3rd Annual Water Law In Eastern Washington Conference
Session 4: Mid Columbia Basin

Moderator

Katherine Taiclet
Grant County PUD Business Development Manager

Panelists

Kristina Ribellia
Columbia Basin Conservation District Executive Director

Dave Christensen
Department of Ecology Water Resources Program

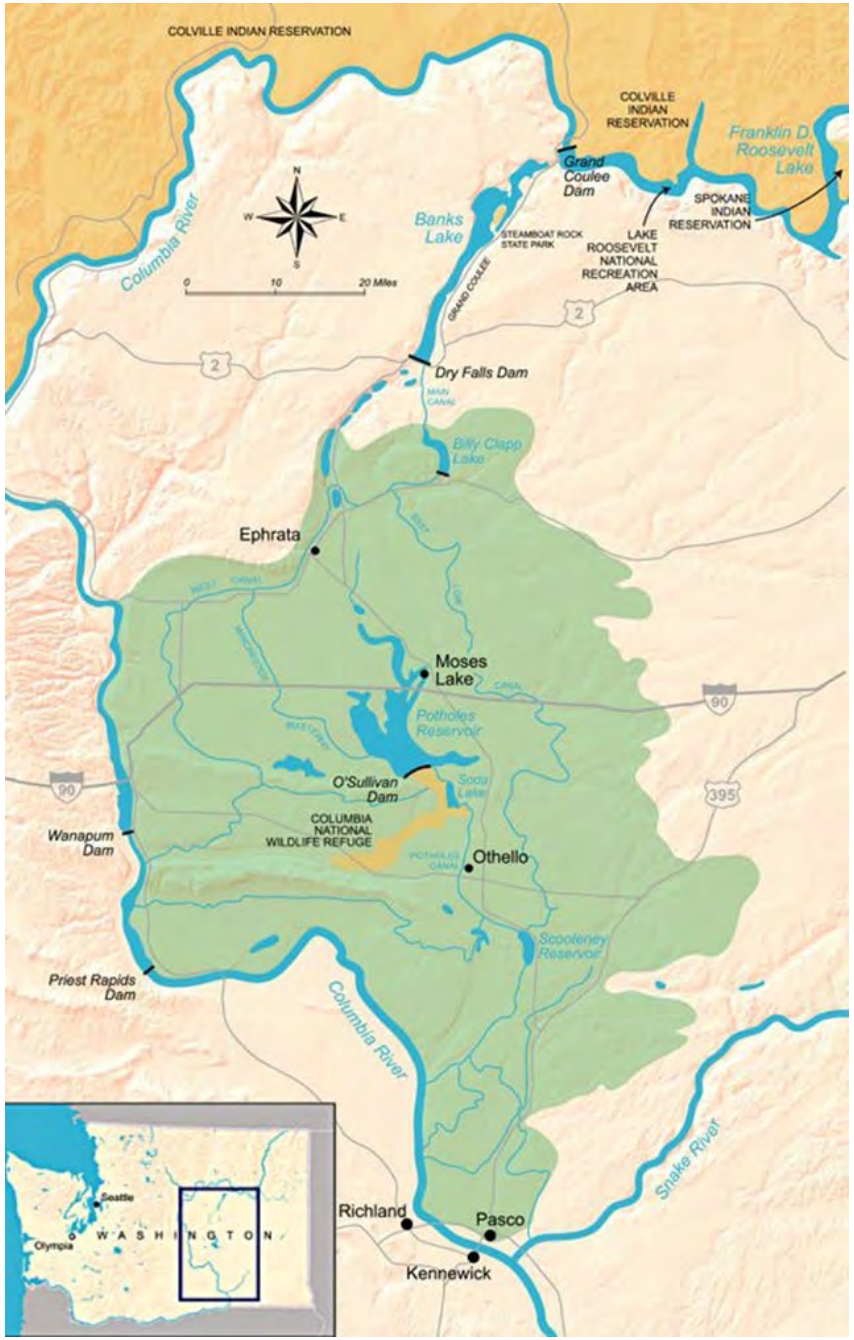
Kait Schilling
Chelan PUD Staff Attorney

May 27, 2026

Session Agenda:

The Columbia River Basin from three essential angles

- **How is water being delivered and conserved?**
  - With Kristina Ribellia
- **How are water rights being realigned and protected?**
  - With Dave Christensen
- **How does hydropower fit within the legal and operational picture?**
  - With Kait Schilling



View from the Basin

- **Irrigated Agriculture:** Columbia Basin Project 671,000 acres (1,029,000 acres authorized)
- **Communities:** ~240,000 residents of Franklin, Lincoln, Adams, and Grant (FLAG) Counties
- **Recreation:** Fishing, boating, hunting, and tourism
- **Energy:** Hydropower from the Columbia River dams underpins the region's power supply

