

OREGON



WATER RESOURCES
DEPARTMENT

Update on Integrated Water Resource Planning in the Walla Walla Basin

Panel Members

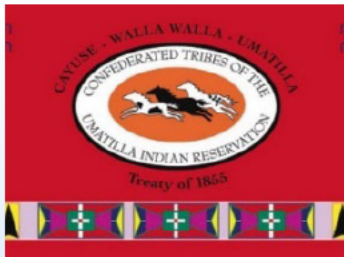


Chris Kowitz

North Central Region Manager (OWRD)

Anton Chiono

Habitat Conservation Project Leader (CTUIR)



Brook Beeler

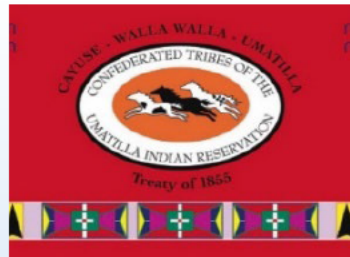
Director, Eastern Region (WA ECY)



Tom Tebb

Director, Office of the Columbia River (WA ECY)

Overview



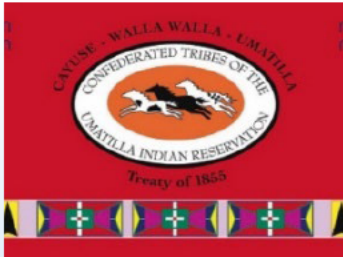
- History of the Walla Walla Basin
- Goals for the Basin
- Significant water law determinations
- *USFWS vs. WWRID, HBDIC, GFID #13*
- Retrospective of water planning
- Thirty-year water vision: WW 2050
- Walla Walla Basin Advisory Committee
- Looking ahead

