

FINAL
Meeting Summary
WRIA 54 - Lower Spokane River Watershed
April 23, 2008

Location: Airway Heights Community Center, Airway Heights, WA.

Planning Unit members and guests recorded on the sign-in sheet were:

Mike Hermanson, Spokane County	Sara Hunt, WA State Dept. of Ecology
Lloyd Brewer, City of Spokane	Albert Tripp, City of Airway Heights
Rob Lindsay, Spokane County	Steve Taylor, Spokane Homebuilders
Hank Nelson, Avista Corporation	Dave Jones, Spokane County Planning Commission
Jim DeGraffenreid, Lincoln County Planning	Craig Volosing, Landowner and Palisades Neighborhood
Stan Miller, Citizen	Charlie Kessler, Stevens County Conservation District
Linda Kiefer, Stevens County	Ben Bonkowski, WA State Dept. of Ecology
Brad Carlson, WA State Dept. of Ecology	Leigh Berdell, WA State Dept. of Ecology
Jeff MacLennan, WA State Dept. of Ecology	Dan Tolleson, WA State Dept. of Ecology
Cynthia Carlstad, TetraTech	Bryony Stasney, Golder Associates Inc.
Andy Dunau, Dunau & Associates	
Wes McCart, Stevens County Farm Bureau and Stevens County Water Conservancy Board	
Jeanne Barnes, Spokane Association of Realtors and Lake Spokane Park Homeowners Association	

Call to Order

Bryony opened the meeting at 10:00 am. Attendees introduced themselves. Bryony requested that each attendee complete the sign-in sheet.

Review and Approve March 2008 Meeting Summary

The draft March 26, 2008 WRIA 54 Planning Unit meeting summary was reviewed with the following edits: 1) page 10, 1st paragraph, changed “Ala carte” to “A la carte”; 2) page 10, last sentence rewritten to read, “Since the WRIA 54 Watershed Plan is scheduled to be adopted by June 2009, this Planning Unit will likely be eligible for project funding.” Those present accepted the suggested changes to the meeting summary and approved the summary as final. The final summary will be posted on Spokane County’s web site at <http://www.spokanecounty.org/wqmp/wria54.htm>.

Public Comment

Sara Hunt made the following announcements:

- Ecology’s 401 Water Quality Certification for Avista’s relicensing is available for public comment through May 15, 4:30 pm.
- The draft Idaho 401 Water Quality Certification was released for public review on April 22. Comments are due by May 22.

Eastern Washington Water Rights Pre-Adjudication

Ben Bonkowski provided an update on the eastern Washington adjudication. Ben provided a copy of the presentation. A copy of the presentation will be posted on Spokane County’s web site at <http://www.spokanecounty.org/wqmp/wria54.htm>.

Presentation Topics

1. Pre-Adjudication Background
2. Work Progress
3. Next Steps
4. Watershed Role

Background

There are two components to managing water: hydrology and adjudication. Water management becomes more important as competition for water increases.

- Hydrology – informs us about physical availability of water (e.g., Bi-State Spokane Valley-Rathdrum Prairie Aquifer Study).
- Adjudication - informs us about legal availability of water (i.e., who has right to how much water, when, where, for what purpose & priority during shortages).

Like other western states, adjudication in Washington is key element of state water law. Adjudication is costly for some, difficult for some, often lengthy and necessary. Adjudication is determined by Superior Court. Once a decision is made to adjudicate, the process is in the hands of the court.

Why Consider Adjudication Now?

- Recognition of increased pressure on shared water supplies.
 - Increasing water demand along Washington & Idaho border - growth, instream needs, water quality needs.
 - Pressure especially intense in Spokane Valley / Coeur d'Alene Area.
- Belief that improved definition of water rights is necessary for improved water management.
- Understanding that adjudication protects each state's interest in shared waters:
 - Supports negotiations & agreement on use of shared waters (just as Washington & Idaho joined on Spokane Valley/Rathdrum Prairie Aquifer Study to understand hydrology)
 - Washington's interest is to work cooperatively with Idaho

July 2007 Funding

- Ecology received \$575,000 for Spokane area pre-adjudication work after Idaho authorized and funded the Northern Idaho Adjudication (\$2.5 million).
- Ecology received \$167,000 for Colville River Basin pre-adjudication in response to petition from the Colville Watershed (WRIA 59) Planning Unit.

Idaho

- Northern Idaho adjudication proceeding after opposition & legislative reconsideration
 - Deletes Kootenai River Basin (Basin 98)
 - Defers mandatory domestic/stockwater claims filings
 - Reduces increased claims filing fees

Q: Can you tell me a little more about how Idaho will defer mandatory domestic/stockwater claims filings?

