

Photo by Meghan Lena



COMMON SENSE, COMMUNITY-BASED RESTORATION AND PROTECTION OF
WASHINGTON'S RIVERS AND STREAMS



MAY NEWSLETTER

Greetings!

Thanks for taking the time to check out our newsletter! In this issue we cover some significant legislative changes to the trust program that were passed this session; Washington's first successful reverse water right auction; and innovative solutions to climate-induced drought in Washington.

Enjoy!

Meghan & the WRC staff

Budget aside, water has a win in state legislature
Water banking bill makes important clarifications

The 2009 legislative session was a grueling 15 weeks, dominated by talks of budgets, deficits, and cuts in funding in nearly every sector. However, water had one big win this session.

Those of us who work regularly with the Trust Water Right Program (TWRP) went into the legislative

session with a goal to make some statutory amendments to improve the ease and flexibility of the program. WRC and our partners worked to revise and clarify some of the language that forms the basis of the TWRP, and were heavily involved in the conversations that led to a successful passage of ESSB 5583.



Gov. Chris Gregoire signs SB 5583. 20090429-9059 WASENATE ab

Peter Dykstra, WRC Board Chair (3rd from left) . attends the signing of ESSB 558 with Governor Gregoire and others who were involved in the passing of the bill

The amendments clarify language and increase the effectiveness of the TWRP for protecting water rights and instream flow. Some of the key changes include:

- Allowing for groundwater rights to be put into trust. This offers more flexibility for changing water rights and increases the amount of water available to transfer to trust and will also aid in enhancing stream flows.
- New language ensures that all water rights placed in the trust program retain all of the attributes held by that water right before being placed in the program. This protects the interests of water right holders who wish to use the the trust program.
- Clarifies that water banking may be used statewide and not just in the Yakima Basin.
- Provides that a instream flow trust water right in trust is considered to be "exercised."

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The success of WRC's coalition with American Rivers and Washington Environmental Council in the 2009 session highlights the ability of our organizations to affect significant and important changes in Olympia. Through our partnerships with the Farm Bureau, Irrigation Districts, tribes, legislators, realtors, and others, we are working to continue to this pattern of success in the 2010 legislative session with good policies that seek to balance the needs of people, farms, and fish. Our heartfelt

thanks goes out to the Bullitt Foundation and the Northwest Fund for the Environment--their support made our success in Olympia possible.

For more information or to see the bill, visit: <http://dlr.leg.wa.gov/billsummary/default.aspx?Bill=5583&year=2009>

WRC completes first successful reverse water rights auction in Washington state

Auctioning Manastash Creek water rights improves flows for fish

Water users on Manastash Creek who auctioned their water rights breathed a sigh of relief last month when Ecology confirmed the transfer of their water rights to trust for instream flow. This was achieved through the WRC-facilitated reverse water rights auction.

The Creek

Manastash Creek, tributary to the upper Yakima River, historically provided spawning and rearing habitat for Steelhead, coho, and spring Chinook, though in recent years, decreased flows have impacted the productivity of listed fish populations. Efforts have been ongoing to improve fish passage and stream flows in the creek.



The Auction

WRC facilitated a reverse water right auction for Manastash Creek water right holders to acquire water to restore flows in the creek. Water right holders were invited to voluntarily auction a portion or all of their water rights for permanent transfer to the state's Trust Water Rights Program to be protected for instream flow.

In total, nine bids were submitted, and five water rights were purchased. The purchased rights will improve flows in the creek by approximately 3.077 cfs and 937 acre-feet per year.

WRC is continuing to work with the Kittitas County Conservation District and other willing landowners to achieve additional flow improvements in Manastash Creek. This auction marks the first successful reverse water right auction in Washington State. This noteworthy success highlights the value of using market-based conservation strategies to improve instream flows. Many thanks to Bonneville Power Administration, the Columbia Basin Water Transactions Program and the Department of Ecology for their commitment and support for our work in Manastash Creek.

For more information visit:

http://www.kccd.net/Current_Projects/Manastash/Manastash_Project.htm

What can we do in a bout of drought? Innovative solutions to climate induced water scarcity

Washington's rivers and streams depend on snow-pack and snow-melt to recharge them for irrigation, recreation, and habitat needs. It's becoming increasingly apparent that shifting climatic conditions are posing risks to our water resources, due to this dependence on snow to restore flows. Many regions of Washington saw significantly less snow than normal this winter, which has the potential to pose serious risks to crops, communities, and ecosystems.

