Walla Walla Developed Water Policy and Interpretive Statement

Policy Number: POL-2100

Program Name: Water Resources Program

Date Issued: 12/15/2025

Contact: Water Resources Program Policy Support Section

References: *Statute:* RCW 90.90.120, RCW 90.42.070, RCW 90.90.010

Administrative Rule: WAC 173-532

Policy: POL-1010

Purpose: To describe and provide interpretation of Second Substitute House Bill 1322 (Chapter 239, Laws of 2023).

Application: This interpretive and policy statement relates to implementation of RCW 90.90.120 and subsequent case law to manage water resources in the Walla Walla Basin.

This policy supersedes any previous policy statement with which it conflicts.

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Section 1: Background

In 2021, Ecology and its bistate government and community partners developed the Walla Walla Water 2050 Strategic Plan. To address implementation barriers, the Washington State Legislature passed Second Substitute House Bill 1322 in 2023 (Chapter 239, Laws of 2023). The bill provided new authority to more effectively manage water supplies in the Walla Walla basin.

Section 2: Developed Water Authority

RCW 90.90.120 authorizes Ecology to develop new water supply projects throughout the Walla Walla basin, including in Oregon:

> *(2) In developing water supply solutions in the Walla Walla river basin, the department of ecology should employ an integrated water resource management strategy that will provide concurrent water supply benefits to both instream and out-of-stream uses and address a variety of water resource and ecosystem challenges affecting fish passage, habitat functions, and agricultural, municipal, industrial, and domestic water supply, consistent with the Walla Walla water 2050 plan.*
>
> *(3) The department of ecology shall consider any increase in the quantity of water supply due to a project being implemented under the Walla Walla water 2050 plan that is completed after July 23, 2023, to be water supply developed under this section.*
>
> *…*
>
> *(10) Water supplies developed under this section must be managed consistent with the intent of the specific project being implemented.*

In this policy, "developed water supply" is equivalent to "water supply developed under this section" as written in RCW 90.90.120(3). Projects implemented to create developed water supplies are referred to as "developed water projects." A developed water supply project must contribute to one or more recommended strategies identified in the Walla Walla 2050 Water Plan and result in an increase in water supply for a defined period of time. We anticipate that most, if not all, of the developed water will arise from projects originating in Oregon.

Ecology may designate developed water supply projects for the purpose of instream flow and enroll them in the Trust Water Rights Program under chapter 90.42 RCW. In these situations, streamflow benefit associated with the developed water supply is unavailable to satisfy existing water rights, including water rights with superior priority, and is exempt from claims of impairment by existing users. These provisions only apply to the increase in the quantity of water due to the developed water project and not to streamflow that otherwise would have been present.

Specific projects may designate developed water for out-of-stream purposes. Existing authorities will be relied upon to ensure project goals are met. This policy may be amended to address management needs for out-of-stream purposes as needed.

Section 3: Developed Water Supply Parameters

Developed water supplies will be managed so that water available for existing users is generally unaffected. For water supplies developed for instream flow purposes, Ecology will protect only the increased streamflow created by the developed water supply project. Implementation of developed water projects is not intended to affect normal access to water supply for existing users. Developed water supply projects may be required to implement monitoring measures to a practicable extent to ensure that project objectives are achieved.

Examples of developed water project types include, but are not limited to:

- Surface water storage projects that capture flows during the high flow season release to surface water bodies during lower flow periods;
- "Source swap" projects that authorize usage from a different water source so that the effect on streamflow is eliminated, reduced, or occurs during higher flow periods;
- Acquisition of Oregon water rights that are consumptive to the water source; and
- Aquifer storage and recovery (ASR) projects.

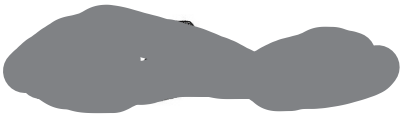
Examples of project types that cannot qualify as a developed water supply project include transfer or protection of existing non-consumptive water rights or retirement of junior out-of-stream water rights that would otherwise be curtailed during periods of water shortage. Water rights acquired from Oregon only qualify as developed water during the times they would not be curtailed in Oregon.

Section 4: Processing applications for developed water supply projects

Ecology will consult with the Confederated Tribes of the Umatilla Indian Reservation, Oregon Water Resources Department (OWRD), and Walla Walla Basin Advisory Committee (BAC) on identification and prioritization of developed water projects. Ecology's evaluation of developed water projects will consider the consensus recommendations of the BAC to inform Ecology's determination of public interest. Projects will be evaluated based on the extent to which developed water is both measurable and protected. Ecology will consult with fisheries co-managers pursuant to existing co-management agreements to maximize benefits to fish and aquatic habitat on projects intended to benefit streamflow and instream resources.

Ecology will provide opportunities for public comment on all developed water project proposals. This will include notice posted through traditional and online media resources as

well as email notification to all relevant state and federal agencies, potentially affected local governments, federally-recognized Tribal governments, and subscribers to relevant Ecology and OWRD subscriber lists.



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