# WALLA WALLA BASIN ADVISORY COMMITTEE MEETING SUMMARY

**Wednesday, August 19, 2026 | 1:00 - 4:15 p.m.**
**Room 2023-24 | Water & Environment Center at WWCC | 640 Water Center Drive**
**Hybrid Meeting *(Zoom instructions below)***

| Time* | **Agenda Item** (Action items are marked with "**!**") | Reference Materials | Presenter(s) |
|---|---|---|---|
| **1:00** *(10 mins)* | **Welcome, Introductions, Review Agenda**<br>• Welcome and introductions<br>• Review agenda<br>• Opening remarks | Agenda | • Chris Kowitz, OWRD, on behalf of the Tri-Sovereigns<br>• Alexandra Doty, Facilitator |
| **1:10** *(60 mins)* | **US Bureau of Reclamation Basin Study Initial Results**<br>• Share out the findings from the modeling results as part of the Basin Study process and look ahead to the final Basin Study report<br>• BAC member questions and discussion | | • Sarah Dymecki, Ecology<br>• Rebekah Triolo, Casey Howard, and Sophie Wilderotter, US Bureau of Reclamation<br>• BAC members |
| *There will be a 10-minute break around 2:10* | | | |
| **2:20** *(20 mins)* | **Background on the 2004 USFWS Settlement Agreement**<br>• Share background on the ESA civil penalty settlement agreement<br>• BAC member questions | Settlement agreement PDF | • Anton Chiono, CTUIR |
| **2:40** *(60 mins)* | **Overview of Ecology's Trust Water Program**<br>• Share an overview of the Washington Trust Water program at a statewide level<br>• Trust water scenarios in the Walla Walla basin<br>• BAC member questions and discussion | | • Dave Christensen, Ecology<br>• Jaime Short, Ecology<br>• BAC members |
| **3:40** *(25 mins)* | **Updates**<br>• Update on wildfires and current/anticipated impacts to City of Walla Walla drinking water<br>• WWW2050 Open House (October 27, 2026) planning and updates<br>• Update on the project proposal review process<br>• WWCCD winery wastewater project update | Fire information from USFS, August 6 | • Adam Klein, City of Walla Walla<br>• Alexandra Doty, Facilitator<br>• Amanda Cronin, Project Manager<br>• Annie Byerley, WWCCD<br>• BAC members |
| **4:05** *(5 mins)* | **Public Comment**<br>• Public commenters will each have 3 minutes. | | • Alexandra Doty, Facilitator |
| **4:10** *(5 mins)* | **Closing**<br>• Next steps | | • Larry Mattson, Ecology, on behalf of the Tri-Sovereigns<br>• Alexandra Doty, Facilitator |
| **4:15** | **Adjourn** | | |
| **4:30-6pm** | **Optional Happy Hour at the Green Lantern Tavern**<br>• Join us for a no-host happy hour to connect! | | • All Welcome |

*All times are approximate and may change.

## Welcome, Introductions, Review Agenda

- Alexandra and Amanda welcomed Attendees to the meeting and provided an overview of the agenda. See full list of attendees Appendix A Attendees
- Chris Kowitz, OWRD, provided opening remarks. He is excited to have the Bureau here to talk about next steps. The next two agenda items are big topics that we haven't had substantive conversation on, it will be great to talk about it. Encouraged everyone to ask questions and be curious.
- Brook Beeler, Ecology, offered thanks to legislators, Skylar Rude and Perry Dozier from Legislative District 16 for attending and working toward a bi-state plan together.