A: I believe domestic water use in Idaho is equivalent to permit exempt withdrawals in Washington. Domestic and stockwater water use does not require an application for a water rights permit in Washington and may not in Idaho. I do not know if deferral means postponing or if deferral means making it optional for the water rights holder to have these rights adjudicated.

Q: Why is the Columbia River basin not considered a shared water in the slide that shows the shared waters in Washington that may be impacted by an adjudication in Northern Idaho?

A: The intent of the slide is to show the length of Washington's eastern border. The borders of a potential adjudication and sequencing of activities are being discussed at length by Ecology.

Eastern Washington Watersheds

- Ecology is doing pre-adjudication work in WRIsAs 54, 55, 56, 57, and 59.
- Watersheds include:
 - >21,000 claims
 - ~6,700 certificates & permits
 - ~475 applications

- All Washington watersheds bordering Idaho engaged in “2514” Watershed planning
- 2514 watersheds have option to request priority consideration for adjudication
- Colville Watershed WRIA 59 has requested adjudication

Q: What is the difference between a claim and an application?

A: There have been a number of claims openings that have allowed people to file a claim to water use that occurred before development of the surface water and groundwater codes. An application involves going to Ecology and applying for a water right.

Pre-adjudication Activities

- Identify & sequence watersheds
- Map water rights
- Document & assess rights
- Determine data system needs
- Enhance water measurement
- Consult with interested parties
- Determine if potential administrative / law changes needed
- Offer recommendation on pursuing general adjudication following biennium (FY2010/11)

Ecology’s Pre-adjudication Work Progress

- Hired & assigned staff
- Making presentations & consulting with parties
- Built interim data system – assessing longer term needs
- Assembling & reviewing external (e.g., County courthouse and federal mining records) & internal (i.e., Ecology) water rights information
- Researching water right documents & claims
- Verifying the information currently held in the statewide database
- Mapping (GIS) the location of documented water rights and claims
- Mapping to the paper – not necessarily “actual” (physical or legal)

Ecology plans to:

- Offer recommendation early summer on pursuing general adjudication following biennium (FY2010/11)
- Determine if potential administrative / law changes needed

Q: Why is the number of claims illustrated on Page 5 of the handout higher than the number of claims illustrated on Page 7?

A: The illustration on Page 7 shows the mapping work that the pre-adjudication team has completed as of 3/31/08. The claims on Page 7 are only long-form claims. The information on short-form claims often does not include enough information to map the claims. The claims on Page 5 include short-form and long-form claims.

Q: What will Ecology’s pre-adjudication mapping represent?

A: It will represent the records of people who have rights and have claimed water over time. Ecology cannot determine the actual amount of water claimed or allocated through pre-adjudication work. For example, there is often no information on amount of water being withdrawn on a short-form.

Q: Is Ecology considering duplication in the claims record?

A: No. I do not know how we could determine this since the claim numbers are different.

Cynthia noted that Reanette Boese (Spokane County) screened the claims data for WRIA 54 and identified a list of possible duplicate claims as a part of the Phase 2 work in WRIA 54. Ben said that Ecology would like to review this information.

WRIA 54 Mapping (as of April 2008)

- Assembled documents, researched & entered data into pre-adjudication database
- About 500 claims mapped
- One analyst now focused on Long Form Claims
- GIS gives a variety of backgrounds to help determine boundaries
- Aerial photos give a sense of recent activity

Q: Does Ecology have the funding to complete the pre-adjudication work?

A: Not all the work. Ecology does have sufficient funding to make good progress on the mapping and to get a good sense of the issues. Ecology needs to make the decision internally now on whether or not to proceed with adjudication. Watershed Planning Units are party to this decision.

Next Steps

- Continue pre-adjudication work
- Prepare for recommendation / decision on proceeding with adjudication
 - Budget request?
 - Legislation?
- Budget FY 10-11
 - Internal work beginning now– adjudication request likely internally
 - Cloudy picture - funding competition, fees, general fund
 - Goes to OFM Governor Office in late summer with decision late Fall early Winter

Factors on Decision to Proceed

- Local, legislative and tribal support
- Legal risk to Washington shared waters
- Competing adjudication needs within Washington
- Degree of conflict and confusion over water rights discovered in pre-adjudication work
- The pace of Idaho adjudication efforts
- Level of contribution adjudication can make toward water management

Q: Why would we adjudicate in a Spokane watershed rather than another watershed?