Studies have shown that:

- Temperatures have increased by an average of 1.5° F in the Pacific NW in the 20th century;
- Dates of peak snow accumulation and snowmelt-derived streamflow across the Pacific Northwest have shifted by 10 to 30 days earlier since the mid-1900s
- Average snowpack has decreased 11% over the same period
- Some places in the Cascades have already seen a 30-60% decline in the amount of water contained within snowpack.

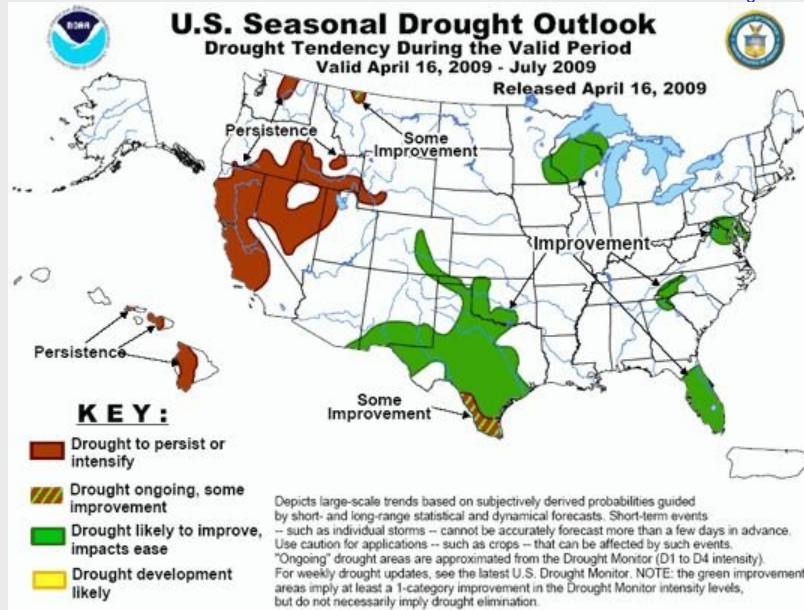


Earlier peak spring flows and lower-than-normal summer flows can make it difficult for migrating fish to negotiate obstacles as they navigate upstream to spawn. Altered streamflows can also hinder the ability of juvenile fish to make it to the ocean. Excessively high flows in winter can cause scouring of gravel beds that salmon and other fish use as nesting sites, causing them to wash away. Also, too little water after spawning can harm eggs ([source](#)).

It is likely that regions of North Central Washington may deal with drought conditions this summer. NOAA predicts drought conditions to persist or intensify through July Of 2009 (see map, below).

Image Credit

WRC is working on cooperative solutions to ensure that rivers have ample flows that can sustain endangered and threatened fish populations. We are working with landowners in the Methow and Okanogan Basins on "Drought Response Programs," which utilize split-season leases and Diversion Reduction Agreements to mitigate for losses to stream flows as a result of drought conditions. Furthermore, these agreements are effective short-term fixes to low flows, especially since they involve no actual transfer of water to trust, only a legal agreement between WRC and the water right holder.

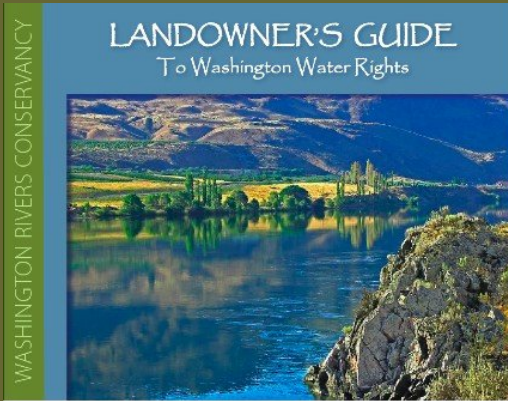


A split-season lease is an agreement with WRC to lease all or a portion of a water right in late summer from a willing landowner. The leased water is then able to stay instream, providing vital flows when fish critically need it.

A Diversion Reduction Agreement is formal agreement with a willing landowner to agree to reduce irrigation when flows reach a specific level, typically at the threshold for fish success and passage. WRC is able to offer incentives to some landowners in these situations, which are intended to compensate a landowner for the production losses associated with forgoing irrigation on their land. Both of these solutions have proven to be effective tools at getting water in-stream when fish need it most, and if conditions persist, could be vital to ensuring fish success this coming summer.

Please contact WRC if you're interested in participating in or learning more about our Drought Response Programs (509.888.0970).

Don't forget to check out our Landowner's Guide to Washington Water Rights, available on our website or by request to our office!



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