Speaker Introduction

Kristina Ribellia

Columbia Basin Conservation District Executive Director

Columbia Basin Conservation District

CBSWC columbia basin sustainable water coalition

Columbia Basin Water Supply Initiatives

Kristina Ribellia
CBCD Executive Director
CBSWC Board Member

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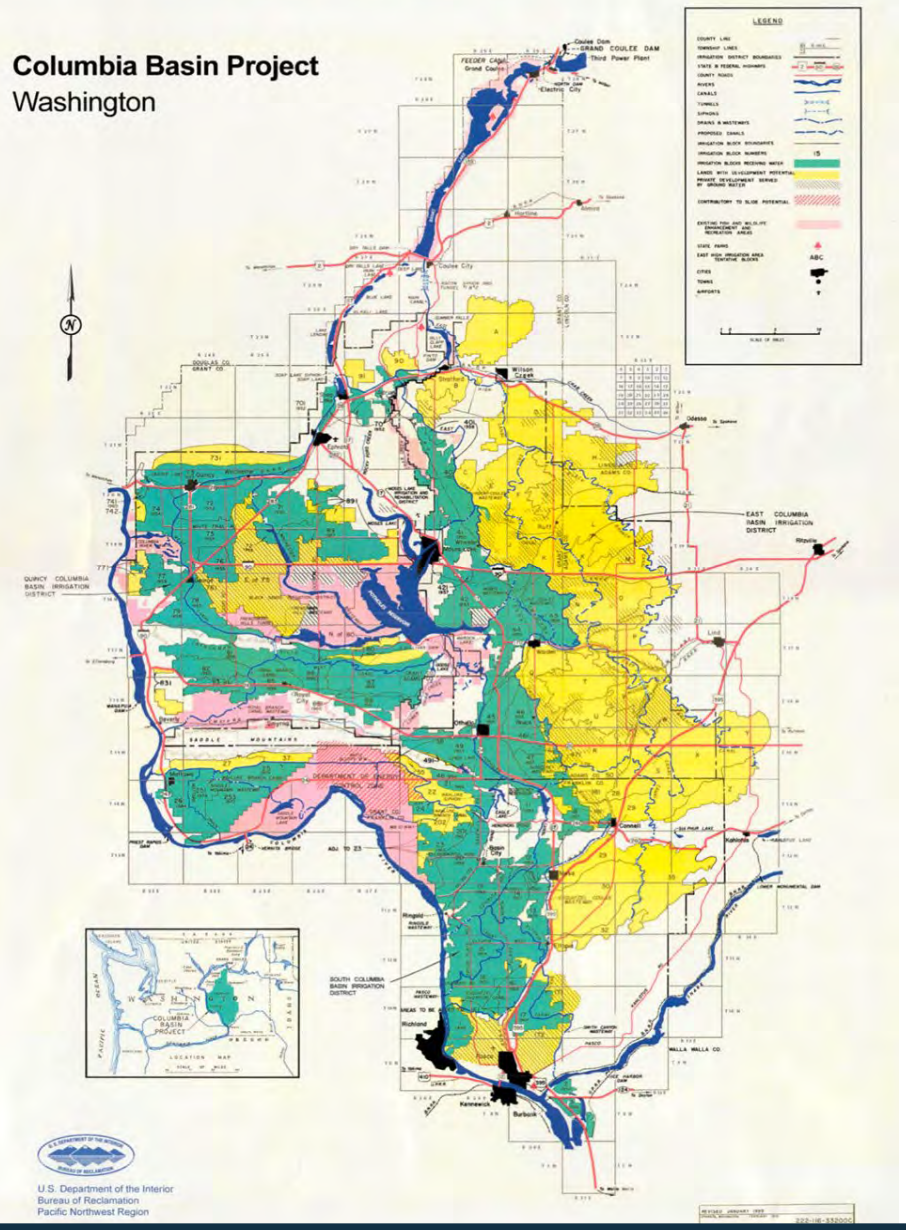
RECLAMATION
Managing Water in the West



Columbia Basin Project

- CBP is the backbone of our economy and the heart of our region
- ~700,000 acres under irrigation
- 1,029,000 acres authorized
- Temporary groundwater rights issued
- Deep aquifer declining 1-5 ft per year

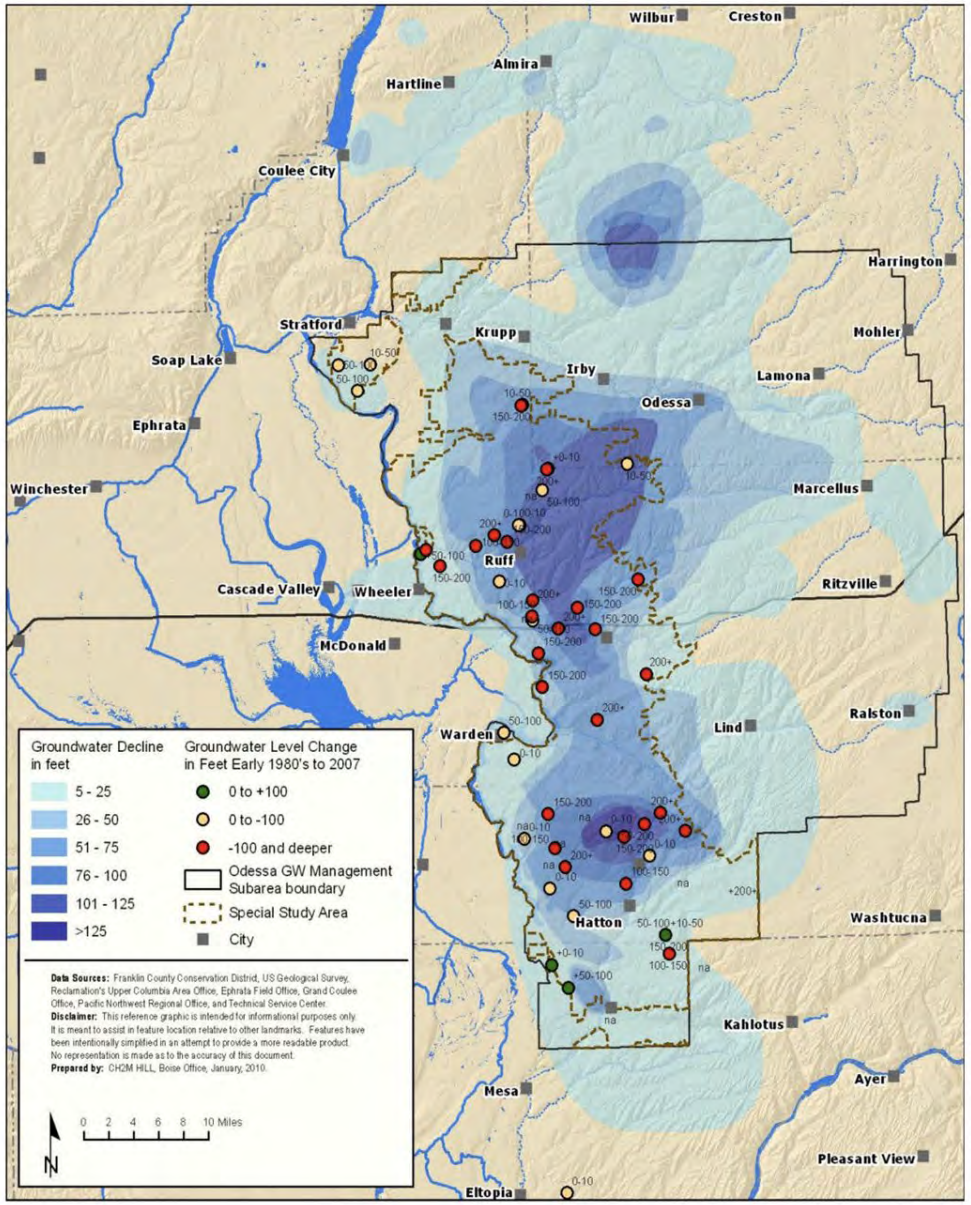
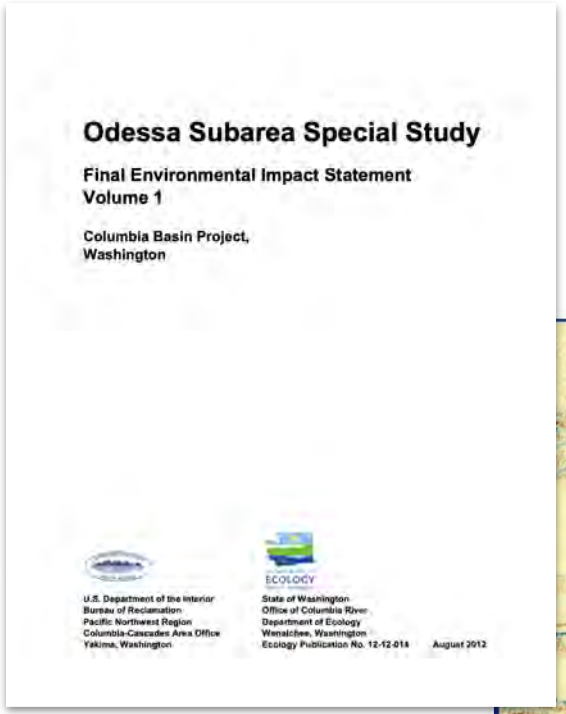


