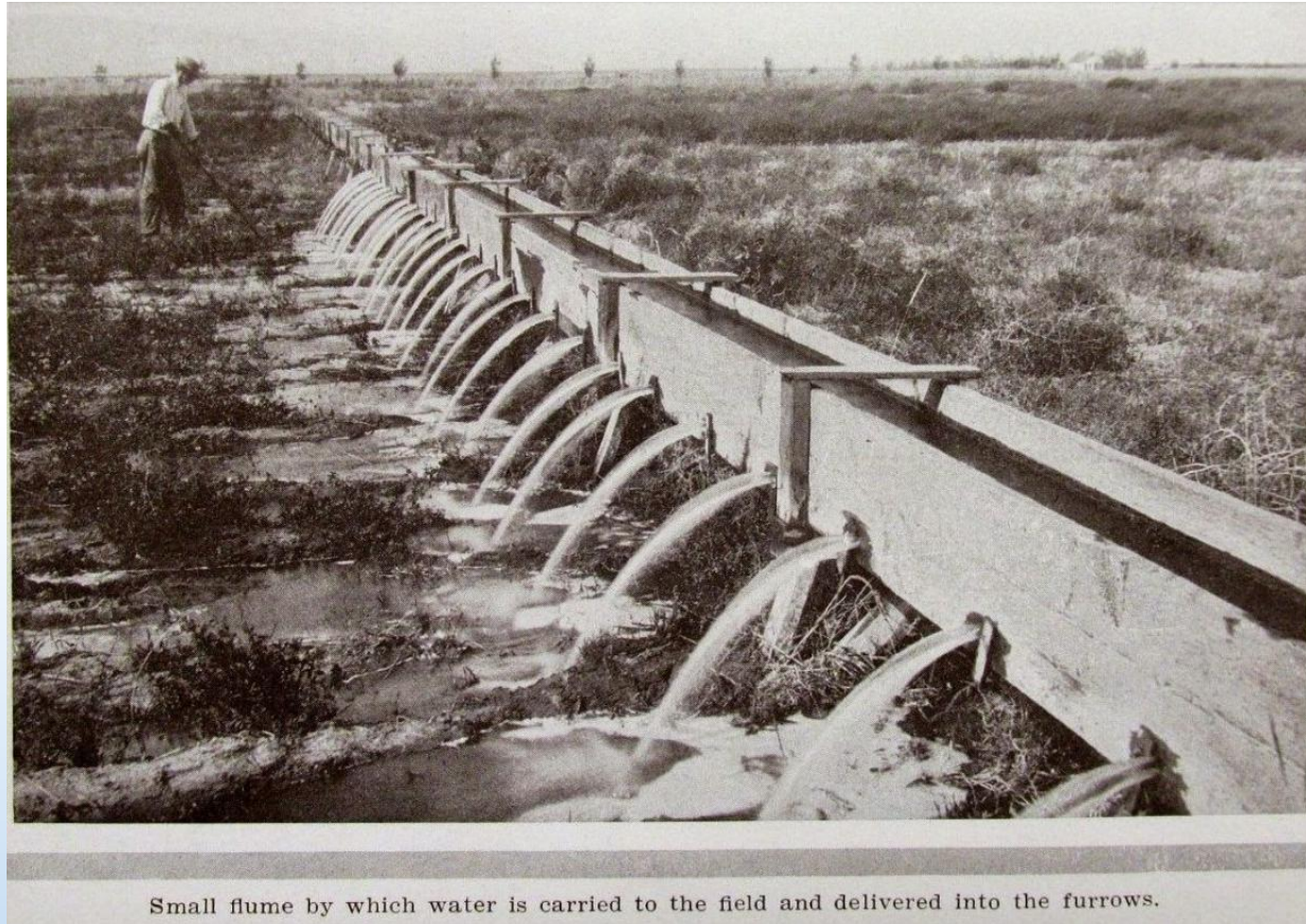
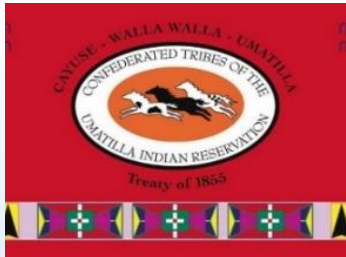
- Homeland of the Umatilla, Cayuse, and Walla Walla Tribes;
- Treaty signed on banks of Mill Creek in 1855;
- Treaty (Article I) reserved Tribes' right to take fish at all ***“usual and accustomed stations”***;
- Since time immemorial, salmon of critical importance to the culture and subsistence of the Tribes;
- By early 1900s, Chinook salmon driven to extinction in the Walla Walla as a result of irrigation diversions.