A: The decision to adjudicate would be based on a number of factors: 1) support from watershed Planning Units; 2) petition from watershed Planning Units (e.g., WRIA 59); and, 3) areas of conflict over water. The over-riding interest in this area is the Northern Idaho adjudication. Washington would like to continue working with and negotiating with Idaho over shared waters. Washington will be in a much better negotiating position and a much better legal position if water rights are adjudicated.

Q: Is Ecology making corrections to WRATs as a result of the pre-adjudication work? Is Ecology creating a second database?

A: If we find that the paper rights do not match what we have in the WRATs database, we are reconciling the WRATs database. In addition, we have created an access database to record information from our pre-adjudication work that is not captured in WRATs. For example, we are noting the water rights provisions and we are noting the year that the water was first put to use from the claim forms.

Role of the Watershed Group

- Under statute, Watershed Planning Unit can request adjudication
- Ecology authorized to file adjudication
 - Requires \$ funding & de facto legislative authorization
- Once filed court drives process

- Watershed group role
 - Forum & sounding board on sentiment & method for proceeding
 - Weigh in during extended period / steps of budget development, legislative process
 - Forum to sponsor information & outreach during adjudication
 - Not a named party to adjudication proceeding
- View of watershed group influential

Ben provided an example of the Columbia River management webpage (http://www.ecy.wa.gov/programs/wr/cwp/cr_webmap.html) as an example of what Ecology is striving for with the water rights database.

Q: What is your timeline for feedback from the WRIA 54 Planning Unit?

A: Earlier is better. A letter is good if the group has an opinion on whether or not to adjudicate.

Linda Kiefer noted that the Colville Watershed (WRIA 59) is hosting an adjudication workshop on Monday April, 28, 6 – 9 pm at the Stevens County Conservation District office. The WRIA 59 group is considering a streamlined adjudication process.

Spokane River Forum

Andy Dunau introduced himself as the lead from Dunau and Associates responsible for starting the Spokane River Forum. The Spokane River Forum is envisaged as a clearing house for all things Spokane River (from the outlet of Coeur d'Alene Lake to the confluence with the Columbia River at Lake Roosevelt). The purpose of the Spokane River Forum is to provide a regional venue for all those involved in the Spokane River to discuss and compare perspectives. Based on interviews completed by Andy, it appears that people would like to get more involved in the Spokane River but do not know how to go about this. The Spokane River Forum hopes to help people to be active on the river, both by helping people to participate in issues and by improving recreational opportunities. The Forums' topics are divided into water quality, water quantity and recreation. The Spokane River Forum is not a policy group.

The first activity (visit www.spokaneriver.net) is a river raft and paddle trip down the Spokane River, starting at North Idaho College. The trip is planned for June 13 – 15 and June 20 – 23 (the trip will be postponed / modified depending on river conditions and safety). Andy passed around trip information and participation forms.

The Lake Roosevelt forum is also hosting a house boat trip on May 30 that will include the Spokane Arm. Brian Crossley will be explaining Spokane Tribe's fish tissue studies on this trip.

The Spokane River Forum plans to:

- Produce a newsletter twice a year with a mailing list of about 15,000.
- Keep a website that will include current articles. The newsletter will be developed from these articles.
- Maintain a Spokane River calendar that will include schedule of meetings etc. for all entities working / involved in Spokane River issues. The WRIA 54 schedule will be included on this calendar.
- Organize a workshop / conference every fall to encourage regional dialogue.

Q: How is the forum organized?

A: We are in the process of filing non-profit papers and have funding from Ecology to organize. Ecology is not directing the activities of the forum but is rather providing assistance to get the Forum up and running.

Proposed Projects for Inclusion in Ecology's 2009-2011 Biennial Budget

Bryony asked permission from the group to switch the work group update and proposed projects for Ecology 2009-2011 funding agenda items. Bryony said that depending on time, the work group updates may be moved to the May meeting. The Planning Unit agreed.

Ecology is requesting that Planning Units that have or anticipate having an approved Watershed Plan by June 2009 submit a list of proposed projects. Ecology will consider these projects in their request to the Legislature for 2009-2011 funding. Planning Units must submit their projects (in prioritized order) to Ecology by May 15. Sara noted that Ecology will be soliciting projects from the Planning Unit again in the winter of 2008. This effort will not preclude adding new projects in the winter of 2008.

Mike presented a handout to the Planning Unit listing and briefly describing the proposed projects and ranking developed by Spokane County and Ecology at the meeting last week (April 17). Bryony noted that the April 17 meeting was advertised and was open to the Planning Unit. Mike asked the Planning Unit to review the projects and ranking and to submit additional projects.

