

Water Law in Eastern Washington Conference
Spokane, WA - May 27-28, 2026

UPPER COLUMBIA: THE COLUMBIA BASIN PROJECT IRRIGATION DISTRICTS

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Upper Columbia Basin focus

Reclamation Act

- Columbia Basin Project

The McCarran Amendment

- Water Rights held by the U.S.

Columbia River Treaty

- Grand Coulee/Lake Roosevelt

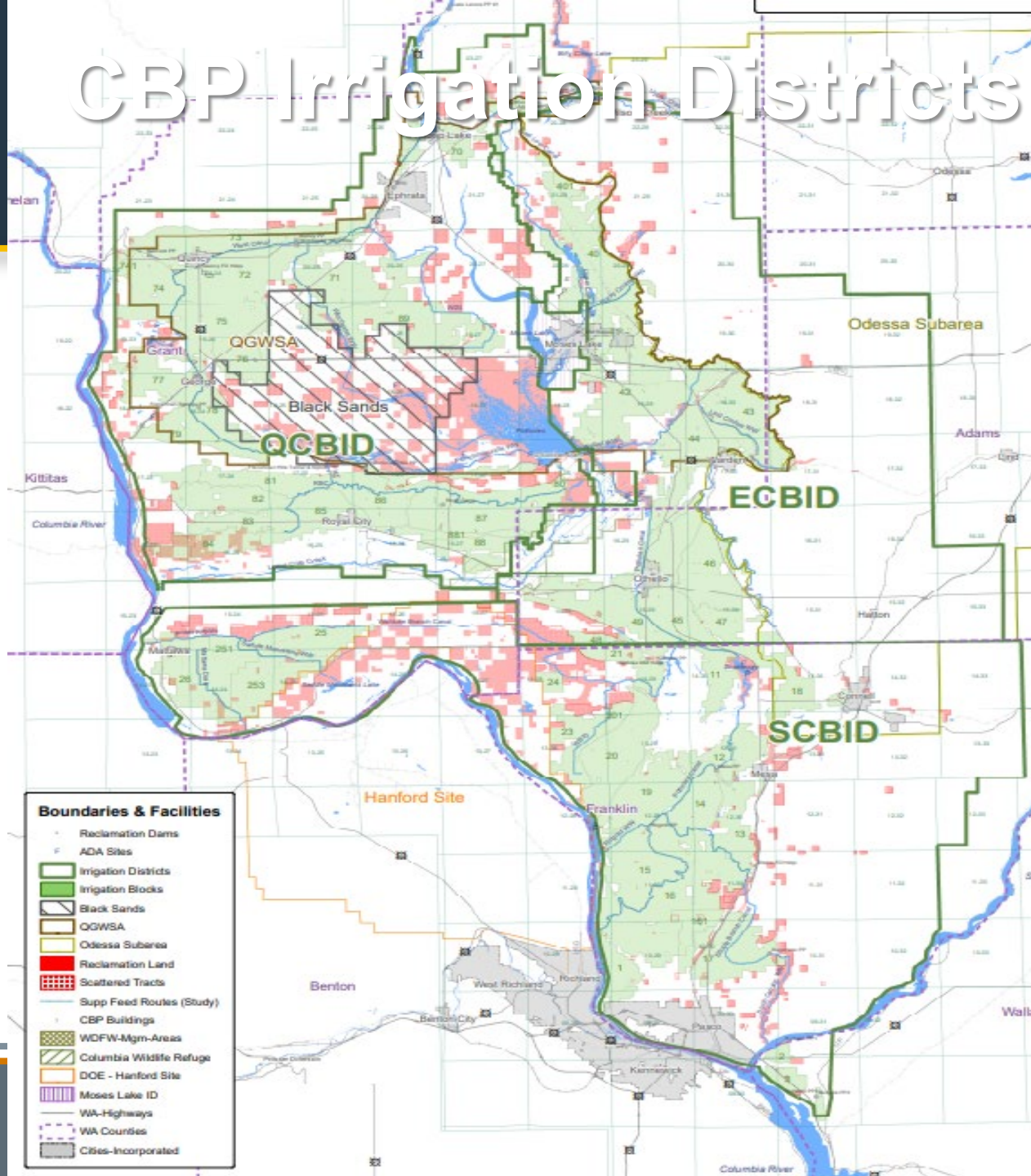
The Reclamation Act

- Authorized federal funding for construction of dams, reservoirs and canals by the U.S. Bureau of Reclamation to promote irrigated agriculture in 17 Western States. Pub. L. No. 161 (1902); 43 U.S.C. Ch. 12.

Columbia Basin Project

- Congress authorized for 1,029,000 acres
- Codified at 16 U.S.C. Ch. 12D
- Includes Grand Coulee Dam, Lake Roosevelt, three powerplants, 300 miles of main canals, 2,000 miles of laterals, and 3,500 miles of drains and wasteways
- Water delivery is operated and maintained by three CBP irrigation districts

CBP Irrigation Districts



Grand Coulee Dam



John Keys Pump Plant





Columbia Basin Project Economic Contribution

\$2.66 Billion



annual crop production value, with another **\$2.67 billion** supported by CBP crops in local animal production and food processing

- Fruit (Orchard & Vineyard)
- Vegetables/Melons/Potatoes
- Hay & Other
- Grain & Dry Beans
- Nursery



6 Counties

closely linked to CBP irrigation



65,900 jobs

employment supported by CBP nationwide (45,000 jobs in Washington)



\$4.0 Billion

labor income annually supported by CBP nationwide (\$2.7 billion in Washington)



Over 1 million

recreation visits annually supported by CBP infrastructure (not including Lake Roosevelt)



\$875 million

tax revenues annually supported by CBP nationwide (\$108.3 million in Washington)



8.9 million

Number of Americans that can be fed by the amount of food grown in the CBP

The McCarran Amendment

- Waiver of sovereign immunity for general water right adjudications; must be comprehensive. 43 U.S.C. Sec. 666.
- Can sue the United States to make claims and defend in state courts; no fees.
- Claims can include state law-based claims (e.g., Reclamation projects) and federal reserved right claims.

Project Water Rights

- The federal government is required to comply with state law to obtain water rights for Reclamation projects under Sec. 8 of the Act (43 U.S.C. Sec. 383).
- Acquired from Department of Ecology
- Delivered to farmers by irrigation districts
 - Ownership interest
 - Legal v. equitable (beneficial use)

Federal Reserved Water Rights Doctrine

- When Congress reserves lands, it impliedly reserves water for those lands.
- Water reserved for Indian reservations.
Winters v. U.S., 207 U.S. 564 (1908)
- Extended to other federal reservations.
Arizona v. California, 373 U.S. 546 (1963)
- For primary purposes/minimum amount.
U.S. v. New Mexico, 438 U.S. 696 (1978).

Indian Water Right Settlements

- Federal policy preference for resolution through negotiated settlements rather than protracted litigation
- Goal to provide Tribes with secure water rights and funding for water infrastructure while protecting existing non-Tribal users
- Requires Congressional approval

Columbia River Treaty

- U.S./Canada agreement to coordinate flood risk management and hydropower
- Under existing Treaty, flood risk management changed in September, 2024
- System-wide flood control in the U.S. includes Grand Coulee/Lake Roosevelt



Columbia River Treaty

- Guaranteed flood control space provided by Canada under the Treaty
- 1964-2024: 8.95 MAF
- 2024-2027: 3.6 MAF (interim measure)
- “Called Upon” flood control space after U.S. makes effective use of its storage
- Potential impacts on Lake Roosevelt and irrigation pumping levels

For more information or questions, please contact:

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