Brief Retrospective of Water Planning in the Basin

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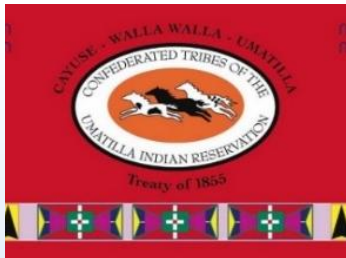
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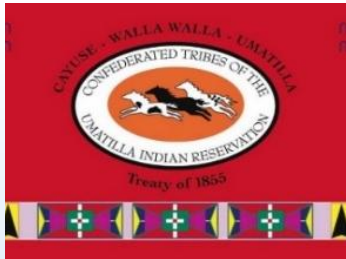
Retrospective of Water Planning



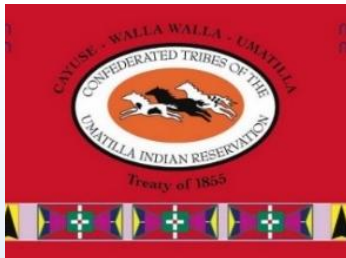
- **USACE Feasibility Study (2002 - 2014)**
 - Studied water alternatives to address supply needs;
 - Unsuccessful due to a lack of state engagement and the inability to protect flows across state line
- **Walla Walla Watershed Management Partnership (2008 - 2020)**
 - Studied water alternatives to address supply needs;
 - Unsuccessful due to a lack of state engagement and the inability to protect flows across state line
- **Walla Walla Water 2050 Plan (2020 -)**
 - Studied water alternatives to address supply needs;
 - Succeeds due to state engagement and the ability to protect flows across state line?



Developing a 30-year Water Vision: WWW 2050



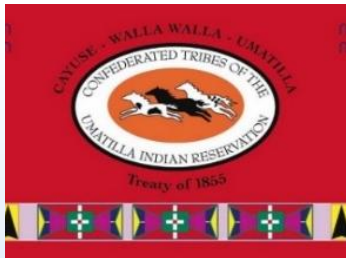
WWW 2050 Implementation: Basin Advisory Committee



- Advisory group includes representation from local government, agriculture, environmental NGOs, states and CTUIR;
- Includes sub-workgroups to advise the BAC on technical issues;
- Consensus based governance;
- Provides policy and project development recommendations to Tri-Sovereigns to implement the strategic plan

WWW 2050 Implementation: Legislation

Approaches for Coordinated Water Resources Management



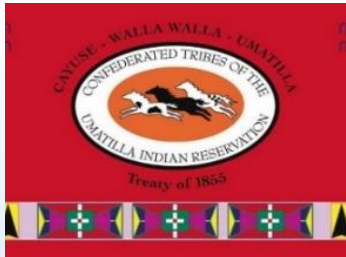
Legal instrument	Description
Memorandum of agreement/understanding	Development of a formal agreement to memorialize shared goals and purpose and to document responsibilities for each state.
Mutual legislation	Mutual passage of identical or coordinated legislation by both the Oregon and Washington legislatures to define individual states' roles and responsibilities in statute.
Interstate compact	Ratification of a formal interstate compact agreement by the legislatures of Oregon and Washington legislatures and U.S. Congress.
Interstate compact (states only)	Ratification of a formal interstate compact agreement by the legislatures of both Oregon and Washington.