Figure 3. Groundwater level decline in aquifers of the Odessa Subarea, 1981 to 2007.



Odessa Subarea Special Study

Final Environmental Impact Statement
Volume 1

Columbia Basin Project,
Washington

U.S. Department of the Interior
Bureau of Reclamation
Pacific Northwest Region
Columbia-Cascades Area Office
Yakima, Washington

State of Washington
Office of Columbia River
Department of Ecology
Wenatchee, Washington
Ecology Publication No. 12-12-014 August 2012

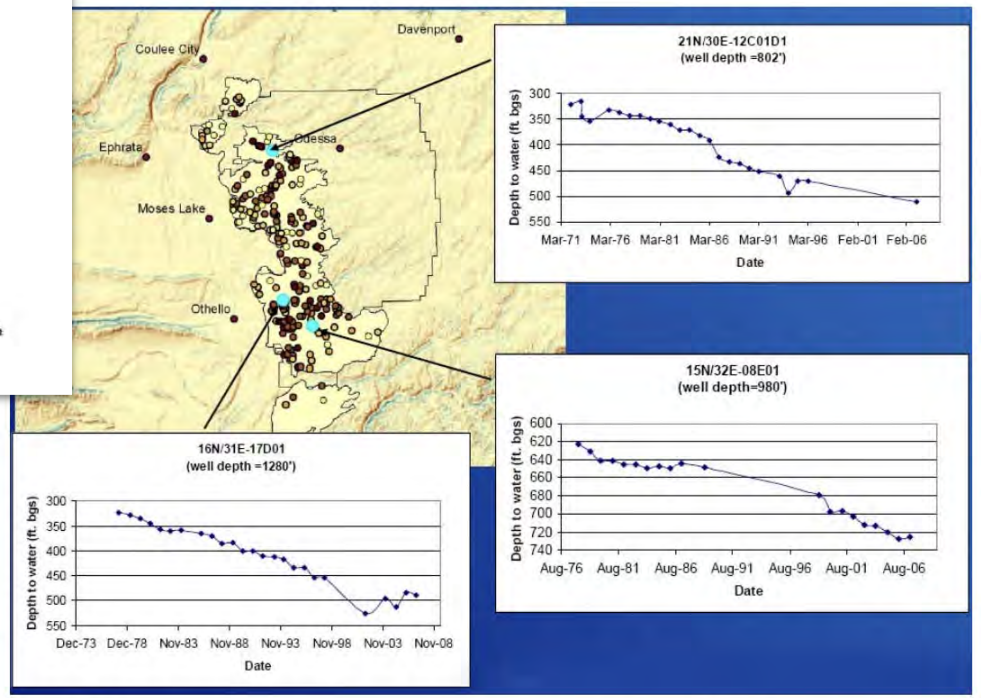


Figure 1-4. Declining trend in measurements of groundwater levels in three example wells with best available data (Reclamation 2008 Appraisal).

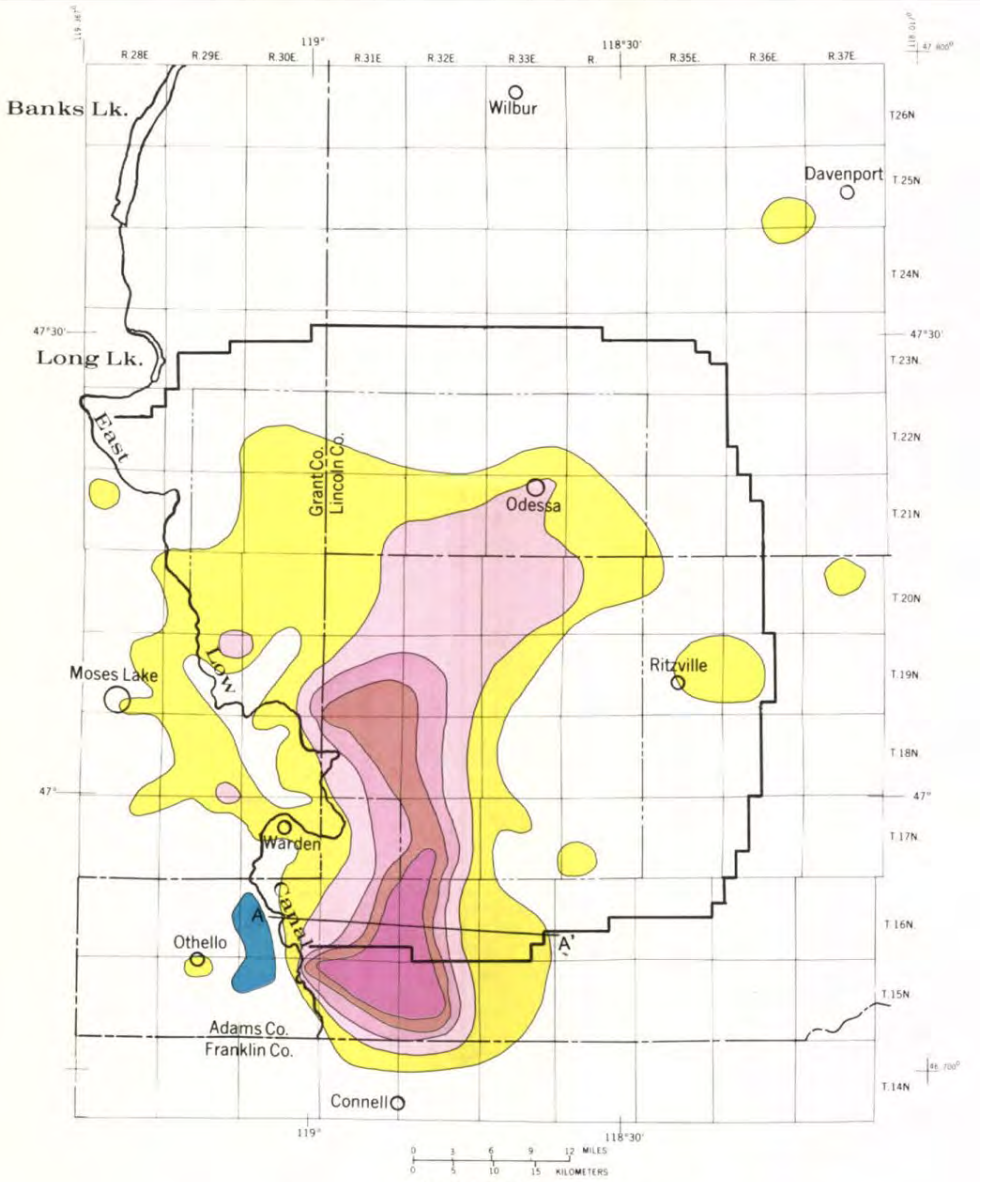
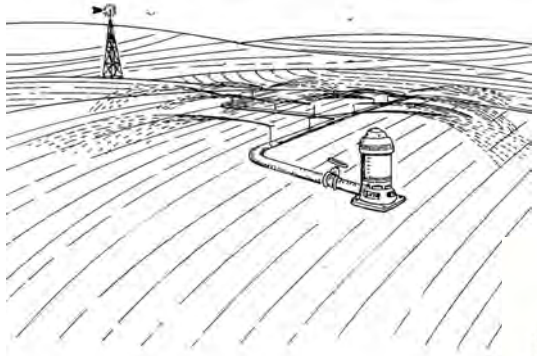