## USBR Basin Study Preliminary Results

- Sarah Dymecki, Ecology, thanked Rebekah and team for being here to present. The Basin Study started as a collaboration between Ecology, OWRD, the Tribes and the Bureau of Reclamation in 2023. These results are preliminary, based on available data, room for editing and adapting into the appraisal study and feasibility study.
- Rebekah Triolo, USBR Basin Study lead, shared previous coordination with the BAC, reminder that a basin study is not a feasibility study and does not commit federal funds to a specific strategy. Today's results will go through a future technical sufficiency review before going into a trade-off analysis as a part of this study.
- Casey Howard, USBR modeler, presented three scenarios: 1) Columbia River pump exchange (CRPE), 2) Warm Springs Reservoir (WSR) and Columbia River pump exchange hybrid, 3) aquifer storage and recovery. Use "scenarios" and "strategies" interchangeably. Not presenting results on ASR today.
    - Objective of scenario models is to understand supply and demand changes in terms of flow when infrastructure or administration in the basin is changed. Compare against baseline model which represents Walla Walla system as it is today.
    - Strategy 1: CRPE scenario pumps water from the Columbia and with a pipeline capacity of up to 120 cfs and delivers water to WWRID and Hudson Bay District Improvement Company (Hudson Bay). The results show that from April to November, water that would otherwise be diverted from the Walla Walla is left in the river and pumped water is delivered instead to the irrigators. With the exchange there are on average 14 days when the minimum flow target is not met by approximately 8 cfs. Without the exchange there are on average 157 days where the minimum flow target is not met.
    - Strategy 2: Hybrid: smaller CRPE with reservoir. CRPE pipeline has a 70 cfs capacity and pumps water to Warm Springs Reservoir. From the reservoir, another pipeline with a capacity of 120 cfs with bi-directional flow can fill the reservoir or exchange water with WWRID and Hudson Bay. In the model, the WSR is used first, then the CRPE kicks in to meet demand. Both scenario 1 and 2 can supply the full exchange demand, neither one ever fully reaches 120 cfs. Only difference with the hybrid scenario, the WSR does most of the exchanging rather than all coming from the Columbia River. Increased flows are the same because the exchange demand is the same.
- Sophie Wilderotter, USBR presented the vulnerability assessment (VA) results. The VA helps us identify risks to meeting management goals under today's operations, not the scenarios. Ran hundreds of RiverWare simulations to isolate vulnerabilities, does not predict future conditions, vulnerability assessment on strategies could be included in the future.
    - Sophie presented an example from the assessment predicting the frequency of flows below 100 cfs at Nursery Bridge. Used regression tree to predict average number of days during the irrigation season with flow below 100 cfs. Higher irrigation demand, combined with lower flow volumes at Milton-Freewater, result in greater number of days below 100 cfs. The scenarios address this vulnerability by reducing demand.
- Rebekah Triolo, USBR, presented next steps on the basin study. Water Management Options Pilot (WMOP) could be utilized to extend the study by 1 year with a specific scope of work to update data. All strategies/projects that meet the same problem AND need will continue through the reclamation CMP 09-05 planning process. This study has authorization to conduct appraisal study, but needs approval from regional director. Feasibility study authorization needs to come from Congress. Feasibility study will recommend a final alternative, requires a cost benefit ratio greater than 1.

## BAC Discussion

- A BAC member asked on the strategy 2 hybrid graph, it looks like there is only 7 years where the CRPE operates?
    - Casey Howard, USBR, yes, this is an interesting difference. The CRPE was used more often in Jacobs Engineering's modeling results. We have been investigating that to understand the differences in the models and data collection. We were surprised that the CRPE was not utilized for exchange as much as Jacobs results suggested it might be. The CRPE is used on most years to help with supplemental filling the WSR, but the WSR with the CRPE always fills.
- A BAC member asked if this only represents the times when the reservoir is inadequate to meet peak needs and the reservoir and the pump exchange would need to be used together to meet demand during the irrigation season?
    - Casey Howard, USBR, replied yes.
- A BAC member asked what is the timing of taking high flows from the Walla Walla to fill the WSR?
    - Casey Howard, USBR, the exchange can operate if there is insufficient flow in the Walla Walla (below 150 cfs at Milton-Freewater gauge), the exchange will kick on any time between April and November. The reservoir starts filling immediately on December 1st and continues to fill from the Walla Walla until it is full or until April 1st. If there is insufficient flow from the Walla Walla (below 150 cfs), the CRPE will kick in to start filling the WSR. In the model results, almost every year the WSR filled using these two sources. Starting December 1, wet years may fill in early March, dry years may not fill until late March.
- A BAC member asked what is the capacity of the WSR?
    - Casey Howard, USBR, Approximate active capacity of 18,000 acre-feet.
- A BAC member asked Casey about the hybrid scenario, how often was CRPE needed to fill WSR, occasionally or most years?
    - Casey Howard, USBR, noted that most years it was utilized, this is not a feasibility study so we went with a simple logic for refilling the WSR, which utilized Walla Walla until not available and then CRPE, but there are lots of ways to optimize filling. While CRPE was typically used each year, it wasn't necessary to be used each year. There were periods where the Walla Walla didn't have sufficient flow for a week so CRPE kicked on but then WRP filled early and may have still filled on time without CRPE.
- A BAC member asked about the cost benefit analysis, are ecosystem services considered, or just construction costs?
    - Rebekah Triolo, USBR, noted that we have a full team of economists in Denver dedicated to this work. It is project dependent. We are looking at costs of the project but we do look at benefits to the nation. Qualitative and quantitative. Qualitative comes from basin-specific directives, irrigation, M&I water, etc. end of the day it is tied back to benefit for the nation for the overarching framework.
- An attendee asked the average amount of time to get the exchange in place?
    - Rebekah Triolo, USBR, noted that appraisal studies take 1-2 years, feasibility studies take average of 3-5 years. She has seen appraisal studies take up to 5 years. Have seen feasibility studies take up to 10 years dependent on complexity and funding availability.
- A BAC member asked about other potential demands on winter water, does the vulnerability analysis include operational vulnerabilities? We have been using winter water in the Basin to test ASR for aquifer recharge. Does the vulnerability analysis include that additional vulnerability to the system? If we use winter water to fill the reservoir, are those other groundwater testing projects off the table?
    - Sophie Wilderotter, USBR noted that the vulnerability analysis does not include groundwater because it is not included in the model. It does include differences in how much of that water is being taken out for winter water. Can't yet state how they would be affected but could be included in future studies.
    - Chris Kowitz, OWRD, added that if the Walla Walla River is above 150 cfs it is used to fill the WSR, but there is often more water than that available. At this phase we are not making judgments about allocation, if water is available how much would be used from the river vs not. In future feasibility studies we could get more into the tradeoff analysis. Good question that will have to be answered in the future at some point.
- An attendee asked if the WMOP would be utilized to add in the groundwater data?
    - Rebekah Triolo, USBR, clarified that is only for completed basin studies, to add in updated data.