WWW 2050 Implementation: Legislation

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- Legislation in 2023
 - Washington 2nd Substitute HB 1322

SECOND SUBSTITUTE HOUSE BILL 1322

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By House Capital Budget (originally sponsored by Representatives Rude, Chapman, Klicker, Lekanoff, and Reeves; by request of Department of Ecology)

READ FIRST TIME 02/22/23.

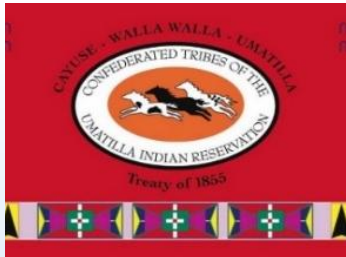
- 1 AN ACT Relating to the Walla Walla water 2050 plan; amending RCW
- 2 90.90.020; and adding a new section to chapter 90.90 RCW.
- 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

WWW 2050 Implementation: Legislation



From the RCW 90.90.120:

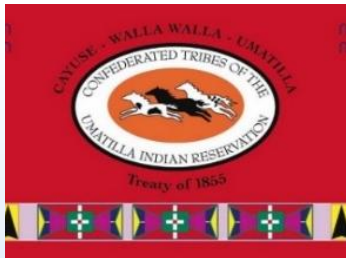
(3) The department of ecology shall consider any increase in the quantity of water supply due to a project being implemented under the Walla Walla water 2050 plan that is completed after July 23, 2023, to be water supply developed under this section.



(9) The department of ecology has the authority to designate water supplies developed under this section for instream flow purposes and placed into the trust water rights program authorized under chapter 90.42 RCW. Water supplies developed under this section that are designated for instream flow purposes are unavailable to satisfy existing water rights, including water rights with superior priority, and are exempt from provisions under RCW 90.42.070.



WWW 2050 Implementation: Developed Water



2024 implementation of the new legislation in Oregon:

- City of Walla Walla applied for a split-season lease.
- OWRD reviewed the application under ORS 537.348 and OAR Chapter 690, Division 77
- Lease approved; water protected instream in August and September.
- OWRD protected 8 cfs from the City's POD in Mill Creek to the Stateline
- OWRD applied to Ecology's Trust Water Program to request that the leased water be protected in Washington under RCW 90.90.120.

WWW 2050 Implementation: the Hand Off

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Oregon

Tina Kotek, Governor

Water Resources Department
North Central Region
116 SE Dorion Ave
Pendleton, OR 97801
(541) 278-5456
www.oregon.gov/owrd

May 9, 2024

Jaime Short, East Region Water Resources Section Manager
Washington State Department of Ecology
4601 N Monroe Street
Spokane, WA 99205

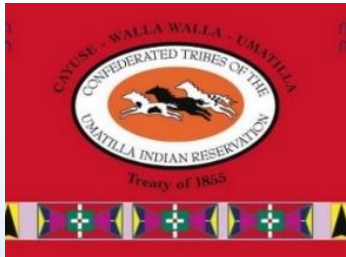
Dear Ms. Short,

The State of Oregon, through the Water Resources Department, respectfully submits the attached Trust Water Right Application. The application, as well as this letter, serve as the State's official request to the Department of Ecology to recognize water protected instream in Oregon via the City of Walla Walla's Split Season Lease as developed water in Washington as defined in Revised Code of Washington (RCW) 90.90.120.