FIGURE 8.--WATER-LEVEL DECLINE (IN FEET), EXCEPT FOR RISE NEAR OTHELLO, IN WELLS TAPPING THE WANAPUM BASALT, SPRING 1968 TO SPRING 1978 (HIGHEST WATER LEVEL MEASURED FOR DECEMBER 1 - MARCH 31 PERIODS).

GROUND-WATER LEVELS AND PUMPAGE IN EAST-CENTRAL WASHINGTON, INCLUDING THE ODESSA-LIND AREA, 1967 TO 1981



WASHINGTON STATE DEPARTMENT OF ECOLOGY WATER-SUPPLY BULLETIN No. 55

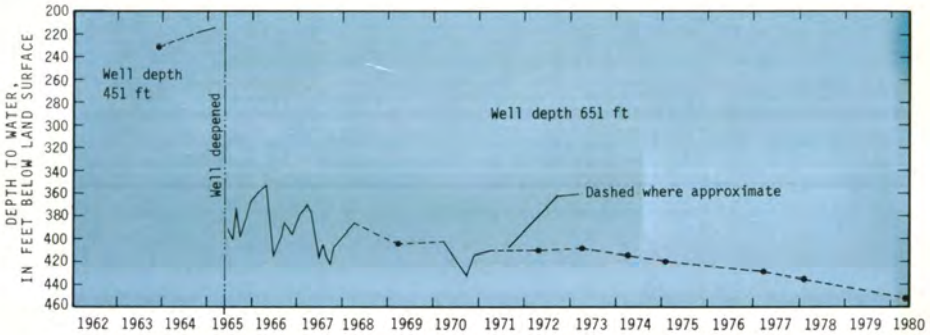


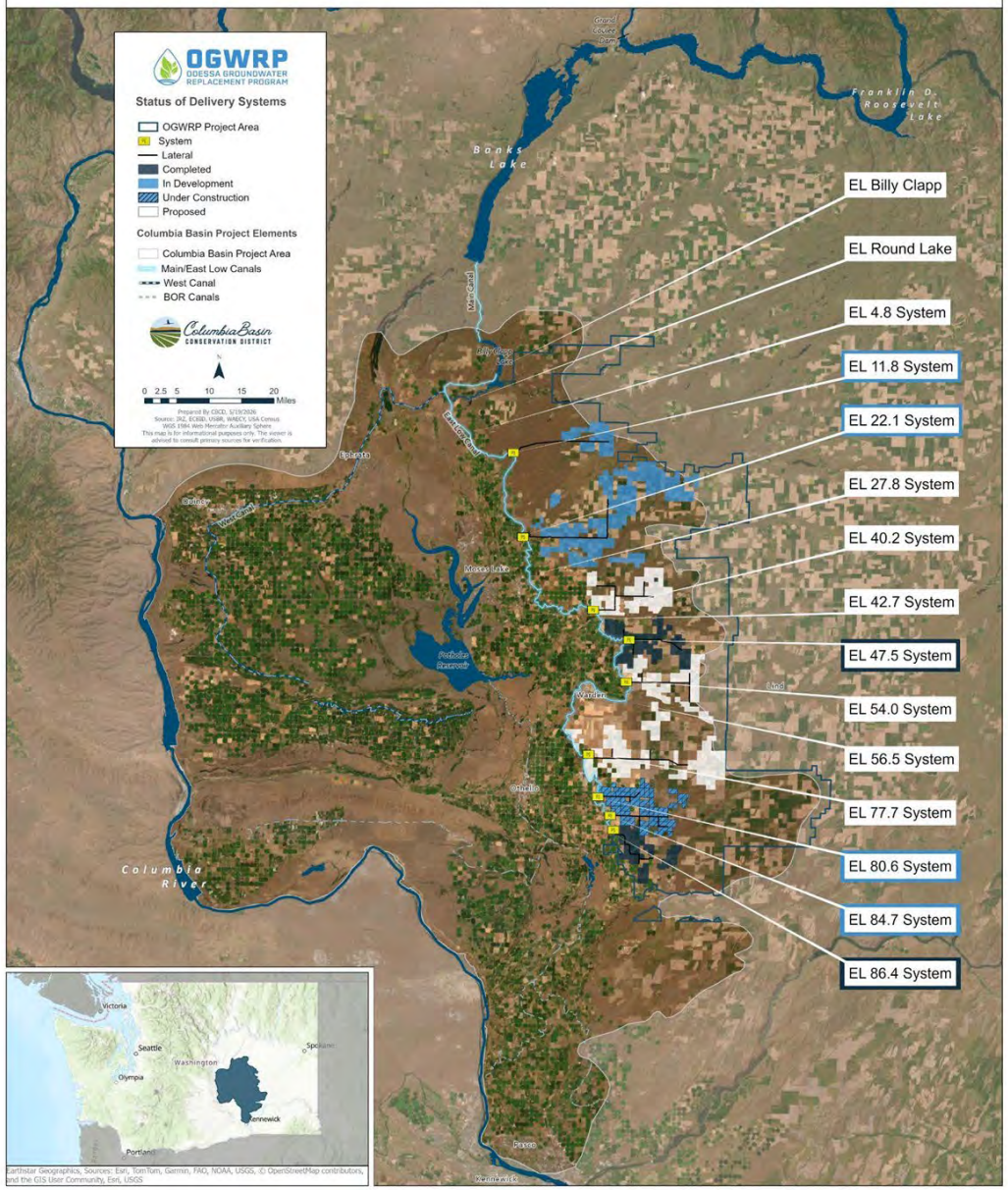
FIGURE 7.--WATER-LEVEL FLUCTUATIONS IN WELL 21/30-3E1, WHICH WAS DEEPENED.

