



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

Water Resources Advisory Committee (WRAC)

Monday, August 11, 2025, 9 a.m. – 10:30 a.m.

Zoom: [Click to join.](#) (Call-in: 253.205.0468; Meeting ID: 876 1551 6506; Passcode: 676572)

Time a.m.	Topic	Lead
9:00 – 9:05	Greetings and introductions <i>Start the meeting</i>	Heather Clements , Web Coordinator, WRP
9:05 – 9:10	Water Resources Program updates <i>Information sharing</i>	Ria Berns , Program Manager, WRP
9:10 – 9:25	Legal updates <i>Information sharing</i>	Stephen North , ATG
9:25 – 9:35	Rulemaking updates <i>Information sharing</i>	Danielle Gallatin , Rule Development Lead, WRP
9:35 – 9:55	Policy updates <i>Information sharing</i>	Lola Flores , Policy Program Manager Samantha Long , Dam Safety Manager
9:55 – 10:15	Water Resources Program Implementation Plan Updates <i>Information sharing</i>	Lisa Reymann , Program Planner, WRP
10:15 – 10:20	Closing Q&A <i>End of meeting</i>	Heather Clements , Web Coordinator, WRP



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Committee Purpose

The Water Resources Advisory Committee (WRAC) is a forum for issues related to water resources management in Washington state.

This membership represents state agencies, local governments, water utilities, tribes, environmental groups, consultants, law firms, and other water stakeholders. Typical discussion topics include rules, policies, legislation, budget development, and litigation. The group was established in 1996.

Resources

WRAC Website: [Water Resources Advisory Committee - WA State Department of Ecology](#)

WRAC August 11, 2025

LEGAL UPDATES



STEVE NORTH, WASHINGTON ATTORNEY GENERAL'S OFFICE



TOPICS

- New PCHB Appeals: (*Smith Canyon; Manastash Water Ditch Assoc.*)
- Active PCHB Appeals-Status (*RAN; US Golden Eagle*)
- Superior Court Litigation (*Wagner*)
- Upcoming Appellate Arguments(*Fode; Burkholder*)



New PCHB Appeal: *Smith Canyon Irrigation Dist vs. Ecology*, PCHB No. 25-042

■ Appeal of May 9 order Designating Pasco Basin Groundwater Subarea

Why Appealed.

The proposed boundary is arbitrary and capricious.

- a) The current proposed boundary designation is based on a 2-dimensional area, yet the final rule will include a 3-dimensional aspect which Ecology does not currently define. Water users should know up front whether they are included or excluded from the final rule before a boundary is designated.
- b) The southern boundary, as proposed, is completely arbitrary. The USBR groundwater study/model will no doubt establish the Columbia and Snake Rivers as the bounding hydrologic features for the model. Thus, areas are being excluded for no rational reason.

Relief Requested:



New PCHB Appeal: *Manastash Water Ditch Association vs. Ecology*, PCHB No. 25-057

- Appeals of CRO June 26 decisions affirming WCB changes
- Surface water to instream flows
- Changes will impair existing rights
- Overlapping authorizations will unlawfully enlarge the water rights



Status: *RAN General Partnership vs. Ecology*, PCHB 23-040 and PCHB 24-072

- 12k Penalty, Illegal Irrigation, Affirmed March 7th, Final PCHB Order
 - No Appeal
 - Penalty Due April 7th (RCW 43.21B300(3)(c))
 - Letter sent July 15th threatening superior court action to recover the overdue penalty
- Penalty paid in full July 30th
- Ran P'Ship, PCHB 24-072 (20k Penalty)



Status: *US Golden Eagle vs. Ecology*, PCHB No. 21-067

- USGE Appeals of Order denying transfer of municipal water right into trust and USGE application for new mitigated permit
 - Stipulation and Stay—Parties negotiated the terms of an interruptible permit and a reservoir permit.
 - USGE has received all necessary permits for construction of the reservoir
 - Ecology preparing to issue permits, which will result in dismissal of the original appeal



Superior Court Case Status: *Wagner vs. Ecology* (Stevens County Sup. Ct.)

