

Mitigation in the Yakima Basin

Focus on

Water Availability in the Yakima Basin

Since irrigation began in the Yakima River Basin, there has been a struggle to maintain a dependable water supply. Issues around water use led to the establishment of the Yakima Reclamation Project in 1905, the Yakima River Basin Adjudication in 1977, and the Yakima River Basin Water Enhancement Project in 1979. Additionally, there have been many scientific studies and legal decisions changing how water is managed in the Basin.

The Yakima River Basin Adjudication¹ (Adjudication), which lasted from 1977 to 2021, found that all surface water in the Yakima River Basin had been allocated. During the Adjudication, the United States Geological Survey (USGS) released a report² confirming that Basin surface water is connected and that withdrawals of groundwater can have both direct and long-term impacts to surface water.

Following these conclusions, it became clear that any new groundwater withdrawals would further reduce surface water availability in the Yakima River Basin. For the Department of Ecology (Ecology) to approve new water supplies (uses), mitigation is required to offset impacts to surface water to protect fish species and other existing users.

What is mitigation?

Mitigation is an effective water management tool that allows Ecology to address water supply challenges. Mitigation can be thought of as replacing the water used from one water right with an equal or greater amount of water from another, i.e. “bucket for bucket.” It must come from a senior water right (pre-May 10, 1905) that is able to offset the new impact, in time and in place.

Examples of mitigation include:

- Water rights that have been placed into the State’s Trust Water Right Program.³
- Storing and releasing/recovering surface or groundwater⁴.
- Water banking (see below).

Ecology considers mitigation on a case-by-case basis: The suitability and success of an approach depends on the unique characteristics of the site.

What is water banking?

Water banks, established by Ecology, transfer senior water rights into the Trust Water Program so that they are available to mitigate for new uses. For new water users, mitigation can be obtained through a local water bank⁵.

¹ State of Washington, Department of Ecology v. James J. Acquavella, et al., Yakima Superior Court Cause No. 77 2 01484-5.

<http://www.ecy.wa.gov/programs/wr/rights/adjhome.html>

² To view the Yakima Basin Groundwater Study visit <http://pubs.usgs.gov/sir/2011/5155/>.

³ <https://ecology.wa.gov/water-shorelines/water-supply/water-rights/trust-water-rights>

⁴ <https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-recovery-solutions/Aquifer-storage-recovery-recharge>

⁵ <https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights/Water-banks>

In addition to private water banks, county water banking programs exist for Kittitas County⁶, Yakima County⁷, and Benton County⁸.

What is a mitigation plan?

A “mitigation plan” is a document, developed through joint discussions between a water right applicant (or their representative) and Ecology staff, that describes:

- The effects of the proposed water use.
- The proposed mitigation for those effects.
- How the effectiveness of the mitigation will be ensured.

Mitigation plans may be proposed by project applicants or any other person or entity that has interest and expertise in water resource management for protection of aquatic habitat. Typically, a qualified hydrogeologist or engineer will be necessary.

A mitigation plan may address impacts to a stream basin reach or other area for either an individual withdrawal or for multiple withdrawals in a subbasin. The plan must show that the proposed withdrawal with mitigation in place will not:

- Negatively impact existing surface water, groundwater, or instream flow water rights.
- Be harmful to the public interest.

What happens after a mitigation plan is submitted?

Ecology evaluates mitigation proposals on a case-by-case basis, relying on the information and analysis provided by the applicant and best professional judgment. A decision on the adequacy of proposed mitigation plans will not be issued until all required consultations with Yakama Nation, Bureau of Reclamation, and Department of Fish and Wildlife, and other external stakeholders have been completed.

Related Information

- [Yakima River Basin Water Banks \(Yakima, Kittitas, and Benton Counties\), Tracking Washington Water Banks.](#)⁹



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⁶ <https://www.co.kittitas.wa.us/public-works/water-bank/default.aspx>

⁷ <https://www.yakimacounty.us/2095/YCWRS---Water-Availability---Well-Permit>

⁸ <https://www.co.benton.wa.us/pview.aspx?id=21075&catID=0>

⁹ <https://apps.wr.ecology.wa.gov/docs/WaterRights/wrwebpdf/WaterBankTracking-Yakima%20Basin.pdf>