OGWRP
ODESSA GROUNDWATER REPLACEMENT PROGRAM

The largest active water supply initiative in the Basin

And the largest irrigation development project in the Nation

Odessa Groundwater Replacement Program



EL 47.5 - First System Operational in 2021

EL 86.4 - Completed in 2025

EL 80.6 & 84.7 - Under Construction

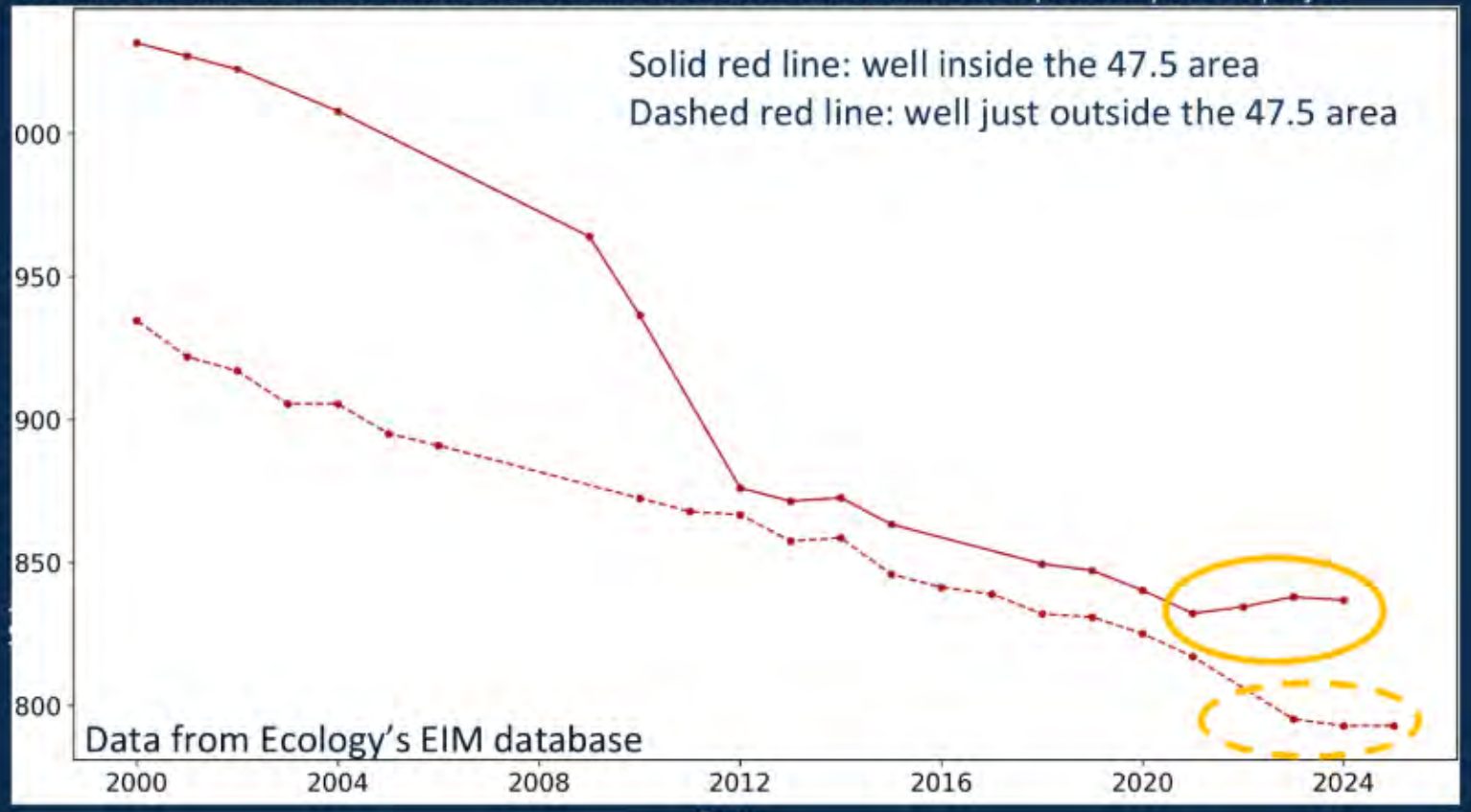
ECBID EL 80.6 Ribbon Cutting on June 10th!

EL 22.1 & 11.8 - Pursuing Funding

This is where it gets good.

EL 47.5 Water Level Observations

- The overall average trend from *all* wells in this lateral area is -3.17 ft per year from 2000-2020.
- The solid line shows an increasing level coincident in time with project completion for the 47.5 after 2021
- The dashed line shows what we would expect (or hope!) – there is a little lag as the impact from project completion takes time to propagate outward. The impact is less pronounced, but does show a stabilizing of the water level.
- We have not done a full attribution to determine that these observations are specifically due to project

