

Meeting Summary
Watershed Implementation Team
Little Spokane – Middle Spokane River Local Watershed Plan
Joint Meeting with WRIA 56: Hangman Creek
May 6, 2008

Committee members recorded on the sign in sheet were:

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| Ty Wick, <i>SAJB</i> | Lloyd Brewer, <i>City of Spokane</i> |
| Susan McGeorge, <i>Whitworth Water</i> | Reanette Boese, <i>Spokane County</i> |
| Rob Lindsay, <i>Spokane County</i> | Mike Hermanson, <i>Spokane County</i> |
| Claudia Crawford, <i>Whitworth Water</i> | Todd Henry, <i>Vera Water & Power</i> |
| Walt Edelen, <i>Sp Co Conservation Dist</i> | Mike Lithgow, <i>Pend Oreille County</i> |
| Rick Noll, <i>Sp Co Conservation Dist</i> | Steve Skipworth, <i>Vera Water & Power</i> |
| Sara Hunt, <i>Dept of Ecology</i> | Tom Wimpy, <i>Diamond Lake</i> |
| Howard Rowley, <i>Horseshoe Lake</i> | Brian Walker, <i>The Lands Council</i> |
| Travis Schmidt, <i>City of Spokane Valley</i> | Bruce Hunt, <i>Sp Co Building & Planning</i> |
| Roger Krieger, <i>City of Deer Park</i> | |

WRIA 56 Members Present:

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| Reanette Boese, <i>Spokane County</i> | Steve Bortfeld, <i>Hangman Hills Water District</i> |
| Walt Edelen, <i>SCCD</i> | Peter Grunte, <i>Hangman Valley Resident</i> |
| Rick Noll, <i>SCCD</i> | Bill Rickard, <i>City of Spokane</i> |

Guest Present:

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| Dale Gill, <i>Little Spokane River Private Property Owner</i> | |
| Carolyn Comeau, <i>Dept of Ecology, Columbia River Program</i> | |
| Joe Carroll, <i>various water districts</i> | Jim Fields, <i>Vera Water & Power</i> |
| Keith Stoffel, <i>Water Resources DOE</i> | Ben Bonkowski, <i>Dept of Ecology</i> |
| Gene Drury, <i>Dept of Ecology</i> | Leigh Bedell, <i>Dept of Ecology</i> |
| Jeff Davis, <i>Dept of Ecology</i> | Jeff MacLennen, <i>Dept of Ecology</i> |
| Victoria Leuba, <i>Dept of Ecology</i> | Scott Paine, <i>Dept of Ecology</i> |

Consultants Present: Susan Gulick, *Sound Resolutions*

Introductions and Meeting Summary: Susan Gulick called the meeting to order. Committee members and guests introduced themselves. The meeting summary for April 2, 2008 was reviewed and approved with one correction under West Branch Little Spokane River: Tom Wimpy reported that at the last meeting March 26, 2008 they had a presentation on beaver tube techniques and they came up with a plan to add wire mesh *a distance* from the ends of the tubes to keep the beavers out and let debris go through.

NO COMMITTEE REPORTS DUE TO ECOLOGY BRIEFINGS

PRE-ADJUDICATION: Ben Bonkowski, Department of Ecology gave an update on Water Rights Pre-Adjudication. It is essential to know both the physical and legal availability of water in order to manage water. Water rights adjudication determines the legal availability of water; hydrology determines the physical availability of water.

The majority of an adjudication process occurs in Superior Court where the Dept. of Ecology has a very limited role. The State of Idaho is proceeding with adjudication in the northern part of the state, including watersheds that border Washington. The Washington legislature has funded the pre-

adjudication process in WRIs 54, 55, 56, 57 and 59. Ecology has been mapping claims and certificates in these watersheds and checking them against aerial photos. In the future the public should be able to see this information as well as images of the paper documents.

At the end of the pre-adjudication process Ecology will make a recommendation to the Governor on whether or not to proceed with a full adjudication. The final decision rests with the legislature. Under statute, a WRIA can request adjudication. WRIs can also provide a forum for discussion and assist with dissemination of public information. WRIs can also offer support or opposition to adjudication; the views of watershed planning units are very influential.

If the adjudication proceeds, Ecology would like to get early agreements on some of the water rights before the full court process. This depends on whether the court would accept these agreements.

WATER RIGHTS: Keith Stoffel, Department of Ecology gave an update on Water Right fundamentals and issues. He discussed the key concepts in water law, including beneficial use, consumptive vs. non-consumptive use, the prior appropriation doctrine, and the difference between a water right and ownership of water. He also explained the legal documents that are present with water rights: permits, certificates, certificate of change, and claims. Some water rights are not documented, such as riparian stockwater and federal reserve rights.

There is a four part test for water rights decisions: beneficial use, public interest, availability, and impairment.

Keith also explained how water rights holders can put their water rights into trust, either temporarily or permanently. These trust water rights retain the same priority date. Temporary trust water rights can be re-claimed at a later date as long as they will be put to beneficial use. Currently, the state will pay for a portion of irrigation upgrades and the water savings will go into a trust in fish critical basins. Donations of water rights, either permanent or temporary, do not require an investigation. An investigation is required when the water rights are sold to the Trust.

Permit-exempt wells were also discussed, particularly the problem of permit-exempt wells being used to supply water to multiple dwellings.

Keith explained that if you don't put your water right to beneficial use you do not retain the right to use it. This is a key difference between being allowed to use the water through a water right and owning the water. In Washington, no one can own water—they can only be given a right to use water.

Planning Unit members inquired whether it was fruitful to ask that a water master be assigned to their watershed. Ecology stated that while funding and other resources are very tight it is still a good idea to ask. The odds may be low but you will definitely not get one if you don't ask. Water masters are very useful in areas that have been adjudicated and are less useful in areas where the legal status of water is not clear. It was noted that Planning Units could ask local legislators to sponsor legislation to provide water masters rather than simply asking Ecology.

ISSUES IN THE LITTLE SPOKANE RIVER: The Planning Unit discussed enforcement challenges in shutting down junior water rights holders when the river is low rather than going after illegal users. There is a need for more funding to increase enforcement of illegal withdrawals. The best place to start is with education and outreach, which the Planning Unit can support.

Next WRIA 55/57 WIT Meeting:

June 4, 2008

9:00a.m. – 12:00 p.m.

Chattaroy Fire Station