

How will the closures affect me?

The primary impact will be on people living in populated (“high density”) areas who want to make ground water withdrawals from permit-exempt wells after the effective date of the rule. (For a brief description, see summary on previous page. For a detailed explanation, see Ecology publication “Changes to future ground water use,” #07-11-033.)

Apart from the exception stated above, the rule amendments will not change the current administration of water rights. Due to the potential impact on existing water rights, no surface water has been available since 1996, and no water has been available from the gravel aquifer since before 1994.

The additional protection of surface flows in small rivers and streams will benefit fish and wildlife, water quality and existing water rights. Closing the gravel aquifer is critical to the protection of existing water rights and the protection of flows restored in rivers and streams through state, local and federal efforts and investment.

Limit stock watering based on legal lot size

The rule amendment establishes limits on “permit-exempt” ground water used for stock watering.

What limits are being set on ground water for stock watering?

The following limits apply to ground water use exempt from the permitting process, from the gravel aquifer throughout the basin, for stock watering:

If the legal lot size is (in acres)	Limit on ground water for stock watering (in gallons per day)
10 or less	700
10-20	2,500
Greater than 20	5,000

Metering is required in populated (“high density”) areas. (Metering is discussed in more detail in Ecology publication “Changes to future ground water use in the Walla Walla Basin,” #07-11-033)

Environmental Enhancement Projects (EEPs)

The rule amendments include a provision for the use of high surface flows during the non-closure period of December 1 to May 31, for water storage projects that provide net environmental benefits. These projects are referred to as “environmental enhancement projects,” or EEPs.

What is an EEP?

An “environmental enhancement project” is a storage project which will provide net environmental benefits, that is, the benefits of more water during low flow periods outweighs any adverse impacts caused by storing high flows and flood flows. In particular, these projects should improve stream flows for fish.

EEPs can only use surface water from specific areas where instream flows are established, during non-closure periods. Maximum withdrawal amounts have been established in order to protect some of the ecological benefits of high flows.

How does a project qualify as an EEP?

In order for a surface water withdrawal for an EEP to be approved, it must:

- Be sponsored by a government or quasi-governmental entity (listed in the rule).
- Receive a *consensus* recommendation from the Umatilla Tribe, Planning Unit, state Dept. of Fish & Wildlife, and Planning Unit initiating governments.
- Receive technical advice from the technical advisory group.
- Be issued on a temporary basis, and only if it doesn’t affect fish migration, ecological functions (high flows are beneficial for the stream ecology) and existing water rights, including instream flows.
- Include a monitoring and adaptive management program and show the ability to implement such as program.

For more information

Dept. of Ecology: Travis Burns, phone: 360-407-7207, email: tbur461@ecy.wa.gov

Ecology website: <http://www.ecy.wa.gov/programs/wr/instream-flows/wallawallabasin.html>



Frequently Asked Questions

The amended Walla Walla (WRIA 32)

Water Resources Program rule, Chapter 173-532 WAC

Introduction

Effective September 5, 2007, the Walla Walla Basin (Water Resources Inventory Area, WRIA, 32) has an updated water management rule. The Department of Ecology, working closely with the local Watershed Planning Unit, has amended the existing water management rule (Chapter 173-532 WAC), which was adopted in 1977. The rule applies only to the Washington side of the basin, and does not affect people who already have water rights.

The amendments are based on recommendations in the 2005 Walla Walla Watershed Plan, and include additional revisions which establish guidelines and strategies to better address the current condition of the watershed. Although growth in the area had been limited for many years following the adoption of the 1977 rule, this is changing. Population and economic growth in Walla Walla County is increasing, especially in the urban growth areas and rural residential areas. The population of WRIA 32 is projected to increase by about 24% between 2000 and 2020.



Water resources are already limited in the basin. The water supply is unreliable for existing water users: many water right holders with rights dating back to the 1890s are unable to exercise their water rights from July to October. Changes to water management in the basin are necessary to accommodate current and projected growth and the accompanying water demands.