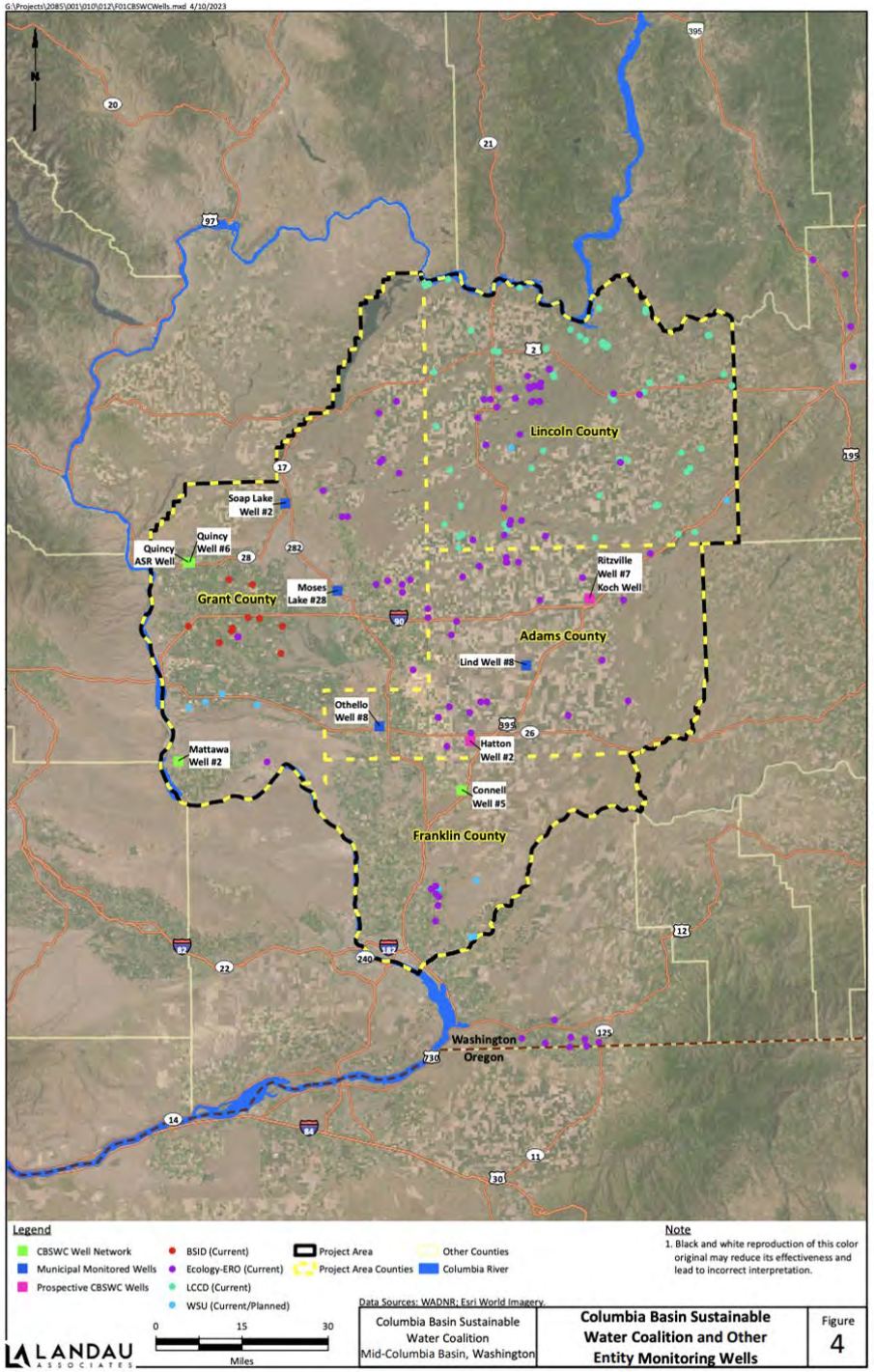


Lind fire 2022

Meanwhile, our communities are facing unprecedented water supply challenges

columbia basin sustainable water coalition

Helping secure the future of potable water in the Columbia Basin



CBSWC

columbia basin sustainable water collective

PRELIMINARY WATERSHED MANAGEMENT PLAN

Mid-Columbia Basin, Washington

December 21, 2023

Prepared for

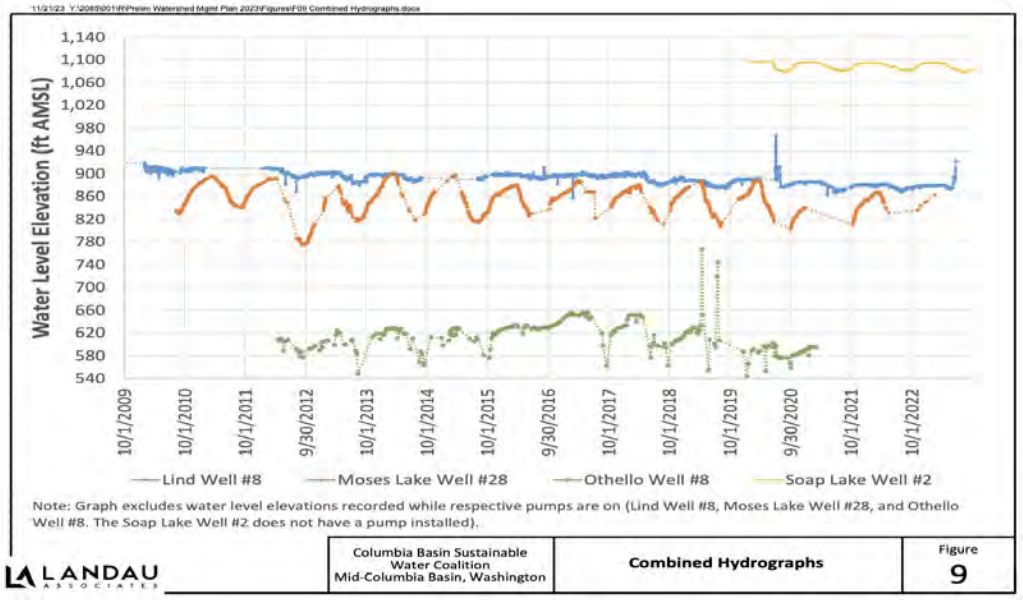
Columbia Basin Sustainable Water Coalition
Mid-Columbia Basin, Washington