RECEIVED
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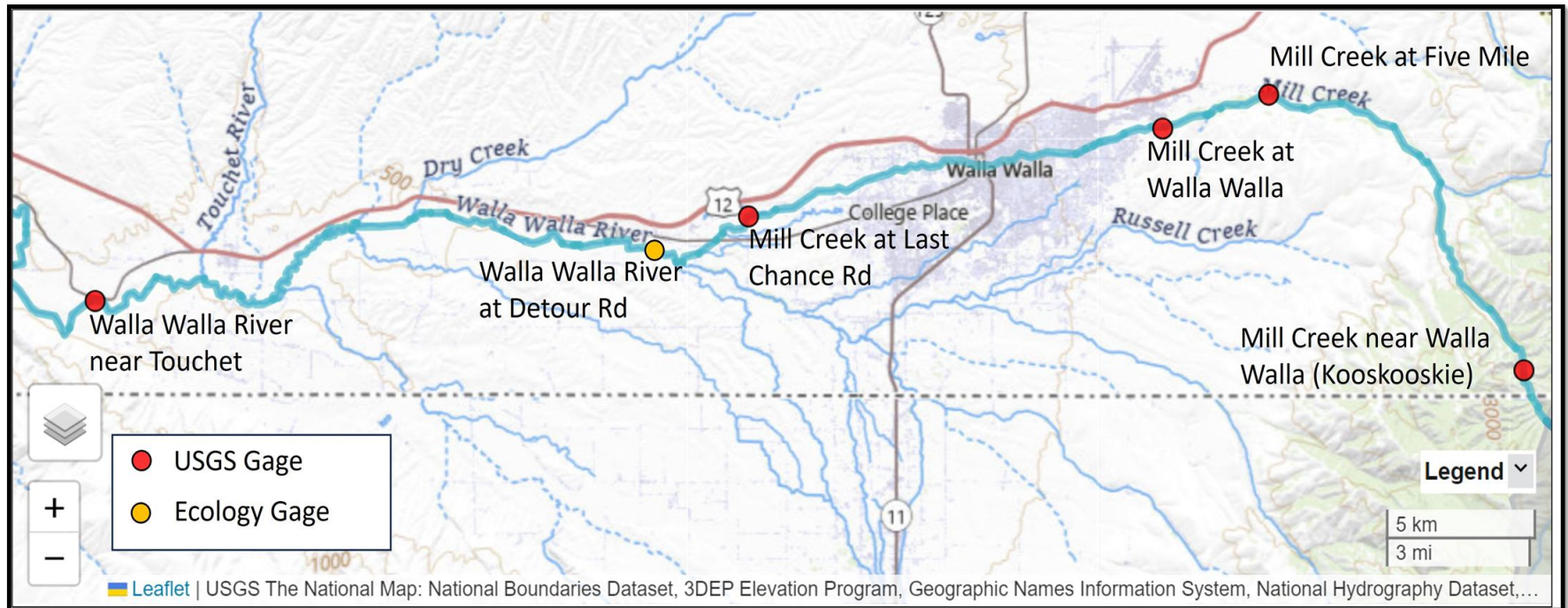
MAY 17 2024