Watershed Planning

Watershed planning, under the Watershed Planning Act (Chapter 90.82 RCW) created a framework for developing local solutions to water-related issues on a watershed basis. Planning under this Act began in Walla Walla in 2000. The WRIA 32 Planning Unit developed the Walla Walla Watershed Plan, which was adopted by the Board of Commissioners for both Walla Walla and Columbia Counties in June 2005.

The Planning Unit, comprised of local stakeholders, included members of the Confederated Tribes of the Umatilla Indian Reservation, Walla Walla and Columbia counties, the City of Walla Walla, Gardena Irrigation District No. 13, as well as many other governmental and nongovernmental groups and individuals.

Walla Walla Basin: overview

The Walla Walla Basin, WRIA 32, is located in southeastern Washington state, in Walla Walla County and part of Columbia County. It has three major water systems: the Touchet, the Mill Creek/Yellowhawk Creek, and the Walla Walla River. The watershed as a whole extends into northeastern Oregon.



The Walla Walla Basin poses unique water management challenges. The basin has limited water resources; it has been over-appropriated since the early 1900s (that is, more water has been distributed on paper, as water rights, than actually exists in the streams). As early as the 1880s, parts of the Walla Walla River were seasonally dried up, seriously impacting salmon and other fish. Water withdrawals intensify the natural low flow conditions that occur in the late summer and early fall.

Due to the condition of the watershed and potential impact on existing water rights, no new surface or ground water rights have been issued in the basin since 1996.

Rule amendments

The key rule amendments:

1. Establish instream flow water rights.
2. Modify the seasonal closures of surface waters (rivers, streams, lakes).
3. Close the gravel (shallow) aquifers.
4. Control and manage future permit-exempt ground water withdrawals from the gravel aquifer, in populated areas (*Note: this is discussed in detail in Ecology publication “Changes to future ground water use,” #07-11-033).
5. Limit stock watering based on legal lot sizes.
6. Provide guidelines for environmental enhancement projects (EEPs).

Instream flows

The rule amendments establish instream flows on four rivers in the Walla Walla Basin.

What is an instream flow?

Stream flows -- the amount of water flowing in a stream or river -- protected by an administrative rule are described as “instream flows.” An *instream flow* is a water right for fish and other instream resources and values which depend on sufficient water in the stream. Instream flows specify the amount of water needed in a particular place for a defined time, and typically follow seasonal variations. The priority date is the effective date of the rule.

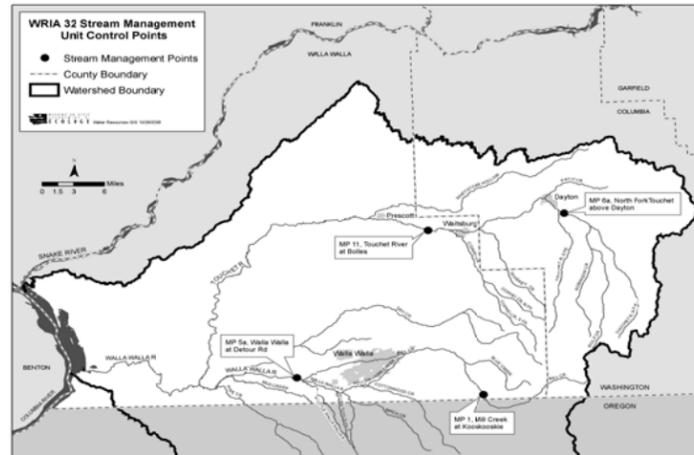
Why is Ecology setting instream flows?

The existing rule did not establish instream flows. Consistent with the requirements of the Watershed Planning Act (Chapter 90.82 RCW), Ecology is adopting instream flows based on recommendations of the Walla Walla Watershed Planning Unit. Instream flows help protect existing water rights and provide protection during water right transfers.

In addition, instream flows protect instream resources. Ecology is required by state law to ensure that sufficient stream flows be maintained “to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values.”