LANDAU ASSOCIATES

GeoEngineers

TACOMA
2107 South C Street, Tacoma, WA 98402 T 253.926-2493

landauinc.com



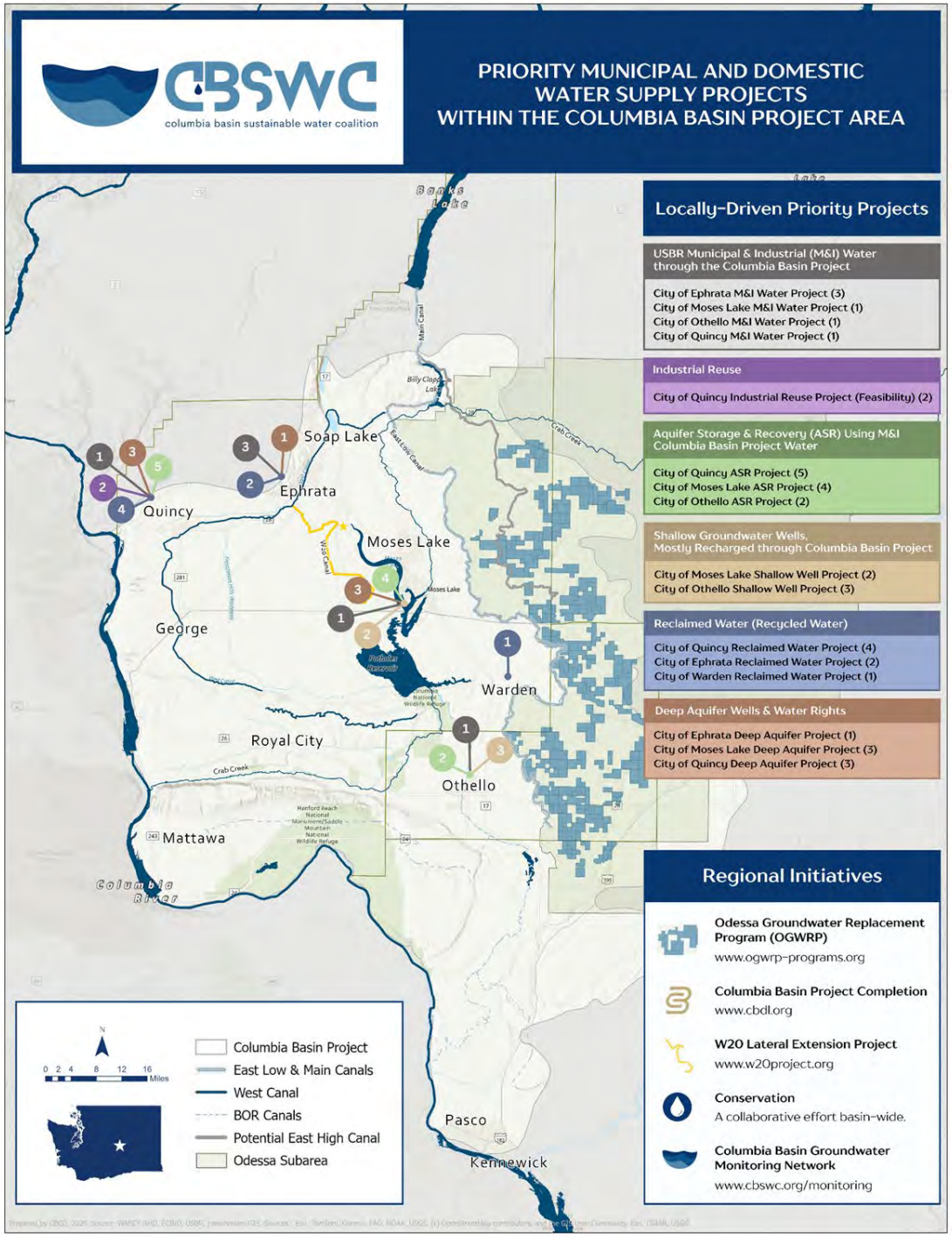
CBSWC Preferred Project Alternatives (2023)

1. Odessa Groundwater Replacement Program
2. New Source Treatment and Regional Distribution
3. Water Conservation
4. Columbia Basin Project Completion
5. Aquifer Recharge by Deep Well Injection
6. Aquifer Recharge by Passive Rehydration

   (Possibly Artesian / Black Lakes area)

CBSWC Priority Projects by Municipality (Dec. 2025)

- Warden & Ephrata don't currently have challenges
- CBP M&I surface water is a top priority
- Groundwater remains major part of the solution
- ASR is of interest; requires M&I water
- W20 emerged as a priority project
- Regional distribution discussed, but not prioritized
- *Representation/the map still growing*



M&I Water - Direct Use & ASR

- City of Othello - $1M Cantwell CDS for ASR
- City of Quincy - $2M Cantwell CDS for ASR
- Port of Moses Lake - $1M Cantwell CDS for W20
- City of Moses Lake


W20 Lateral (2026)

City of Othello ASR Pilot Project (2020)

CBSWC
ASR Subcommittee

- Developing recommendations for policy and legislative changes that help streamline ASR while protecting water quality
- Coordinated by Ben Lee, Landau Associates

Aquifer Storage and Recovery

Aquifer Storage and Recovery (ASR) is a potentially valuable water supply management tool for municipalities and other water users.

It involves injecting water into an aquifer during times of availability (e.g., winter wet season) and extracting it back out during times of high demand (e.g., dry summer season). ASR utilizes the underground aquifer as a natural storage reservoir.

ASR has numerous environmental benefits, as it avoids the need for a surface level reservoir/dam and recharges the aquifer.

ASR is an important part of the state's water supply management toolbox to address climate change related water storage issues. ASR is a proven technology used throughout the US but it is underutilized in Washington.

PROBLEM

- ASR is under-utilized in Washington State, largely attributed to restrictive regulatory permitting requirements administered by Washington Departments of Ecology (Ecology) and Health (WDOH). Challenges in the existing ASR regulatory framework include:
  - Water quality of the injected water is required to meet the state's groundwater quality standards, which were set up to regulate hazardous substances. In order to use disinfected (i.e., chlorinated) potable water for ASR injection, a municipality must request an exemption to the groundwater quality standards and perform a costly and time-consuming evaluation of All Known and Reasonable Treatment (AKART) options. This process can be cost-prohibitive.
  - The recovery quantity of ASR water is limited to only that physical water that was injected. Because of inevitable mixing of injected and natural groundwater, as well as hydraulic gradients in the aquifer that cause injected water to flow away from the injection site, approved recovery efficiencies can be too low to make an ASR project financially feasible.
  - Overlapping regulatory authority between Ecology and WDOH creates uncertainty in the permitting process, which can be an impediment to beginning an ASR project.
- In Washington, there have been 22 ASR projects proposed and only 7 permitted. For comparison, in neighboring Oregon, with similar geologic settings but more efficient permitting, there are 19 active ASR projects.