Albert Tripp proposed the Medical Lake – Airway Heights intertie project. Lloyd asked if the other cities are aware of this proposal. Albert said that this concept was developed and agreed to by the cities involved a couple of years ago. This intertie was not pursued further due to lack of funding at that time. Albert agreed to email a completed form for the Medical Lake – Airway Heights intertie to Bryony today.

Lloyd asked that there be reference to the WRIA 54 Planning Unit in the project descriptions and that project updates be provided to the WRIA 54 Planning Unit as a part of implementation. Rob Lindsay noted that Spokane County will keep the Planning Unit informed about any WRIA 54 implementation project that the County leads.

After discussion, the group agreed to provide numeric ranking as well as a high / medium / low designation. The group agreed to receive a copy of the projects via email and email back their additional projects, comments and ranking to Bryony by April 30.

Work Group Updates

Cynthia noted that the WRIA 54 instream flow work group met yesterday. Sara Hunt, Mike Hermanson, Stan Miller, Lloyd Brewer, Cynthia and Rob Lindsay attended. Cynthia noted that the Planning Unit needs greater participation for the WRIA 54 instream flow work group.

Cynthia noted that the WRIA 54 Watershed Plan needs to include an instream flow component. The combined WRIA 54 & 55/57 instream flow work group is also still active but is addressing instream flow for the entire mainstem Spokane River and does not appear to be on a timeline that fits with completion of the WRIA 54 Watershed Plan in 2008. The combined WRIA 54 & 55/57 instream flow work group plans to finalize a memorandum documenting its work progress by late May, and also plans to organize an educational meeting for elected officials in late June. Cynthia noted that we do not know at this point if the combined WRIA 54 & 55/57 instream flow work group will make recommendations to the WRIA 54 Planning Unit for consideration in the Watershed Plan. The next WRIA 54 and WRIA 55/57 instream flow work group meeting is scheduled for May 28.

Cynthia noted that the WRIA 54 instream flow work group will be addressing and making recommendations for the tributaries to the Spokane River in WRIA 54. There is a sentiment that the WRIA 54 Planning Unit should consider recommendations for the Spokane River instream flow if the combined WRIA 54 & 55/57 work group is unable to come to consensus. The combined WRIA 54 & 55/57 instream flow work group had also discussed the possibility of establishing a control point at Little Falls. Cynthia said that she will be conducting research on this for the next WRIA 54 instream flow work group meeting, scheduled for May 20.

Sara noted that the WRIA 54 instream flow work group also discussed the need to consider groundwater and how groundwater is addressed by instream flow rule.

The group agreed to postpone additional work group updates to the May meeting.

Public Comment

Craig thanked those present and the Planning Unit for enduring questions from a lay person. Craig noted that he hopes that these questions illustrate the challenge that the Planning Unit has educating the public on watershed issues.

Rob Lindsay encouraged Craig to continue asking those good questions, and also informed the group that Bart Haggin has qualified for the Boston marathon.

Administration and General Schedule Announcements

The following meetings are scheduled and open to everyone:

MAY 2008:

- WRIA 54 Instream Flow Work Group, Tuesday May 20, 1:30 – 4 pm, Conf. Rm. 4A, Spokane County Public Works Building, 1026 W. Broadway Ave, Spokane, WA.
- WRIA 54 and WRIA55/57 Instream Flow Work Group, Wednesday May 28, 1:30 – 4:30 pm, Ecology Eastern Regional Office, N. 4601 Monroe, Spokane, WA. Tel: 509-329-3400.
- WRIA 54 Planning Unit, Wednesday May 28, 6 – 8:30 pm, Lakeside High School Library, Lakeside, WA.

JUNE 2008:

- WRIA 54 Water Management Work Group, Thursday June 5, 1:30 – 4 pm, Ecology Eastern Regional Office, N. 4601 Monroe, Spokane, WA. Tel: 509-329-3400.
- WRIA 54 Water Quality Work Group, Thursday June 17, 9 am – noon, Conf. Rm. 4A, Spokane County Public Works Building, 1026 W. Broadway Ave, Spokane, WA.
- WRIA 54 Planning Unit, Wednesday June 25, 10 am – noon, Airway Heights Community Center, Airway Heights, WA.

Next Meeting Date and Adjourn

The next WRIA 54 Planning Unit meeting is scheduled for Wednesday, May 28, 2008, 6 – 8 pm, Lakeside High School Library. Bryony adjourned the meeting at 12:07 pm.