    - Chris Kowitz, ORWD, noted that groundwater was left out because the USGS study will help answer some of the uncertainties.
- A BAC member asked how we landed on the numbers 120 cfs and 150 cfs for flow?
    - Chris Kowitz, OWRD, clarified that the 120 cfs is the demand estimated from the bi-state flow study. The 150 cfs was just a number used to identify when other river functions are available, as the bottom of that evaluation for fill/no fill. Is 150 cfs available or not, that is the floor from the bi-state flow study.
    - ODFW clarified that 150 cfs is the biological target in the flow study.
- A BAC member asked when the cost benefit analysis comes in?
    - Rebekah Triolo, USBR, During the Feasibility study when a preferred alternative is identified.
- Chris Kowitz, OWRD, added that we have commitment from the Tri-Sovs to start the appraisal study as soon as we can when the basin study is complete.
- Sarah Dymecki, Ecology, noted that the final report will be coming out in October 2026.
- Several attendees noted questions and comments in the chat, but there was not time during the meeting to address them. They have been noted here for reference.
    - An attendee noted that the river ecosystem in the hybrid scenario would call for steady-state filling of the WSR from the Columbia, with some WW River water as well, but let the WW River flow vary more naturally.
    - An attendee shared in the chat context and an example of the benefit-cost analysis from the Yakima basin, and noted that the Bureau of Reclamation's webpage on the WW Basin Study may be due for an update.

## 2004 USFWS Settlement

- Anton Chiono, CTUIR, introduced the background of the settlement agreement. Given that the bypass flows are instrumental to how the basin has been managed for the last 20 years. The Tribes are not party to this agreement but are named in it and have an interest.
    - In 1998 USFWS listed bull trout, approached irrigation districts about a take, entered into settlement agreement with WWRID, Hudson Bay, and Gardena Farms. Settlement Agreement requires 27 cfs of bypass flows through June at Nursery Bridge, 25 cfs after June, by WWRID and Hudson Bay. Gardena to bypass 19 cfs through June and 18 cfs after June.
- Anton shared that the Settlement Agreement directed irrigation districts to protect bypass flows instream. Explicit that the bypass water is in addition to any other instream flow requirements under state law. Fundamental to what we have been doing for the past 25 years. Great way to do this is through efficiency improvements to keep irrigators whole and dedicate savings instream.

### BAC Discussion

- A BAC member asked if that is 27 cfs each for WWRID and Hudson or total?
    - Anton clarified that it is 27 cfs shared between the two districts.
- A BAC member asked about how these agreements were monitored for compliance? Who is in charge of tracking, is it Fish and Wildlife? Is it different in different states?
    - Anton noted that there are reporting requirements in the agreement. USFWS is a federal agency and states monitor water use. The states were not party to this agreement. The trust water rights program was used on the Washington side. We are not sure to the extent that those have worked,
    - Brook Beeler, Ecology noted that on the Washington side we have reviewed the record and the irrigation efficiency projects undertaken by Gardena farms were not associated with the settlement agreement. There were some temporary projects from Gardena to protect bypass flows. We have never received an application from Gardena for a permanent donation instream, specific to the settlement agreement bypass flow. Any water right that is reviewed and placed into trust would be monitored for compliance.
- A BAC member asked further about payments to Gardena for saved water projects?
    - Brook Beeler, Ecology, noted that there were two two-year periods where Gardena placed their bypass water into trust, for a portion of the season and for those seasons they have received financial compensation. But we have not received a permanent application to protect [bypass] water.