Where are instream flows being set?

The amendment sets monthly instream flows on the Walla Walla River, Mill Creek, North Fork Touchet River and Touchet River. Instream flows are measured in cubic feet per second (cfs). They are measured at “stream management units” or “control points” – places along the rivers where stream gauges are located. (See map.)



How will setting instream flows impact me?

If you already have a water right: instream flows do not affect existing water rights.

Regarding the possibility of obtaining new surface water rights: no new surface water rights have been granted since the mid-1990’s. Setting instream flows does not change this policy. The only exception for new surface water rights is for storage projects with environmental benefits, “environmental enhancements projects” (EEPs), which are discussed later in this document. EEPs will be affected by instream flows.

Setting instream flows in fall, winter, and spring may benefit some recreational activities, such as rafting and fishing.

Where will the water come from to meet the instream flows?

Setting instream flows does not put water back into the streams. Setting instream flows does not mean that the water will be there.

Instream flows provide a guideline for managing water use: that is, if the flows are not being met, no new water rights can be issued. They help protect existing flows and any restored flows in the future.

Surface and ground water closures

The rule amendments modify the existing seasonal closures on surface waters (streams, rivers, lakes). Gravel (shallow) aquifers connected to surface waters will be closed year-round.

(Note: *Aquifers* are underground geological water systems that store and/or transmit ground water, such as to wells, springs and streams. *Ground water* is water located under the ground. Studies show a direct connection between the gravel aquifer and the surface waters in the basin.)

What is a closure?

Closure refers to closing a specified water body to new uses, due to lack of available water.

How are the rule amendments different from the existing rule?

Surface waters: The existing rule closed most surface waters in the basin on a seasonal (not year-round) basis. The amendment closes *all* surface waters to new consumptive uses (that is, a use of water that reduces the amount of water in the water source) on a seasonal basis. The amendment modifies existing closures by generally extending them one or two months longer.

Ground water aquifers: The gravel aquifers were not closed under the existing rule; however, the existing rule did state that new wells may not be drilled where there is continuity between the surface water and the ground water. Studies have shown a direct connection between the gravel aquifer and the surface water sources in the basin; therefore, the gravel aquifers are closed year-round.

What are the periods of surface water closures?

All streams and rivers in the basin are closed to any further consumptive appropriation from May 1 to November 30, except for:

- the Walla Walla River and all of its tributaries between Stateline and Detour Road at Mile Post 5a, and
- Mill Creek and all of its tributaries from the confluence with the Walla Walla to the headwaters, which are closed from June 1 to November 30.

Why are surface and ground water closed almost entirely to new uses?

The basin is over-appropriated from late spring to early fall. In other words, more water has been granted in water rights than is naturally available during that period. In order to grant new water rights, water has to be available. Therefore all surface waters are closed during low flow periods to new consumptive uses, and ground water connected to surface water is closed year-round.

Are there any exceptions to the closures?

Future permits to withdraw surface water will be limited to non-consumptive uses (that is, a use of water that does not reduce the amount of water in the water source), and storage projects providing environmental benefits (EEPs, discussed later in this document).

For the gravel aquifer/ground water: the amendment provides an exception for future non-consumptive uses. Ground water withdrawals that are exempt from the permitting process (under RCW 90.44.050) will still be allowed, with some limitations. In brief, future permit-exempt ground water withdrawals from the gravel aquifer, in populated (“high density”) areas must comply with the following conditions of use:

- Limit the total amount of water for domestic uses and irrigation of lawn and garden to 1,250 gallons per day (gpd) for one residence and 5,000 gpd for multiple residences in one development.
- Arrange to replace water used for outdoor watering between May 1 and November 30 with an equivalent amount of water (“water-for-water mitigation”).
- Install meters on new wells, and report use to Ecology.

Conditions of use for permit-exempt ground water from the gravel aquifer in high density areas are explained in detail in Ecology publication “Changes to future ground water use in the Walla Walla Basin,” #07-11-033.