History of the Walla Walla Basin

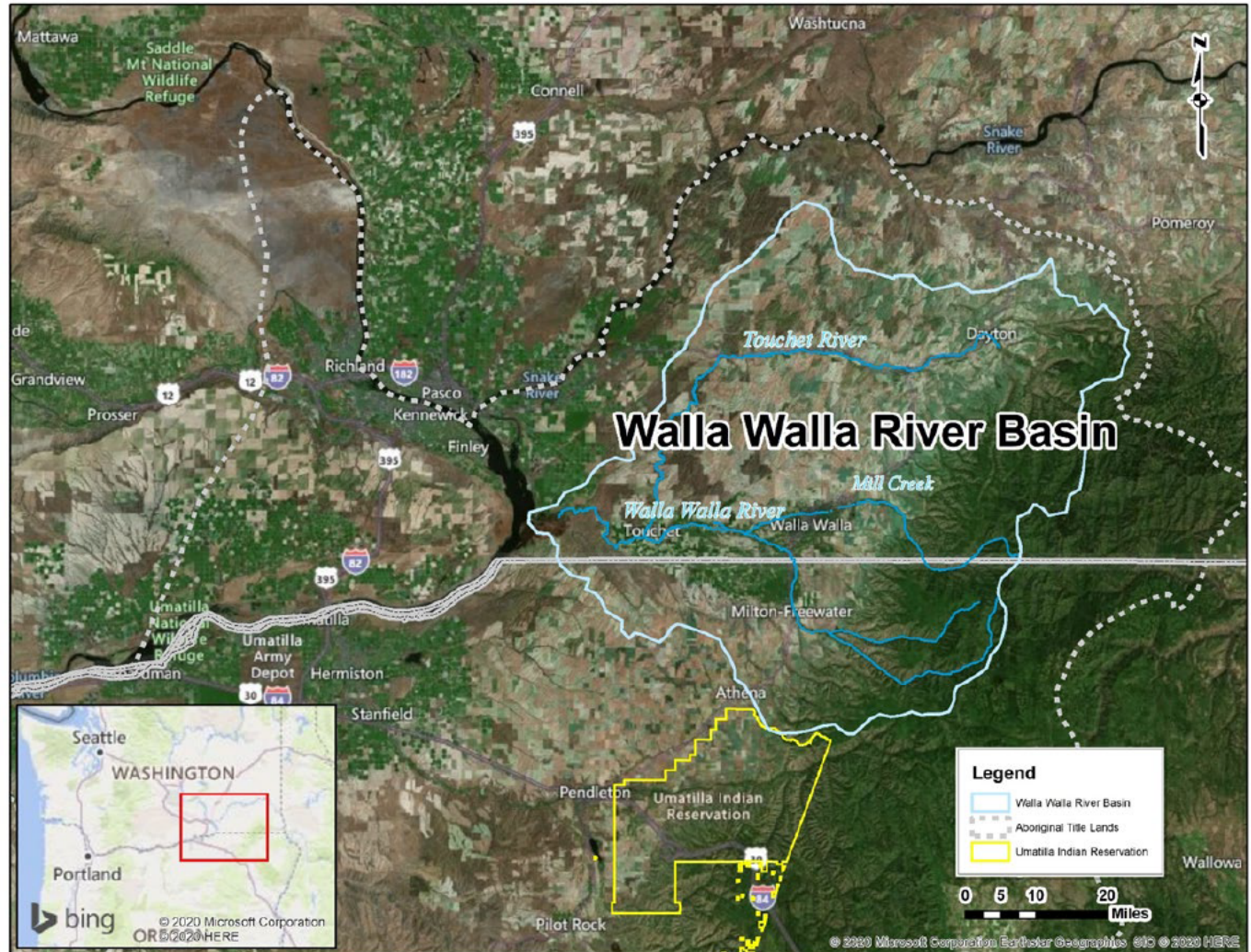
OREGON



WATER RESOURCES
DEPARTMENT



DEPARTMENT OF
ECOLOGY
State of Washington



History of the Walla Walla Basin

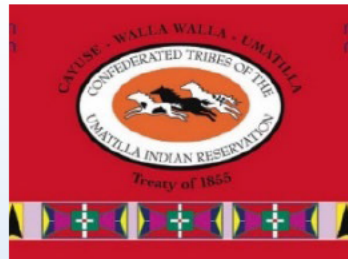


- Homeland of the Umatilla, Cayuse, and Walla Walla Tribes;
- Treaty signed on banks of Mill Creek in 1855;
- Treaty (Article I) reserved Tribes' right to take fish at all ***“usual and accustomed stations”***;
- Since time immemorial, salmon of critical importance to the culture and subsistence of the Tribes;
- By early 1900s, Chinook salmon driven to extinction in the Walla Walla as a result of irrigation diversions.



Walla Walla River mainstem in July.

Goals for the Basin – Tri Sovereign Perspective



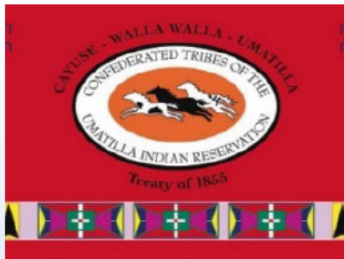
- Long-term commitment to Walla Walla Basin watershed health
- Retain quality of “The Land of Many Waters”
- Achieve meaningful fish recovery
- Balance public water resources and public funding for both instream and out-of-stream needs
- Manage surface water & groundwater conjunctively and consistently across the bi-state Walla Walla Basin
- Plan for climate change and water reliability now and for future basin inhabitants

Significant Water Law Determinations



Water Rights in Oregon

- Oldest water rights ~ 1860s
- Multiple adjudications from 1910s – 1930s
- State Engineer's Report
- *WA v OR*
- Groundwater declines
 - Alluvial
 - Basalt
 - SWAMPA / Classification