- A BAC member asked if under this agreement they will complete applications to you? Who is the cop on this?
    - Brook Beeler, Ecology, noted that it's not Washington, because we were not part of the settlement agreement.
- A BAC member asked about the grey area of the agreement. What would need to happen to enforce the agreement?
    - Amanda Cronin noted that we are not going to be able to answer that question today.
- A BAC member clarified that the Watershed Council did streamflow monitoring to show that those bypass flows were being bypassed by WWRID and Hudson Bay. In a less formal arrangement that continued to occur at the nursery bridge with watershed council continuing to do monitoring.
- A BAC member provided additional context on the agreement with USFWS. They were focused on bull trout at the time with NMFS and for steelhead in mind also. The onus was on the irrigation districts to utilize tools available through the states to protect the bypass water. In our district [WWRID], there has been no tool to lease water instream unless we fallow fields which is not possible with perennial crops. We did a few piping projects but did not get us to 25 cfs. We worked with Hudson Bay to coordinate with their piping projects. It has been a bit of a dance, we have not always been able to meet that 25 cfs. We have gotten to 21 cfs. With SB761 we have leased 4 cfs, there are tools available to us now that were not available at the time of the agreement. There are also other small irrigation districts on the river that were not party to this. Everything that we are trying to accomplish here, is based on collaboration. We have tools now, we have the way, and we need the will to do that. Perhaps Graham from USFWS can provide some context.
- Anton Chiono, CTUIR, noted that efficiency projects are wonderful because we can put water instream while keeping irrigators whole. It is so important that when we do these piping projects, usually publicly funded, these projects should be protected instream. Gardena's piping projects, funded by Reclamation, Ecology, and others, they should be required to put the savings in Trust.
- Chris Kowitz, OWRD, replied in answer to the BAC member's question, when the district is voluntarily making a change there is no formal water right change. It removes the agency's ability to manage water by priority. There was enough water protected instream this year to meet the bypass in every month but August. The legislature gave the district the ability and they did it. Every month we checked that water was protected by priority enough to meet the bypass. No longer voluntary, the bypass flows are protected. We have done what we can do, but we can't hold up the agreement and say [WWRID] you aren't doing your thing because it is voluntary. That is the federal government's job. Now that we have an instream flow agreement we can do our part to protect the flow.
    - A BAC member asked if they didn't do that voluntarily then what would happen?
- Graham Shaw, USFWS, provided context for the USFWS La Grande office. The office did not exist when this agreement was created and the office that did exist no longer exists. It has fallen to our office to understand this agreement. It has now been elevated to the state level which will include coordination with ODFW and WDFW. There have been large cutbacks and forced retirements which has left us with only 3 lawyers for the entire Pacific region. Leadership is getting this to our legal council to resolve some of the grey areas of this agreement. This is one of their big priorities and we are working to move it forward.
    - Graham flagged another important thing to note is that this agreement was never meant to be the end all be all of this issue. The intention was to develop a habitat conservation plan (as noted on page 2 of the agreement), which would have ironed out some of these questions. This is still an option to pursue.
- A BAC member asked what would expedite this process?
    - Graham noted that a BAC member's recent email did help, if other irrigation districts and individuals would like to reach out. The more interest and information that comes about this helps raise it up the priority ladder. Letters expressing how this has made it difficult to do your jobs will help get the attention of our supervisors.
- A BAC member expressed that it seems like the USFWS is extremely vulnerable if there are not mechanisms to comply with an important law through good faith efforts and for this key piece to not be enforceable is deeply concerning. This has liability written all over it. We have worked hard to keep this out of the courts but if we can't move ahead, don't see how we keep avoiding that.

## Ecology's Trust Water Rights Program

- Dave Christensen, Ecology, provided an overview of Washington's trust water rights program.
- Trust program started in 1991. Goals at the time were to reduce disincentives around use it or lose it. The goal was to encourage conservation without people losing water through nonuse, created a mechanism for the state to acquire water rights in whole or in part. 2001 streamlined donation process by reducing oversight and investigation to reduce barriers. 2003 added water banking. Inherent concern and acknowledgement that conservation activities could have negative impacts on users who rely on return flows. Trust water *donations* are not legally protected because they have not been evaluated for validity and not available for mitigation. Water rights used for mitigation are evaluated for validity and transferred to trust, they must change the purpose of use to instream flow.
- If you have a downstream senior water right put into trust water right program, after it is evaluated and determined to be available, then Ecology would ensure that 5 cfs is available and protected instream, junior water rights might be curtailed to ensure that 5 cfs is available at the point of diversion. If a junior water right is put into the trust program, no senior water rights would be curtailed to protect that water right.
- Walla Walla is different because when senior water users choose not to divert their water, the water is made available to junior users. Historically, junior users have often received a portion of their water right from this intensive water management. If the senior user puts their water right in trust, the junior loses access to that water which may cause impairment. Ecology can't issue trust water rights for amounts greater than what has historically been fully utilized.
- When a water right is split and a portion is put in trust, the trust right is junior to the out of stream use.