WATER RESOURCES PROGRAM
EASTERN REGIONAL OFFICE

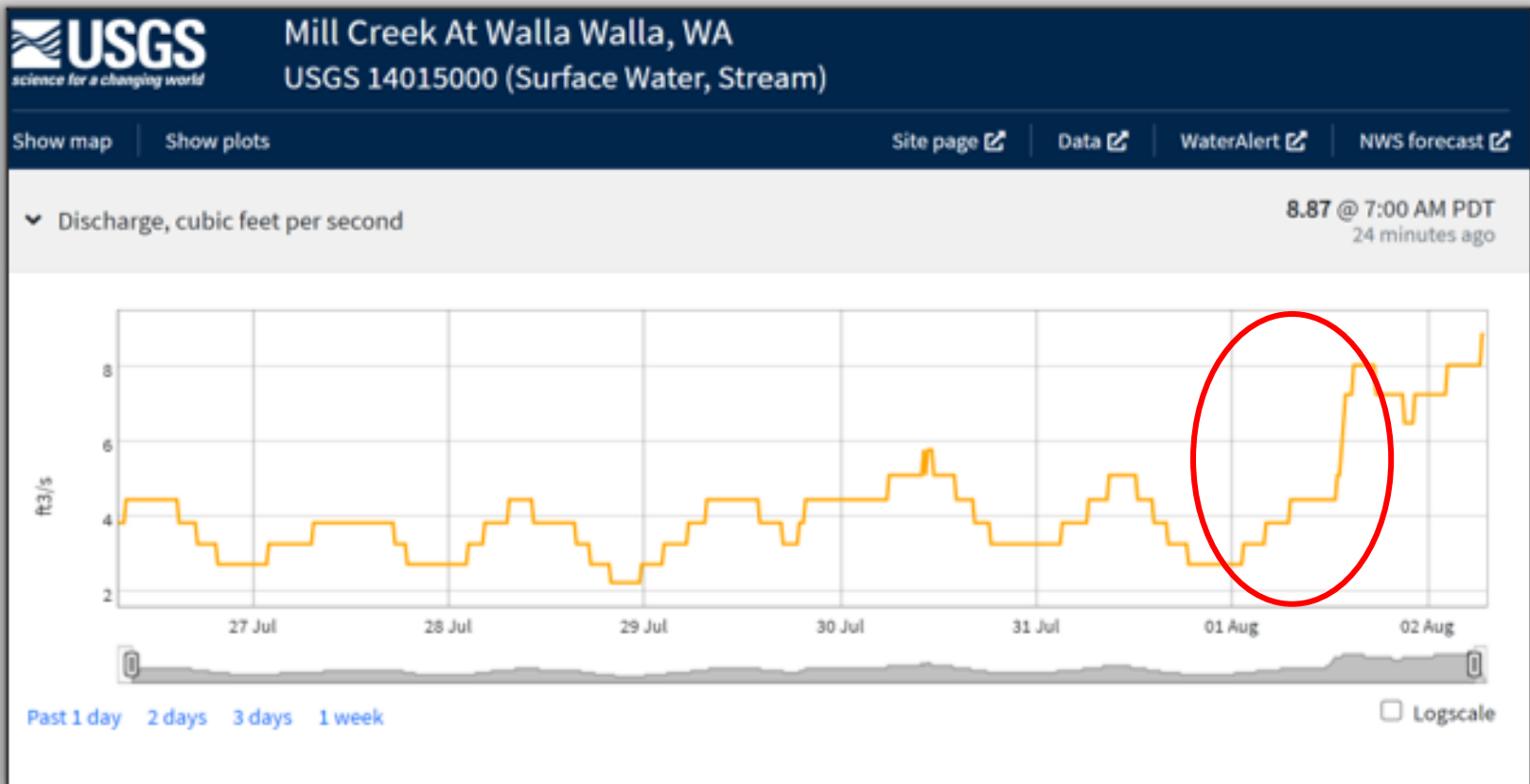


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Developed Water: Project Summary



Fast-forward to August 1, 2024



August 1st - August 9th

Water left in Mill Creek, Yellowhawk decreased to approx. 1 cfs, calls start coming in