- Wagner Appeal PCHB Decision Remanding their application to Ecology
- Wagners add a challenge to Surface Water Source Limitations (SWSLs) as illegal rules
- Ecology moves to dismiss SWSL claim (improper venue)
- Ecology prevails, motion for reconsideration denied
- Merits of appeal set for hearing August 19th



UPCOMING APPELLATE ARGUMENTS

- *Fode vs. Ecology*, Cross appeals (Court of Appeals Division III)
 - Should penalties be voided because Ecology did not provide proper technical assistance to Mr. Fode?
 - Did the PCHB err when it concluded Ecology may only penalize for illegal irrigation for directly observed violations?
 - Did Ecology engage in unauthorized “violation spreading?” (3 separate penalties on 3 separate properties)
- Argument Set for October 16



UPCOMING APPELLATE ARGUMENTS

- **Burkholder vs. Ecology (Court of Appeals Division I)**
- **Denial of Burkholder's requests to drill 14 wells in closed basin**
- **Burkholder claims his wells should be allowed under WAC 173-548-050(4):**
 - **If Ecology determines groundwater is not hydraulically connected to closed surface water; or**
 - **If Ecology has insufficient information to make such a determination, then prospective appropriator may provide additional information sufficient for Ecology to determine hydraulic continuity does not exist and that water is available**
- **Ecology prevailed on SJ. Superior Court Affirms.**
- **Court will consider the appeal without argument on September 10th**





Water Resources Strategic Plan Year 1 Report and Focus Areas

Lisa Reymann – Water Resources Program Planner

WRAC Presentation – August 11th, 2025

Table of Contents

- 1** Five Year Strategic Plan
- 2** Year 1 Progress Update
- 3** Goal 3 – Hone Our Organizational Effectiveness
- 4** Water Right Permit Backlog

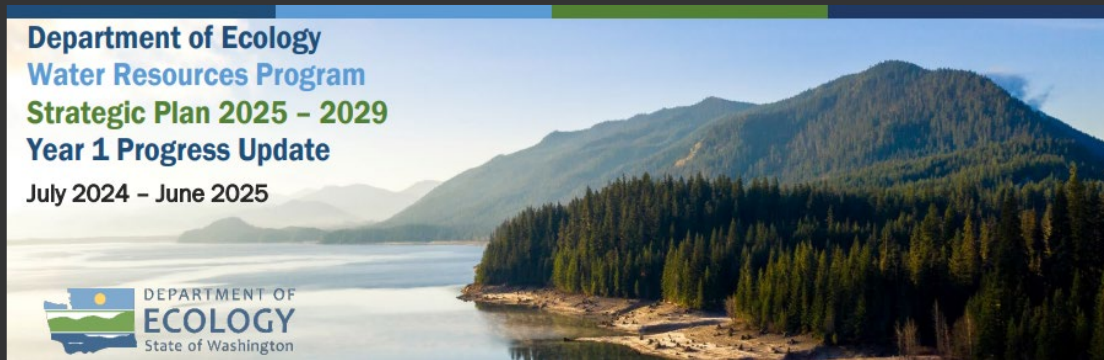
Five Year Strategic Plan


- New approach towards long-term thinking and direction
- Focus on climate change and environmental justice
- Goals –
 1. Actively Manage Our State's Water Resources
 2. Prepare for Changing Conditions and Needs due to Climate Change
 3. Hone Our Organizational Effectiveness
- <https://apps.ecology.wa.gov/publications/documents/2411022.pdf> -



Year 1 Progress Update

Department of Ecology
Water Resources Program
Strategic Plan 2025 – 2029
Year 1 Progress Update
July 2024 – June 2025



 DEPARTMENT OF
ECOLOGY
State of Washington

Our Year 1 Progress

Key ○ Little progress ● Some progress ● Significant progress

Goal 1. Actively Manage Our State's Water Resources

Objectives	Year 1 Progress	Highlights
A. Protect instream resources and senior water rights today and into the future.	○	<ul style="list-style-type: none">Made significant progress in updating our statewide compliance strategy and initiated redevelopment of our metering database to improve data accessibility and submittal processes.Collected data and collaborated with Washington State University to improve the ability and effectiveness of using remote sensing to calculate evapotranspiration.
B. Advance certainty about existing water rights through adjudication.	●	<ul style="list-style-type: none">Implemented an outreach strategy to promote awareness of WRIA 1 adjudication, support claim form completion, and overcome language, literacy, technical and ability barriers.
C. Bolster dam safety and well construction inspection activities to ensure protection of public health and safety.	○	<ul style="list-style-type: none">Obtained improved LIDAR data for improved inundation mapping and flood impact analysis, working with FEMA and other partners.Expanded well delegation program to include three additional counties, allowing locally led well inspections and greater coverage.
D. Increase public understanding of water resource issues through transparency and proactive education.	●	<ul style="list-style-type: none">Assessed and improved public-facing water resource communication materials to ensure accessible information is available for all Washingtonians.Developed online watershed-scale interactive maps to help the public understand water rights information across the state.