### BAC Discussion

- A BAC member asked what is the definition of return flow?
    - Dave Christensen, Ecology, noted that water that returns through the canals or seeps through the ground in excess of what is used by the crop. Best example is flood irrigation, crops may only use 10% or 20% of the water and the rest would return to the river.
- A BAC member asked if there is a policy that determines the management approach?
    - Dave Christensen, Ecology replied that management approach is based on the language of the adjudication. There have been a number of adjudications in the basin. The language goes back to 1920s, all have language that directs Ecology to manage water in different ways, usually to maximize everyone's use of water.
- A BAC member confirmed if these adjudications are all in the Walla Walla basin?
    - Dave Christensen, Ecology, noted yes, every adjudication is unique in the state and every decree has management language specific to that basin. We follow the language as best we can.
    - Jamie Short, Ecology, added that this is standard western water law. The active management piece is unique to Walla Walla because the drivers and the staffing capacity has been different here than elsewhere. We have similar language in other places but it works out differently. Only unique here because of the drivers.
    - Dave Christensen, Ecology, said we could talk about the differences in the management approach between the Yakima basin where you have an instream tribal senior water right, so the management is different based on the obligations to that right.
- A BAC member said it seems like the way the Trust program is structured the legislation passed in Oregon to protect water across the state line, would that water not be protected?
    - Dave Christensen, Ecology, noted that it's hard to say, the protection of the water from Oregon into Washington, it would depend on if this water been taken into the trust water program. Has an extent and validity assessment been done? Has that water gone through the process to be changed to instream flow beneficial use. If the wet water is from a reduction in use how will it not then impair senior water downstream? It will depend a lot on how it was used, its physical use, conservation, reduction of return flows.
    - Brook Beeler, Ecology, clarified that the developed water statute allows Ecology to skip the impairment analysis. Jamie Short will walk through the 4-part test which is illustrative of how any water right in the

state is changed. Dave walked us through how junior users are considered in a basin where water is available and they may have impairment call.
    - Dave Christensen, Ecology, clarified that none of what he has been talking about applies to developed water necessarily.
- A BAC member asked why it has taken so long for Ecology to ask for a change in management and why has it not changed in 30 years?
    - Brook Beeler, Ecology, noted that she is not sure what change is being asked for. In the management of the Walla Walla basin it has been very active on each little stream. Somone calls the watermaster and says they don't need 10 cfs for the next week and the watermaster calls the next person in line and says they can turn on. That active management is what leads to potential impairment.
- A BAC member asked why Ecology sold the story to irrigators that are putting water instream that it is protected when it is not? There is an irrigator in this room that gave up 3 cfs permanently and now you are saying it is not protected.
    - Brook Beeler, Ecology, noted that some of those trust water rights are so small that there is nothing we can do.
    - Dave Christensen, Ecology, noted that that example is why we needed the extra authority of the developed water program to protect that water. Public investment can now be protected using developed water. The learning in the basin showed that we needed another tool so that those new investments would not be subject to impairment.
- A BAC member asked why was this not daylighted earlier?
    - Brook Beeler, Ecology, noted that the quantities are so small that we can't measure them.
- A BAC member asked what is the total amount of water in trust?
    - Jamie Short, Ecology, clarified about 22 cfs in the Touchet, 9 in the mainstream Walla Walla, and noted that is not year around. There are segments that have protected water some of the time. Ecology did an assessment of trust on the Touchet, it is the most complicated. There are lots of rights with pieces in trust, but only for part of the year and only for short segments of River. The reason they are so short is because there is a senior divertor downstream that it cannot be protected past. We have complicated maps showing the segments.
    - Eric Hartwig, Ecology, said there are senior users at the end of the Touchet that make the call.
- A BAC member said this is great, we need to understand this. This is the first time they understood the historical management approach. When improvements are made in an irrigation district for efficiency, they may use the same amount of water but with less return flow, is that not allowed? When you say management approach who is doing the managing? The water district? The water master? If [WWRID] was on the Washington side and changed from flood irrigation to drip, that is a change in management approach that will have significant effects on return flow, are those junior users then impaired?
    - Brook Beeler, Ecology, Potentially, we have to do the analysis.
    - Dave Christensen, Ecology, this is the challenge, it is super complicated. The best we can say is if you think about the example where user C goes from 10 cfs of use, implements conservation, instead of return flow going back to the river, maybe their consumptive use is the same, the only part that could have a trust water right would be between the point of diversion to the point of return flow. Users B and D downstream are relying on C's return flow, there is no instream flow water to protect below the point where the return flow comes back in because the other users need it. If you don't account for reduction of return flow you will double count reductions of water. They are only reducing use in the stretch between their point of diversion to the return flow.
- A BAC member said they appreciate this meeting with these conversations that have been going on for 25 years. The differences between Oregon and Washington water law have not been well understood. Assumptions about the settlement agreement have been wrong for many years. The watershed partnership had caught on and could never show that the bypass water was left instream. This discussion is informative but the details are confusing. Over the past 25 years since the settlement agreement, Oregon water law and Washington water law has been different. Now we have created a way to leave Oregon water instream in Washington. Now we have junior users who believe that the water that is instream now is what they have been using but it is actually in addition.