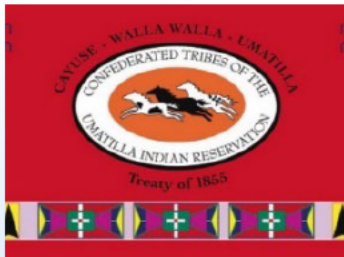


Oregon Adjudications

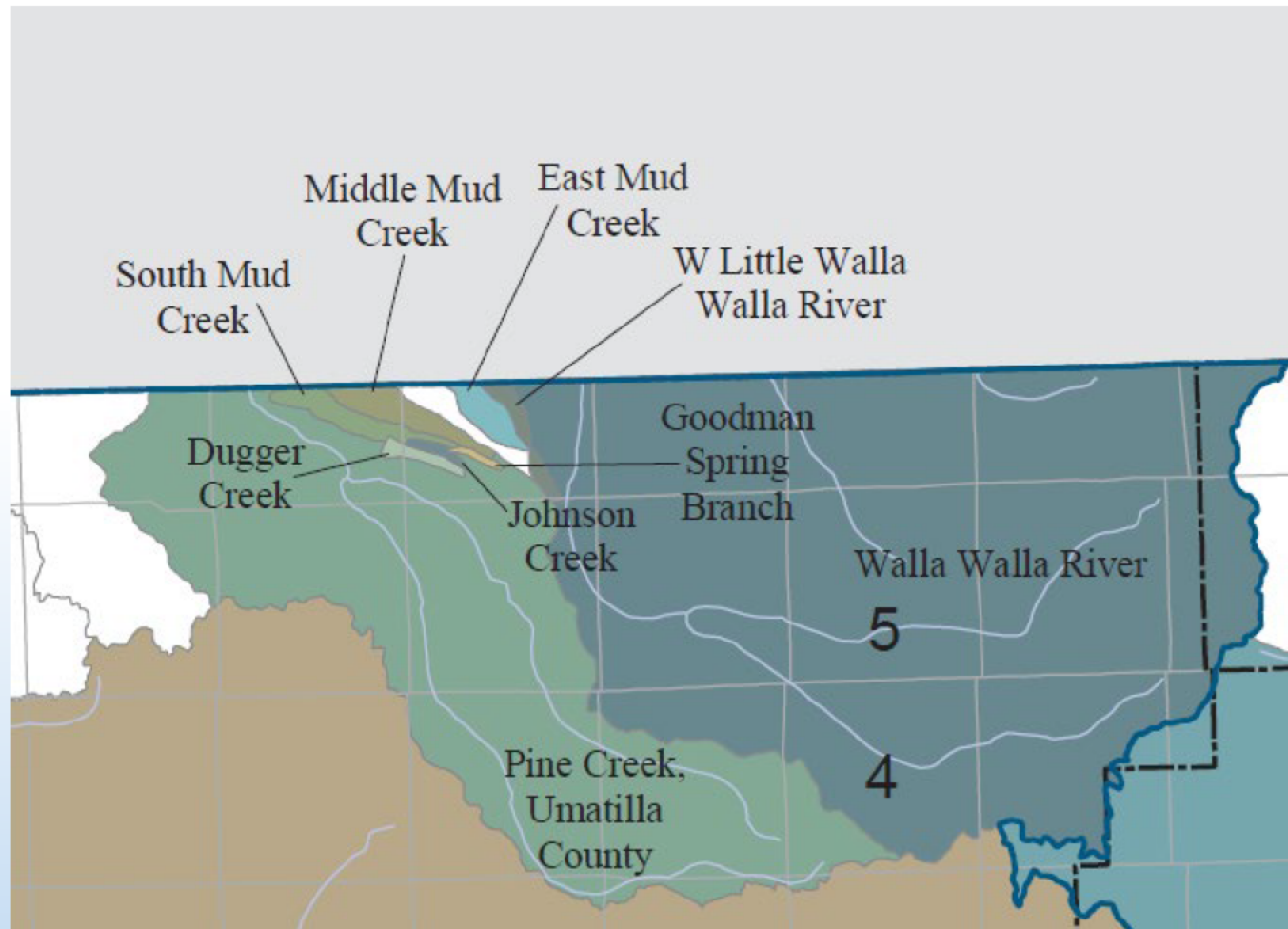
OREGON



WATER RESOURCES
DEPARTMENT



DEPARTMENT OF
ECOLOGY
State of Washington



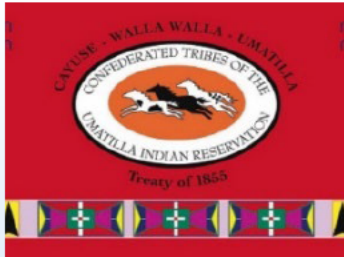
Significant Water Law Determinations

Water Rights in Washington

OREGON



WATER RESOURCES
DEPARTMENT



USFWS vs. WWRID, HBDIC, GFID #13



Dead Mid-Columbia steelhead at Walla Walla River diversion.