- Includes a message from the Water Resources Program Manager with recap and focus areas for next fiscal year
- Icons indicate amount of progress made towards during the year
- Highlights key accomplishments by Goal and supporting Objectives
- <https://apps.ecology.wa.gov/publications/documents/2511016.pdf>

Goal 3 – Hone Our Organizational Effectiveness

C. Ensure our processes and procedures are timely, effective, and consistent statewide.

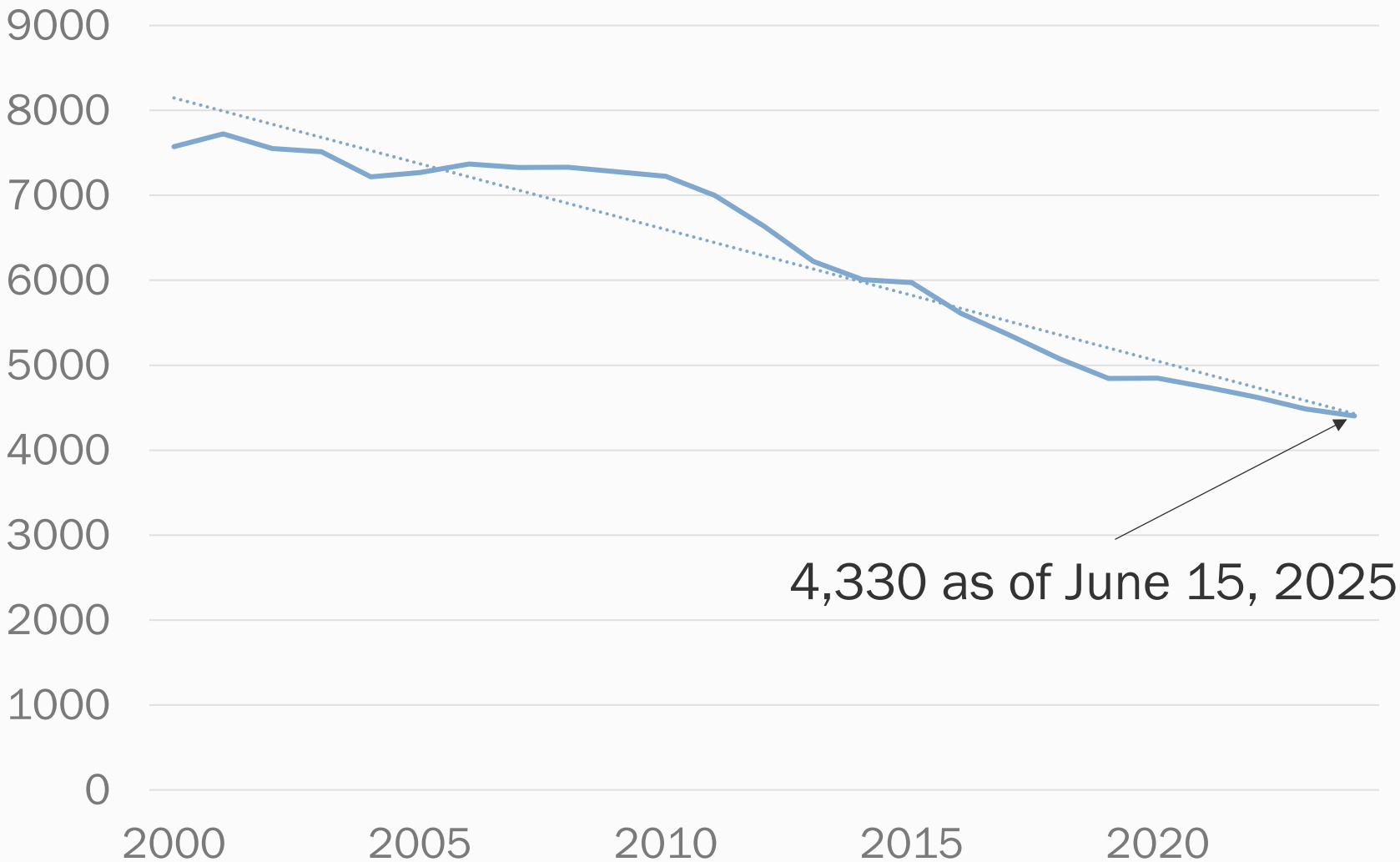
- i. Build on formalized institutional knowledge to develop and update procedures, manuals, guidance, and other tools.
- ii. Regularly evaluate our formal program policies and rules to ensure they remain current and relevant.
- iii. Increase permit timeliness through additional staff resources and other measures.

FY25 Highlights:

- Completed updates to municipal and trust water policies.
- Improved cost-reimbursement processes to more effectively advance defensible permitting decisions.

Water Right Permit Backlog

Pending Applications



* Average time from application to decision: ~18 years



Thank You!

Lisa Reymann

Lisa.Reymann@ecy.wa.gov