- A BAC member said we have heard a lot today and we still need a tool to put water instream and protect it. They don't know what the answer is but we have folks in the room, we also have BPA on the phone who have invested a lot of money in this, and we need them to feel confident that their investment is worth it. Let's figure out what we need and get Ecology the tools so that when we ask, can you protect Oregon water downstream in Washington, we can get a clear yes.
- A BAC member said this is complex and assumes a level of precision in being able to track and monitor water flow. We have remarkably few monitoring stations with a plus or minus error that is pretty significant in my opinion. Without more monitoring stations to tell us how much water is where, where are the return flows, etc. If we can't do our measurement and monitoring we will continue to have disputes.
- A BAC member echoed a previous comment, there are differences to what [others] were saying but a lot of similarities too. Same issue with return flows. We are going to get to a point where we have to have a local water management plan between the states, we are also going to have to dig into these issues because they will continue to haunt us. We probably need a working group or a task force to dig into the weeds. If we need additional tools, we have legislators here, we need to let them know what additional tools we need. There is what could be seen as mismanagement of the resource and mismanagement of investment. There are a lot of people who thought that efficiency projects would look a lot different than what they do.
    - Dave Christensen, Ecology, said the questions, concerns and challenges with trust water are not confusing when it comes to developed water. The legislature passed a tool that gives us the authority to be successful at protecting water as it is acquired and added to the system using the trust water program as a vehicle to use the statue for full protection. We have a very good tool going forward. For actions that occurred before that tool existed it is more complicated and challenging.
    - The BAC member agreed with the developed water policy moving forward, but the developed water policy and the water lease has not come without its challenges. There is a cause and effect for everything. There is a lack of clear understanding of prior appropriation and claims of impairment. If a senior water right holder…
        - Dave Christensen, Ecology, noted that by bringing up that issue they are confusing the Trust program and developed water. The developed water statue exempts the impairment question.
    - The BAC member clarified they were talking about Oregon users, from a water user standpoint.
        - Alexandra noted that workgroup would be a great idea.
- Brook Beeler, Ecology, noted that the Trust Water scenarios are less about active management. Chris Kowitz and OWRD had the opportunity to explain how Oregon does protect water instream, Ecology should have that too. OWRD can build a big layer cake, we do not have that opportunity. Would like Jamie to share our process.
- A BAC member clarified that this process applies to the whole state.

## Additional presentation on scenarios

- Jamie Short, Ecology, presented about Ecology's process for evaluating Trust Water so that people understand our process.
    - Scenario 1: full change to trust, Considerations for tentative determination of extent and validity. Attributes of the right create a sand box and as we go through the attributes the box shrinks. The paper right says irrigation season, but the crops they grow only irrigate May-August, a 1945 right gets curtailed in August so no irrigation after that. Change authorization looks at total actual use. Ecology looks at fish needs and issues a trust certificate for the timing that is needed, only for the stretch of river down to next senior user.
    - Scenario 2: partial transfer to trust, Apples are irrigated May-October. The annual consumptive quantity over the last 5 years are averaged over the two highest years, subtract return flows. This extra step is only if you do a partial transfer. The Trust water right issued is for less than the irrigation season because the trust right is 24/7 so it gets reduced. If it is a senior user it is protected all the way downstream.
    - Scenario 3: irrigation from May-Sept with periods of nonuse. The diversion is metered so water data is available. When water is not diverted, water is moved to next person in line. A period of use is developed to avoid impairment over 135 days of irrigation. Because meter data is available the trust right can be divided into chunks that correspond to when water would have been used. The trust water is only

protected during the period of use to avoid impairment to other users when the water would have been available to the next person in line.

## Additional BAC Discussion

- A BAC member asked if a user has 100 acre-feet and puts 10 af in trust, they can then use all 90 cfs before their 10 cfs of trust water is satisfied. When you get into the leaner months of the year, how do you know that water is actually going to be available when they are using their consumptive water first? Is it Ecology's job to enforce that?
    - Jamie Short, Ecology, noted that generally if you put that 10 cfs into trust, we can't curtail you to keep that water instream. In the assessment the availability would be checked. With the Touchet trust water, sometimes that water just isn't there. We have shut off everyone available and there just isn't water.
    - Sarah Dymecki, Ecology, noted from the funding perspective that is where the curtailment piece comes in. Historical curtailment would be factored into the price of the water.
    - Brook Beeler, Ecology, noted that unless Ecology is funding the agreement we aren't usually party to those funding agreements.
    - Jamie Short, Ecology, noted that sometimes in the past those funding agreements have been decided before Ecology gets involved. Now funders say we will give you up to X amount and depending on Ecology's analysis they will adjust the price.
- A BAC member said we should carry that over to the 2050 vetting process and project ranking. There is a lot more to understand about projects.
    - Amanda noted that additional information will be coming soon about the project proposal process.
- A BAC member said for piping projects we are paying for the cost of infrastructure not the cost of the water. If you are buying a water right to put instream you pay the per acre-foot value but not for piping. Amanda summarized what we've heard is a lot about vetting, calculating, engaging, and funding protects to protect water instream. Are there any more questions about the Trust Program? Brook Beeler, Ecology, noted how trust water is managed in Walla Walla and the rest of the state depends on the attributes of the water right itself. Each one is managed according to what is on the piece of paper. The difference for Walla Walla is the impairment analysis.
    - Jamie Short, Ecology, added that there is no other basin in Washington managed as actively as Walla Walla as far as water being prorated. In all other basins when we shut users off, it is based on instream flow. It is a straight line flow requirement. We shut off a whole class of people until winter. Here it is on/off, on/off all season. That is the demand that we manage here. In other basins, you irrigate until you are curtailed and that is it for the season.
- A BAC member asked why is Walla Walla different?
    - Jamie Short, Ecology, shared that no other adjudicated basins operate like this. Other adjudicated basins are curtailed once at some point in the season and they are not turned back on.
        - The BAC member asked why do we have that?
            - Brook Beeler, Ecology, noted that people have asked for it.
            - Dave Christensen, Ecology, noted that this is the way the adjudication is written. It says that when water is available it goes to the next class.
        - A BAC member asked why can't the water be instream?
            - Brook Beeler, Ecology, noted that we have to do the impairment analysis.
        - A BAC member asked what is the definition of impairment?
            - Dave Christensen, Ecology, replied injury to the next most senior water user.
- A BAC member asked who does not want to be in the conversation because if everyone wants to be part of it, we should discuss with the BAC.
    - Amanda said there may be BAC follow up and a workgroup.
- Several attendees noted questions and comments in the chat, but there was not time during the meeting to address them. They have been noted here for reference.
    - An attendee asked about the plan to protect the water saved instream on the Washington side from the BOR infrastructure project?
    - An attendee asked a number of questions, including why is the Walla Walla any different than the rest of the state? They asked about clarification between senior and junior water uses and what is enforceable

