



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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December 13, 2018

Rob Mercer, President
Darryll Olsen, Ph.D., Board Representative
Columbia-Snake River Irrigators Association
3030 W. Clearwater, Ste. 205-A
Kennewick, WA 99336

RE: Petition to Amend Chapter 173-531A WAC, Water Resources Program for the John Day-McNary Pools Reach of the Columbia River, WRIA 31 and Parts of WRIsAs 32, 33, 36, and 37

Dear Rob Mercer and Darryll Olsen:

Pursuant to RCW 34.05.330(1), this letter formally responds to your petition for amendment of WAC 173-531A. The Washington State Department of Ecology (Ecology) received your petition on October 15, 2018, on behalf of the Columbia-Snake River Irrigators Association (CSRIA). The petition requests that:

- 1) The rule be amended to clarify the future development date of the reservation established for future irrigation use (WAC 173-531A-040) be extended beyond 2020; and
- 2) Ecology evaluate substantive changes to permit conditions on water rights issued from the reservations (WAC 173-531A-060) as part of the proposed Switzler Canyon Storage Reservoir Environmental Impact Statement (EIS).

After careful consideration and review, Ecology is denying the petition but preceding with an alternative to address your concerns as provided for in RCW 34.05.330(1).

Reasons for the Denial:

Rule clarification:

Ecology's long standing interpretation of the 2020 date as it appears in rule WAC 173-531A-040 (and -050) is a planning horizon, not an expiration date or sunset date. The historical documentation for the John Day/McNary Basin Management Plan states the reservation of water for irrigation shall be fully exercised at such time as the entire reserved amount is developed under certificated water rights. There is an existing framework in place to permit future irrigation under the John Day-McNary Pools reserve and there is projected future demand for irrigation within the greater Columbia River Basin.



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Alternative means to address this concern:

Ecology will develop an interpretive statement by June 30, 2019, as an alternative to rulemaking, for the purposes of providing clarification that the 2020 dates in WAC 173-531A-040 (and WAC 173-531A-050) is a planning horizon that does not sunset the reserve. Ecology will continue to process water right applications for irrigation under the John Day-McNary reservation until all the water associated with 330,000 acres (not to exceed 1,320,000 acre-feet) is allocated.

Evaluation as Part of the EIS:

The second item in the petition requested that substantive changes to permit conditions on water rights issued from the reservation (WAC 173-531A-060) be evaluated as part of the proposed Switzler Canyon Storage Reservoir EIS. This request asks for an alternative to be analyzed in an EIS which is a separate agency action from rulemaking. We address this element below.

The Switzler Canyon Storage Reservoir EIS co-lead agencies (Ecology, Klickitat County, and Benton County) are currently evaluating and developing responses to comments received during the EIS, scoping period. The responses will include responding to your request to add an alternative that evaluates substantive changes to permit conditions on water rights issued from the reservation (WAC 173-531A-060) and will address this element of your petition.

In closing, although Ecology is not granting your rulemaking petition at this time, we are committed to our mission to aggressively pursuing water supply development in the Columbia River Basin. I extend my appreciation for CSRIA's active interest in Columbia River water supply development.

Sincerely,



Maia D. Bellon
Director

cc: Columbia River Policy Advisory Group
G. Thomas Tebb, Director – Ecology Office of Columbia River Program
Mary Verner, Program Manager – Ecology Water Resources Program