

WAC 173-532-055 Future surface water withdrawals for environmental enhancement projects. The department finds there may be water available above existing water rights and instream flows that could be captured for environmental enhancement projects. This water is only available at specific locations where instream flows are established and during the nonclosure periods, as specified in Table III. A surface water withdrawal for an environmental enhancement project ("EEP") may be approved if it meets all of the following:

(1) EEP may be sponsored only by:

(a) The Confederated Tribes of the Umatilla Indian Reservation;

(b) A municipal governments located within Walla Walla or Columbia counties;

(c) An irrigation district or ditch company within the watershed;

(d) The Washington department of fish and wildlife;

(e) A conservation district within the watershed;

(f) A quasi-governmental organization within the watershed; or

(g) A nonprofit organization within the watershed.

(h) Individual landowners may qualify as a sponsor only when the said landowner is a participant in a project sponsored by one or more of the aforementioned qualifying sponsors.

(2) A proposed project may only qualify as an EEP after the project has received a consensus recommendation from the Confederated Tribes of the Umatilla Indian Reservation, the Planning Unit, Washington department of fish and wildlife, and planning unit initiating governments.

(a) The consensus recommendation shall occur after receiving technical advice and recommendations from the technical advisory group with representatives from:

(i) The Confederated Tribes of the Umatilla Indian Reservation;

(ii) The governor's salmon recovery office;

(iii) The Walla Walla basin watershed council;

(iv) The Washington department of fish and wildlife; and

(v) The department of ecology.

(vi) The United States Army Corps of Engineers, United States Forest Service, United States Fish and Wildlife Service, and National Marine Fisheries Service may be invited to participate in the technical review.

(b) Technical evaluation shall consider:

(i) The specific management objectives for the stream management reaches affected by the EEP;

(ii) Effects of the project on inward and outward migration of salmonids and ecological function provided by high stream flows; and

(iii) Cumulative effects of all environmental enhancement projects.

(c) The technical evaluation shall also weigh any detriment caused by storing some seasonal stream flows (e.g., high winter flows and flood flows) against any benefit the stored water would provide.

(3) An application for EEP must include a monitoring and adaptive management program and show ability to implement such a program. Applicants will define how they will measure and evaluate the project's effectiveness in achieving environmental enhancement goals. The technical advisory group may assist in developing the criteria for evaluating project effectiveness.

(4) Initial water use authorization for EEP will be for short-term. No appropriative right shall develop out of this authorization. The department may only issue a permanent water right if the project's intended benefits are being realized, on the advice of the technical

group and if consistent with the requirements for new appropriations under RCW 90.03.290.

(5) All other applicable permits must be obtained from the department, Washington department of fish and wildlife, and other agencies, prior to construction or water use.

(6) Water right permits for EEP shall be subject to existing water rights and instream flows as established under this chapter.

(7) In consideration of the recommendations of the technical advisory group, the withdrawals shall be managed consistent with salmonid migration needs and with the protection of high flow functions.

(8) Monitoring and sampling shall be consistent with the monitoring plan developed and approved for the project. Daily records shall be kept of the quantity of water diverted to the project. Such records shall be made available to the department upon request.

(9) The department will maintain a record of all diversion for EEP approved in each stream management unit.

(10) The maximum allocation for EEP within a stream management unit shall not exceed the values indicated in Table III.

Table III
Maximum Allocation for Environmental Enhancement Projects
(cubic feet per second)

Stream Location	EEP Diversion Period	Maximum Allocation*
Mill Creek at confluence with Walla Walla River (Walla Walla River, RM 33) to headwaters.	Dec. 1 to May 31	125
Walla Walla River below confluence of Walla Walla River and Mill Creek (RM 32.4) to state line.	Dec. 1 to May 31	300
North Fork Touchet at mouth of North Fork Touchet River to headwaters.	Dec. 1 to April 30	110
Touchet River at Bolles to headwaters, excluding North Fork Touchet.	Dec. 1 to April 30	175

*The total allocation on the Touchet River and North Fork Touchet River shall not exceed 175 cfs. The total maximum allocation on the Walla Walla River and Mill Creek shall not exceed 300 cfs. Due to concerns over potential impacts on inward and outward migration of salmonids and ecological function of high flows the maximum allocation may be considerably less.

[Statutory Authority: Chapters 90.82, 90.54, 90.22, 90.03, and 90.44 RCW. WSR 07-17-007 (Order 04-08), § 173-532-055, filed 8/2/07, effective 9/5/07.]