

# Columbia Basin Project Policy 3<sup>rd</sup> Annual - Water Law in Eastern Washington

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May 27, 2026

# Our Mission

We manage water resources to benefit all Washingtonians and to protect the natural environment for current and future generations



Communities

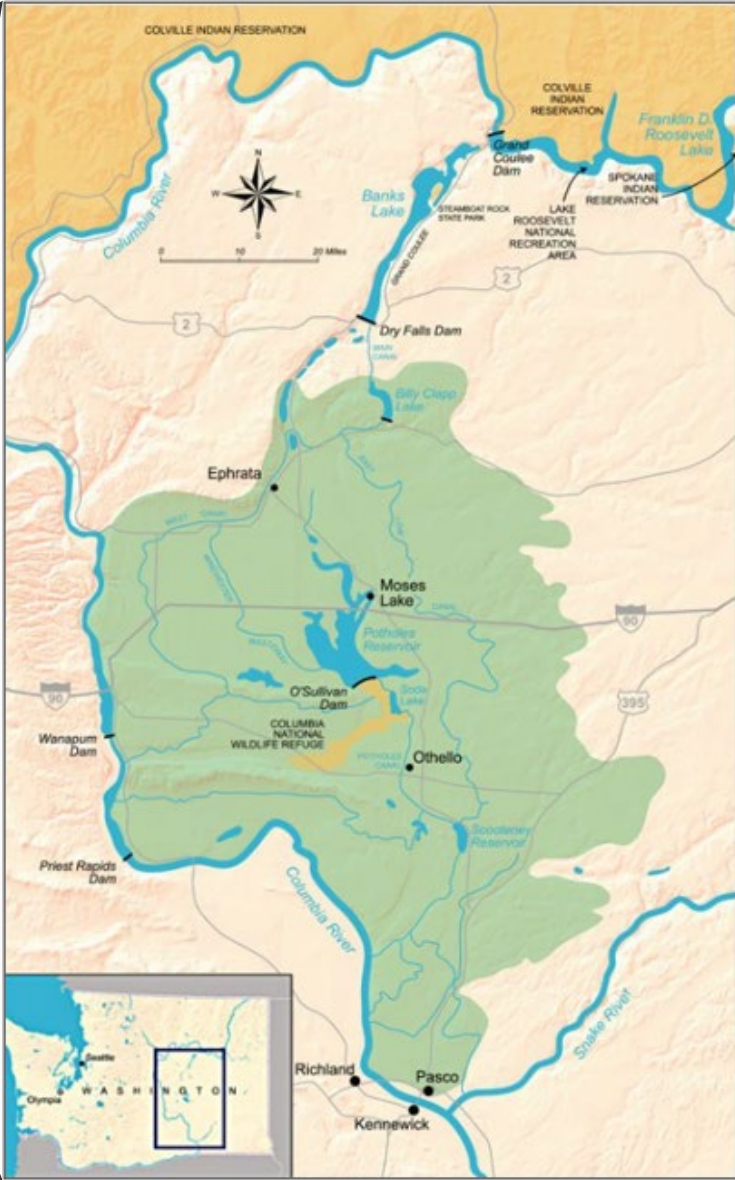


Irrigators



Environmental  
Protection

# Project Location



Adapted from Bureau of Reclamation Columbia Basin Project Map

# Background

The Legislature amended RCW 90.03.380(1) in 2024

State-issued water rights held by Reclamation for water use within the boundaries of the Columbia Basin project require no ACQ analysis for changes to increase irrigated acreage.

Provided:

- The change does not result in any increase in the instantaneous or annual out-of-stream authorized quantity of such rights
- The department determines that such a change would not result in impairment of any other water rights.

# Columbia Basin Project Case Law

- Reclamation maintains a water delivery system that recaptures and reuses the conveyance water, seepage and return flow water subsequent to irrigation throughout the project, referred to in our policy as “Recaptured Water.”
- Under the Washington Supreme Court decision *Ecology v. Bureau of Reclamation* (118 Wn.2d 761, 827 P.2d 275)  
Ecology retains no permitting role nor authority over Reclamation’s water use once diverted to (and remains within the geographic boundaries of) the Columbia Basin Project.

<https://apps.wr.ecology.wa.gov/docs/WaterRights/wrwebpdf/bor.pdf>

# Key Question: Applicability

- Areas served by state issued water rights are subject to the 2024 amendment and Policy (Initial Use Water)
- Recaptured and reused water is not subject to the amendment.
- How to distinguish?
- Examples of recaptured water:
  - Artificially stored groundwater – defined in RCW 90.44.035, WAC 173-136-020(2) and Quincy, Odessa, Pasco Basin rules.
  - Waste, Seepage and Return Flow.



Billy Clapp Lake, Summer Falls & Columbia Basin Project Main Canal (4/16/2007)

# Waste, Seepage and Return Flow

- A term of art unique to Reclamation and the Columbia Basin Project.
- Operational “waste” in the Columbia Basin Project is water used as a necessary part of the operations to convey the water right that exits an irrigation conveyance or distribution system without being applied to land.
- “Waste” as applied in the Columbia Basin Project is not equivalent to “waste” as defined in RCW 90.03.005 and relevant state case law.
- “Seepage” refers to water that seeps into the ground from any irrigation work or after being applied to farmland.
- “Return flow” is water that drains from farmland into the project’s drainage system.

# Implementation Challenges

- How to track which areas are receiving Initial Use Water and which receive Recaptured Water?
- Significant co-mingling of water. After single point of diversion, there are many diversions, turnouts, and flavors of water all downstream from that point.
- May make quantifying use under permits more challenging.





## Columbia Basin Project Water Rights Policy and Interpretive Statement

**Policy Number:** POL-1300

**Program Name:** Water Resources Program

**Date Issued:** 05/14/2026

**Contact:** Water Resources Program Policy Support Section

**References:** Statute: RCW 90.03.380; Chapter 43.21C RCW

Administrative Rule: Chapter 197-11 WAC

Policy: POL-1120; POL-1200; POL-1210

**Purpose:** To describe how the Water Resources Program processes water right change applications from the U.S. Bureau of Reclamation (Reclamation) within the Columbia Basin Project implementing 2024 amendments to RCW 90.03.380(1).

**Application:** The amendment to RCW 90.03.380(1) from 2024 applies only to state-permitted Initial Use Water rights for irrigation purposes within the Columbia Basin Project. This policy does not apply to other federal authorizations or state-issued water rights. Unless otherwise regulated under state rules, including those applying to artificially stored groundwater, authorized uses of Recaptured Water are regulated by Reclamation under agreements between irrigation districts and the Secretary of the Interior.

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

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# Adopted Policy

May 14, 2026

**Thank you!**

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<https://apps.ecology.wa.gov/publications/documents/2611106.pdf>