- Bull trout (*S. confluentus*) listed in 1998 under 50 CFR § 17.31(a); Mid-Columbia summer steelhead (*O. mykiss*) in 1999;
- USFWS contended that “take” of bull trout occurred during summers of 1998 and 1999, and that Walla Walla irrigators violated the ESA;
- USFWS prepared a civil penalty action against the three largest Walla Walla irrigation districts (one in WA and two in OR).

USFWS vs. WWRID, HBDIC, GFID #13

6-7-04.

U.S. FISH AND WILDLIFE SERVICE,)	Civil Penalty Settlement
Complainant,)	Endangered Species Act
v.)	16 U.S.C. 1540(a); 50 CFR Part 11
Hudson Bay District Improvement Company,)	
Walla Walla River Irrigation District, and)	
Gardena Farms Irrigation District #13)	FWS.PN.2731
Respondents.)	

THIRD AMENDED CIVIL PENALTY SETTLEMENT AGREEMENT

The undersigned parties to this civil penalty proceeding hereby enter into this THIRD amended agreement ("Agreement") as a complete and binding resolution of any civil penalty liability in this matter. Pursuant to paragraphs 4 and 5 of the August 4, 2003, settlement agreement between the parties, the parties hereby voluntarily enter into this Agreement. This Agreement supersedes the June 9, 2000, June 27, 2001, and August 4, 2003, settlement agreements.

The United States Fish and Wildlife Service (Service) contends that Respondents Hudson Bay District Improvement Company and the Walla Walla Irrigation District knowingly diverted flows of the Walla Walla River during the summers of 1998 and 1999 at or near the Cemetery Bridge Dam in Umatilla County, Oregon, and Respondent Gardena Farms Irrigation District #13 (Gardena Farms) knowingly diverted flows from the Walla Walla River during the summers of 1998 and 1999 at or near the Burlingame Dam in Walla Walla County, Washington.

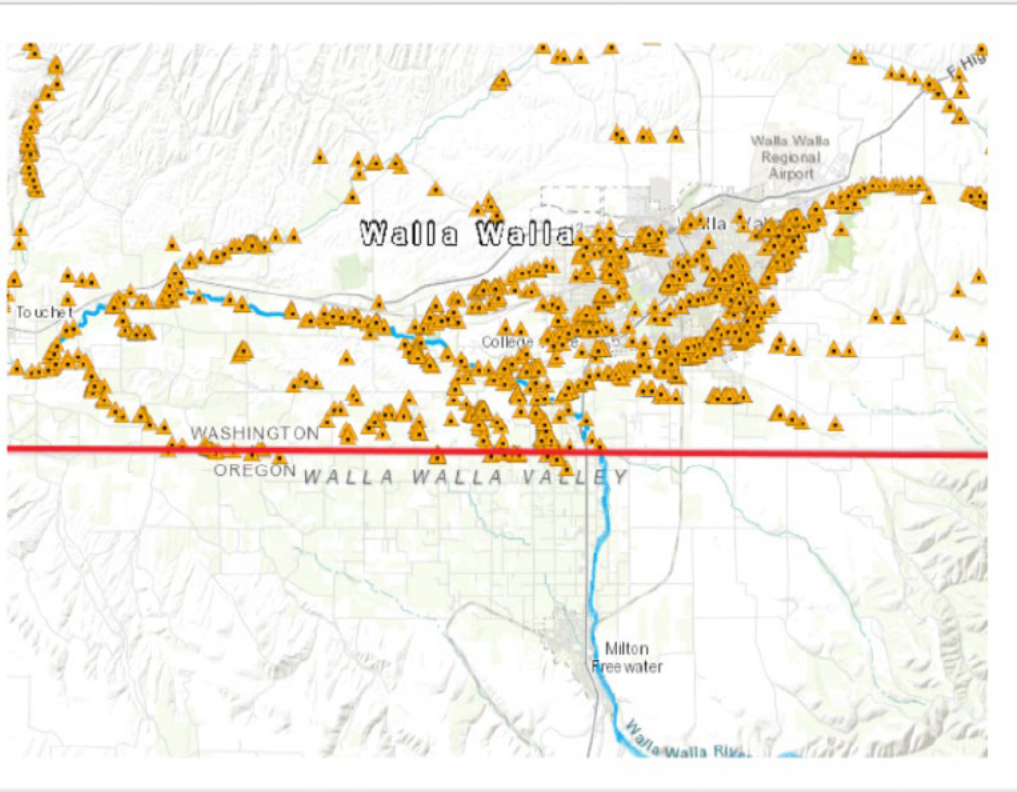
The Service further contends that the foregoing diversion of water flows of the Walla Walla River by Respondents caused the take of bull trout during both 1998 and 1999. The bull trout (*Salvelinus confluentus*) is a species of wildlife which is listed in 50 CFR § 17.11 as a threatened species. A proposed rule to list the Columbia River distinct population segment of bull trout as a threatened species was published in the Federal Register on June 13, 1997. A final rule listing this bull trout population as a threatened species was published in the Federal Register on June 10, 1998, and became effective on July 10, 1998. Upon the listing effective date, the provisions of 50 CFR § 17.31(a) prohibited unauthorized taking of bull trout. The federal Endangered Species Act (ESA) makes it unlawful for any person to violate any regulation pertaining to any