given concerns about impairment? They asked for clarification about the role that active management please in changing the legal rights. They asked about developed water and if that might be a tool for acquisition of water rights for instream flows. They also asked about the return flow amounts and how that interrelates with the trust water right program and enforcement.
    - An attendee asked several questions: Does the Trust Water Right Program not work in the Basin? Wouldn't public investments in senior water acquisition for instream flow then be perceived as giving public funds to junior users? Might consider a separate meeting for funders to create a sense of surety around future public investments.
    - An attendee asked if the crop water demand calculation based on the latest edition of the Agriculture Irrigation Guide?

## Updates

- Adam Klein shared an update on the fire in the Mill Creek Watershed. Best source for fire updates is Watch Duty. Fire started about a month ago in heart of the watershed, dangerous, steep terrain. Additional evacuation notices went out today. City of Walla Walla's drinking water intake is on level 3 evacuation and power is cut, running on a generator. No water quality impacts yet. Anything with high turbidity we cannot take. We have requested a Burn Area Assessment. Fire is at 25% containment, 6,000 acres, 25% of the watershed. Some positives are that a lot of the fire is low severity. Forest service referred to it as mosaic. Still a lot of root structure, some of it mimics what you would want to see from a prescribed fire. When we get rainfall, we expect to switch to municipal wells, it could be 1 to 5 years before we can use surface water because we are an untreated plant. We are now reprioritizing projects to prepare for not going back to surface water for a while.
- An attendee asked if the assessments are through the state of Washington?
    - Adam replied that it is through FEMA.
    - The attendee added that the Corps of Engineers is also seeking to do post-fire assessment for runoff risk.
        - Adam said that the City has primarily been in contact with the Forest Service and DNR. City Council also authorized an emergency.
    - Alexandra noted they will recirculate the incident update sign up.
- Amanda provided an update on the OCR funding, $18 million requested, subworkgroup project scoring homework has been sent out. Additional water subworkgroup will be held on Monday, will be further discussion during the September and October BAC meetings.
- Taylor McCroskey, ODFW, is taking a job rotation in Salem, Tyler Hoyt will be stepping into the district fish biologist role for one year, Taylor will be returning in a year.
- BAC is no longer pursuing the letter of support for Waterbrook Winery wastewater project.
    - Revisit letter of support process at September BAC meeting.

## Public Comment

- No public comments.

## Closing

- Larry Mattson, Ecology, thanked Senator Dozier and Representative Rude for attending. Noted the passion everyone brings and the need to find a solution. Also wanted to address the fire and appreciated the update on the fire. Shared about pace of change, feels like the new regime is long periods of chaos and instability and short periods of calm, appreciate everyone's willingness to remain at the table.