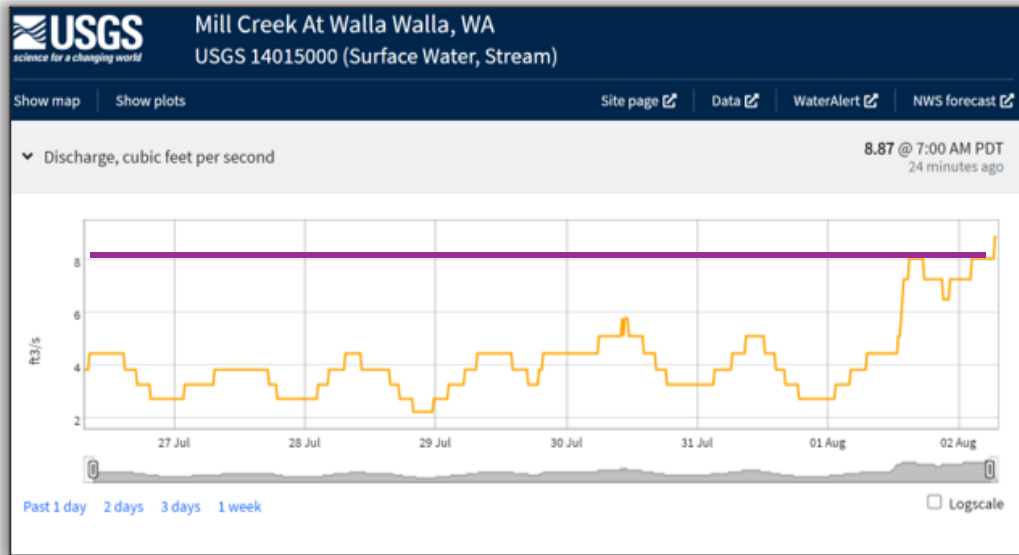
Watermaster maintains live flow in Yellowhawk, monitors gage

Ecology news release

On 8/9, CTUIR technician measured water, results higher than what's reported

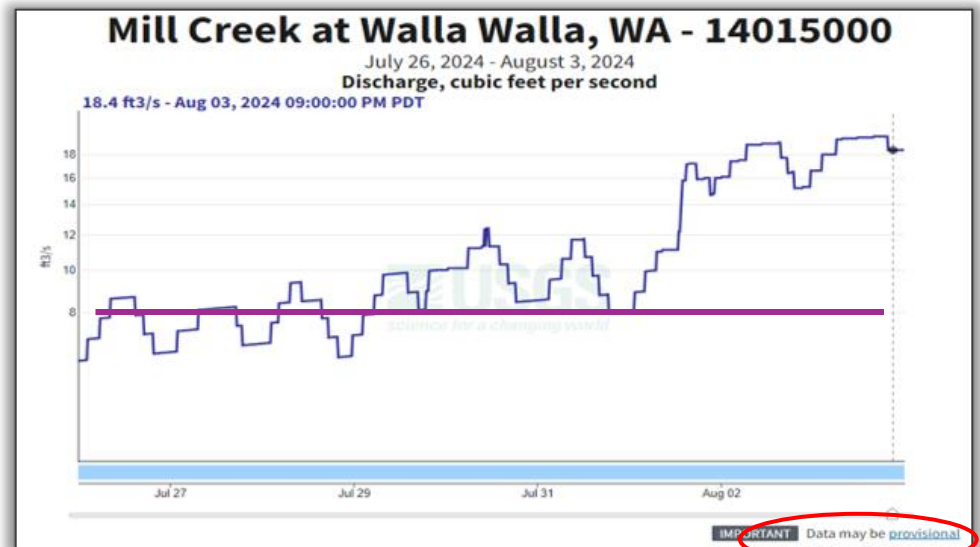
Ecology measures, confirm gage error, move water down Yellowhawk

USGS Gage Data Revised



... from this

To this...



Immediate Steps

Met with USGS to discuss gaging protocol to improve data accuracy

Ecology staff took manual measurements to verify flow, especially when regulating

Met with Army Corps to review MOA for Yellowhawk, updates needed

Process Improvements



Fisheries comanagers meet, consensus recommendation will inform Ecology decision



More outreach to residents along affected streams



Ecology decision should include elements like ramping rates, contingency plans



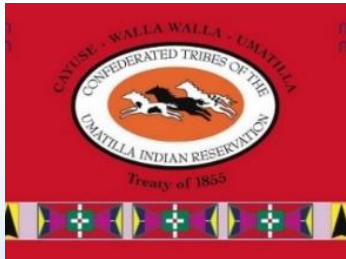
Ecology drafting policy to clarify participation in developed water program

Thank you!

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Questions?