Page 1 U.S. Fish and Wildlife Service v. Hudson Bay District Improvement Company, Walla Walla River Irrigation District, Gardena Farms Irrigation District #13 FWS.PN.2731

- In 2000, USFWS entered into civil penalty settlement agreement (CPSA) negotiations with the three districts;
- The two Oregon irrigation districts were required to maintain 25 cfs in the Walla Walla River during the summer;
- The downstream Washington district was required to maintain 18 cfs during the summer.

Walla Walla Civil Penalty Settlement Agreement (2004)

USFWS vs. WWRID, HBDIC, GFID #13



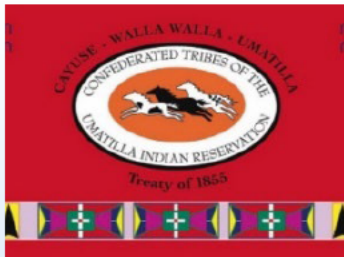
Washington State Surface Water Diversions, Walla Walla Valley (Ecology 2022)

- However, USFWS neglected to coordinate with state water management agencies;
- Bypass flows were not protected, and even if they were, OR instream water rights not recognized in WA;
- Many other water users have rights to divert unprotected bypass flows;
- Without a way to protect the bypass flows, the river simply went dry a little farther downstream.

Retrospective of Water Planning



- **USACE Feasibility Study (19xx - 20xx)**
 - Studied water alternatives to address supply needs;
 - Failed due to a lack of state engagement and the inability to protect flows across state line;
- **Walla Walla Watershed Management Partnership (2008 - 2020)**
 - Studied water alternatives to address supply needs;
 - Failed due to a lack of state engagement and the inability to protect flows across state line;
- **Walla Walla Water 2050 Plan (2020 -)**
 - Studied water alternatives to address supply needs;
 - **Succeeds due to state engagement and the ability to protect flows across state line?**

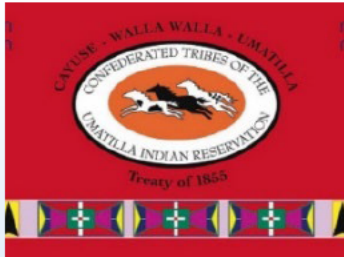


Developing a 30-year Water Vision: WW 2050

OREGON



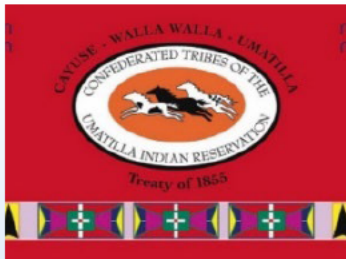
WATER RESOURCES
DEPARTMENT



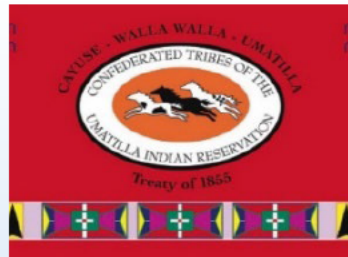
Developing a 30-year Water Vision: WW 2050