## Appendix A: Attendees

**WWBAC Members & Alternates**

| First Name | Last Name | Affiliation |
|---|---|---|

| | | |
|---|---|---|
| **Agriculture** | | |
| Alli | Newhouse | Oregon Agriculture, Little River Group |
| Annie | Byerley | Walla Walla County Conservation District |
| Nathan | Rae | Oregon Agriculture |
| Travis | Trumbull | Walla Walla River Irrigation District |
| **Environment** | | |
| Judith | Johnson | Kooskooskie Commons |
| Nina | Lottsfeldt | Washington Water Trust |
| Ralph | Perkins | Walla Walla Basin Watershed Council |
| Tara | Patten | Walla Walla Basin Watershed Council |
| **Recreation/Quality of Life** | | |
| Linda | Herbert | Community Member and Blue Mountain Land Trust |
| **Economic Development** | | |
| Amy | Schwab | Port of Walla Walla |
| Nick | Velluzzi | Walla Walla Community College |
| **Local Government** | | |
| Adam | Klein | City of Walla Walla |
| Dan | Dorran | Umatilla County |
| Jack | Miller | Columbia County |
| Steven | Patten | City of Milton-Freewater |
| **State Government** | | |
| Mike | Kuttel, Jr. | Washington Department of Fish and Wildlife |
| Taylor | McCroskey | Oregon Department of Fish and Wildlife |
| **Tribal Government** | | |
| Troy | Baker | Confederated Tribes of the Umatilla Indian Reservation |
| **Federal Government** | | |
| Cindy | Boen | US Army Corps of Engineers |
| Graham | Shaw | U.S. Fish and Wildlife Service |
| **Tri-Sovereigns (Ex-Officio/Non-Voting Members)** | | |
| Anton | Chiono | Confederated Tribes of the Umatilla Indian Reservation |
| Brook | Beeler | Washington Department of Ecology |
| Chris | Kowitz | Oregon Water Resources Department |
| Larry | Mattson | Washington Department of Ecology |
| Jerimiah | Bonifer | Confederated Tribes of the Umatilla Indian Reservation |

**WWBAC Members (Primaries) Not Attendance**

| First Name | Last Name | Affiliation |
|---|---|---|
| **Agriculture** | | |
| Mike | Ingham | Gardena Farms Irrigation District |
| **Environment** | | |
| Steve | Martin | Snake River Salmon Recovery Board |
| **Federal Government** | | |

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|---|---|---|
| Colleen | Fagan | National Marine Fisheries Service |
| **Local Government** | | |
| Todd | Kimball | Walla Walla County |
| Robert | McAndrews | City of College Place |
| **State Government** | | |
| Trea | Nance | Oregon Department of Environmental Quality |
| **Tri-Sovereigns (Ex-Officio/Non-Voting Members)** | | |
| Ross | Deardorff | Oregon Water Resources Department |
| Melissa | Downes | Washington Department of Ecology |

**Other Attendees**

| First Name | Last Name | Affiliation |
|---|---|---|
| Adriane | Borgias | Ecology |
| Alan | Chapman | |
| Alexandra | Doty | Cascadia Consulting Group |
| Amanda | Cronin | Fluent Freshwater Insights |
| Amanda | Lowe | Oregon Water Resources Department |
| Brian | Burns | Tri-State Steelheaders |
| Bryan | Gartland | Geosyntec Consulting |
| Casey | Howard | Reclamation |
| Charlotte | Whitefield | OWRD |
| Chris | Figgins | Figgins Family Winery |
| Cynthia | Bounds | Hanford Mission Integration Solutions |
| Dakota | Whitman | SWCA Environmental Consultants |
| Deborah | Johnson | Department of Health/ODW |
| Dave | Christensen | Ecology |
| David | Ortman | |
| Emily | Beebee | Ecology |
| Eric | Hartwig | Ecology |
| Femke | Freiberg | |
| Heather | May | Ecology |
| Harlan | Gough | Washington Water Trust |
| James | Baker | Sevein Water Association/WWBWC/UC-SWCD |
| James | Kraft | Washington Water Trust |
| Jamie | Short | Ecology |
| Janna | Guzman | ODFW |
| Jeff | Dengel | Washington Department of Fish and Wildlife |
| Jerry | Norquist | Blue Mountain Land Trust |
| John | Warinner | |
| Jon | Campbell | |
| Jon | Culp | SCC |
| Kat | Herzog | US Army Corps of Engineers |
| Kevin | Scribarr | Landowner |
| Kevin | Wolpert | City of College Place |
| Luke | Martin | Oregon Water Resources Department |
| Matthew | Schwartz | |

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|---|---|---|
| Martin (Marty) | Clubb | L'Ecole/Ferguson/Seven Hills Vineyard |
| Melissa | Downes | Ecology |
| Michael | Wright | Southern Area Team 3 IMT |
| Michelle | McCullen | Walla Walla Basin Watershed Council |
| Mikahala | Waters | WSB |
| Patrick | Cabbage | Ecology |
| Perrin | Robinson | Jacobs Engineering |
| Perry | Dozier | State Senator 16th Legislative District |
| Randal | Son | |
| Rachel | Luther | Fluent Freshwater Insights |
| Roz | Duthie | LWWWRG |
| Sara | Harris | WWBWC |
| Sarah | Dymecki | Ecology OCR |
| Saundra | Richartz | |
| Shawn | Nelson | US Army Corps of Engineers |
| Sklyer | Rude | State Representative 16th Legislative District |
| Stan | Hoffman | DOH |
| Teresa | Kilmer | |
| Tim | Poppleton | Ecology |
| Tom | Tebb | |
| Tom | Waliser | Atlas VM |
| Tyler | Hoyt | Oregon Department of Fish and Wildlife |
| Unidentified User | Samsung SM-S948U | |
| Wyatt | Borgens | Walla Walla River Irrigator |
| Unidentified User | amahmoud | |
| Unidentified User | jbirdsong | |