- 30-year effort to improve streamflow and water supplies in the Walla Walla watershed
- Employs an integrated water resource management approach
- Integrates goals and solutions from the basin's diverse stakeholders in both Washington and Oregon



Walla Walla Basin Advisory Committee



- WWBAC formed in the spring of 2022
- Advisory Committee & working groups comprised of diverse representation
- Consensus based governance
- Active participation & solicit feedback
- Education & outreach
- Work to build partnerships & connections

Advisory Committee Members

As of September 25, 2022

Interest Group	Primary	Alternate
Agriculture	Mark Wagoner Gardena Farms Irrigation District markswagoner@gmail.com (509) 520-1230	Mike Ingham Gardena Farms Irrigation District mikeingham@inghams.org
	Renee Hadley Walla Walla Conservation District renee.hadley@wwccd.net (509) 956-3777	Annie Byerley Walla Walla Conservation District annie.bye@gmail.com (208) 720-0947
	Allie Newhouse Little River Group allison.newhouse@yahoo.com (509) 308-3548	TBD
	Travis Trumbull Walla Walla River Irrigation District travistrumbull@hotmail.com	Nathan Rea Oregon Agriculture 509-520-1935 (c) 541-558-3776 (o) nrea@htreafarms.com
Environment	Ralph Perkins Walla Walla Basin Watershed Council barbperk@POCKETINET.COM (509) 520-3020	Arnold Coe Walla Walla Basin Watershed Council acoe@eoni.com (509) 876-2715
	Judith Johnson Kooskooskie Commons jsj@bmi.net (509) 301-2973	Sarah Dymecki Washington Water Trust sarah@washingtonwatertrust.org
	John Foltz Snake River Salmon Recovery Board john@snakeriverboard.org (509) 382-4115	Ali Fitzgerald Snake River Salmon Recovery Board ali@snakeriverboard.org (509) 382-4115
Recreation/Quality of Life	Linda Herbert Blue Mountain Land Trust lherbert621@msn.com	Jerry Norquist Community Member jlowellnorquist@gmail.com

Advisory Committee Members

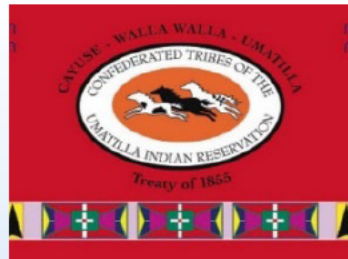
Interest Group	Primary	Alternate
Economic Development	Nicholas Velluzzi Walla Walla Community College nicholas.velluzzi@wwcc.edu (509) 527-3685	Mike Frederickson Port of Walla Walla district2@portwallawalla.com
Local Government	Steven Patten City of Milton Freewater steven.patten@milton-freewater-or.gov (541) 938-8274	Brian Steadman City of Milton Freewater brian.steadman@milton-freewater-or.gov (541) 938-8272
	Frank Nicholson City of Walla Walla fnicholson@wallawalla.gov (509) 524-4510	TBD
	Dan Dorran Umatilla County dan.dorran@umatillacounty.net (541) 969-0876	TBD
	Todd Kimball Walla Walla County tkimball@co.walla-walla.wa.us (509) 524-2505 (ofc) 509-730-3261(cell)	Marty Hall Columbia County marty_hall@co.columbia.wa.us (509) 520-2484
Tribal Government	Gary James CTUIR garyjames@ctuir.org (541) 429-7285	David Haire CTUIR davidhaire@ctuir.org
Federal Government	Justin Yeager NOAA NMFS justin.yeager@noaa.gov (509) 962-8911 x805	Colleen Fagan NMFS colleen.fagan@noaa.gov (541) 962-8512
	Cindy Boen US Army Corps of Engineers cindy.a.boen@usace.army.mil (509) 301-7478	Bret Walters US Army Corps of Engineers bret.l.walters@usace.army.mil (843) 329-8050

Advisory Committee Members

Interest Group	Primary	Alternate
State Government	Steve Martin WA Department of Fish and Wildlife Steve.martin@dfw.wa.gov	Jeff Dengel WA Department of Fish and Wildlife Jeffrey.Dengel@dfw.wa.gov (509) 630-9087
	Randy Jones OR Department of Environmental Quality Randy.JONES@deq.oregon.gov (503) 734-4193	Taylor McCroskey OR Department of Fish and Wildlife Taylor.MCCROSKEY@odfw.oregon.gov (541) 325-5296

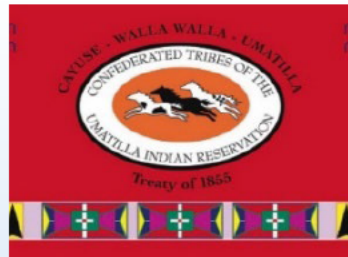
Tri Sovereigns (Ex-Officio/Non-Voting Members)	Chris Marks CTUIR chrismarks@ctuir.org (541) 429-7213	Anton Chiono CTUIR antonchiono@ctuir.org
	Chris Kowitz OR Water Resources Department chris.c.kowitz@water.oregon.gov (971) 600-6137	
	Brook Beeler WA Department of Ecology bbee461@ecy.wa.gov (509) 329-3478	Melissa Downes WA Department of Ecology mnih461@ecy.wa.gov (509) 454-4259

Tri-Sovereigns Role



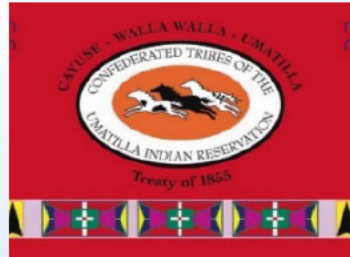
- Make decisions on issues/recommendations provided by advisory committee
- Coordinate with CTUIR Board of Trustees and/or Governors' Offices
- Develop Bi-state water management options
- Provide guidance to their technical staff

Looking Ahead



- Legislation in 2023
 - HB 1322 – Washington
 - SB XXX – Oregon
- Bi-state water management framework
 - June 30, 2025 Legislative Report
- USGS Groundwater Basin Study
 - Final report scheduled to be published in 2025
 - Conceptual groundwater flow model development will follow

Looking Ahead

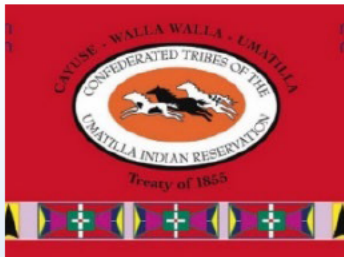


- **Bi-State Flow Study**
 - Evaluating water supply projects
 - Primary focus on restoring flow in the Walla Walla River
- **US BOR Basin Study**
 - Development of a Riverware model
 - Evaluate water supply projects to ensure goals are met
- **Water User Objectives**
 - Work with irrigators and other water users to identify opportunities

Looking Ahead



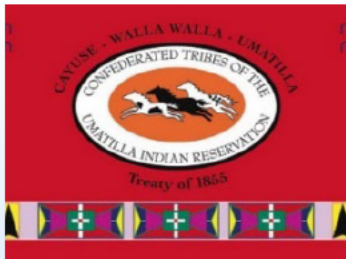
- **Public Engagement**
 - USGS Groundwater Study Workshop scheduled for February 28th
 - Outreach to districts and water users to collect additional data for the Study
 - Strategic Plan Implementation Overview Workshop scheduled for March 22nd



Future Action Requested



- WRC recognition of the Walla Walla Water 2050 Strategic Plan
- The Department is planning to come back to the Commission to request recognition during the June meeting



Thank you!

OREGON



WATER RESOURCES
DEPARTMENT

Questions or Feedback?