PROPOSED APPROACH

- Engage with relevant entities to discuss the current ASR regulatory framework and potential improvements for consideration. Relevant entities may include: Ecology and WDOH staff, Tribal representatives, municipal water purveyors (and their technical consultants experienced in ASR permitting), and environmental groups.
- The desired outcome is a list of recommended statutory or regulatory rule changes that would (a) make ASR more feasible from a permitting perspective and (b) be acceptable to the relevant entities.
- The recommended statutory or rule changes would be presented to key Legislators for consideration in the 2027 Legislative session.

CONTACT: Ben Lee, PE, CWRE
blee@landauinc.com
(253) 203-8734

CBSWC
columbia basin sustainable water coalition

W20 Lateral Extension Project

- Originally considered as an alternative for the Potholes Supplemental Feed Route
- Benefits:
  - Deliver M&I water for Port of Moses Lake and City of Moses Lake

W20 Lateral Extension Project

- Gained widespread support
  - Met with multiple entities and organizations
  - $500k from county; $1M Cantwell CDS
- Amplified underlying issues with using CBP infrastructure for municipal


Odessa Groundwater Replacement Program

M&I Water

- CBP infrastructure was designed for irrigation delivery
- M&I access is managed through temporary contracts
- ~30,000 AF currently available
- Great water quality

M&I Water (Cont.)

- Supply is seasonal and interruptible
- Pricing and canal capacity remain challenges
- Policy changes may affect future M&I delivery capacity
- However, existing infrastructure makes M&I water currently available and feasible for a lot of municipalities

Regional Distribution - Columbia River & Gravity

- CBSWC identified as a priority in 2023, but not in 2025
- As conversations are elevating around M&I issues, OCR is evaluating regional distribution opportunities
- Existing CBP infrastructure will likely continue to provide future opportunities

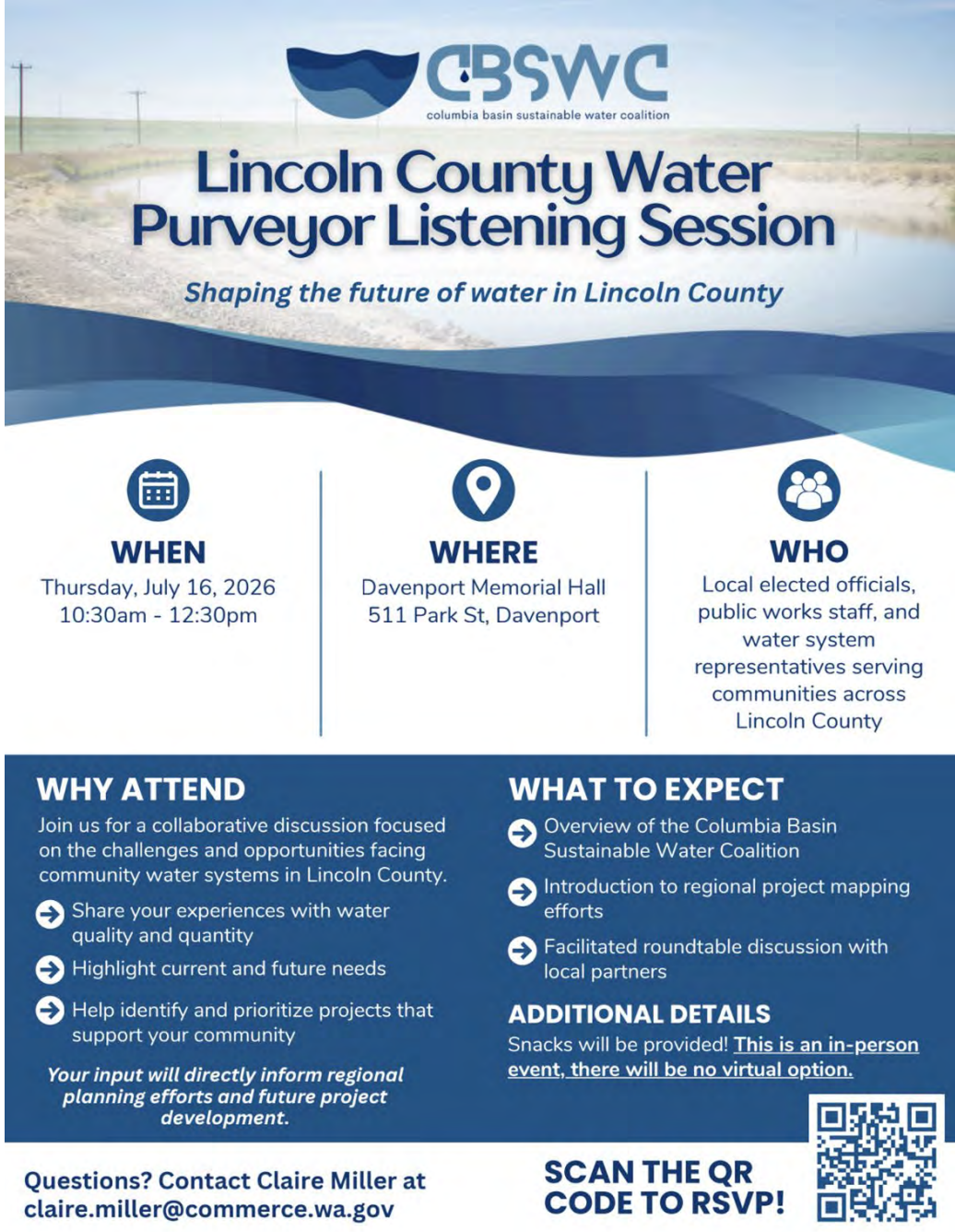
The time may be right for integrated planning in the Columbia Basin

Let’s Continue the Conversation

- **Lincoln County Water Purveyor Listening Session**
  CBSWC Stakeholder Meeting - Thurs., July 16th
  Davenport Memorial Hall (In-person only)

- **Black Lake Project and Passive Rehydration in the Basin**
  CBSWC Stakeholder Meeting - Thurs., Sept. 17th
  City of Moses Lake’s Council Chambers

- **CBP Municipal & Industrial (M&I) Water**
  CBSWC Annual Meeting at CBDL Annual Conference
  November 12 & 13, 2026
  Three Rivers Convention Center, Kennewick




COLUMBIA
BASIN
GROUNDWATER CO-OP
cbgroundwater.org

Columbia Basin Conservation District

CBSWC
columbia basin sustainable water coalition

Thank You

Kristina Ribellia
CBCD Executive Director
CBSWC Board Member

kristina-ribellia@columbiabasincd.org

Speaker Introduction

Dave Christensen

Department of Ecology Water Resources Program

Dave Christensen, Water Resources Deputy Program Manager
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://appswr.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.

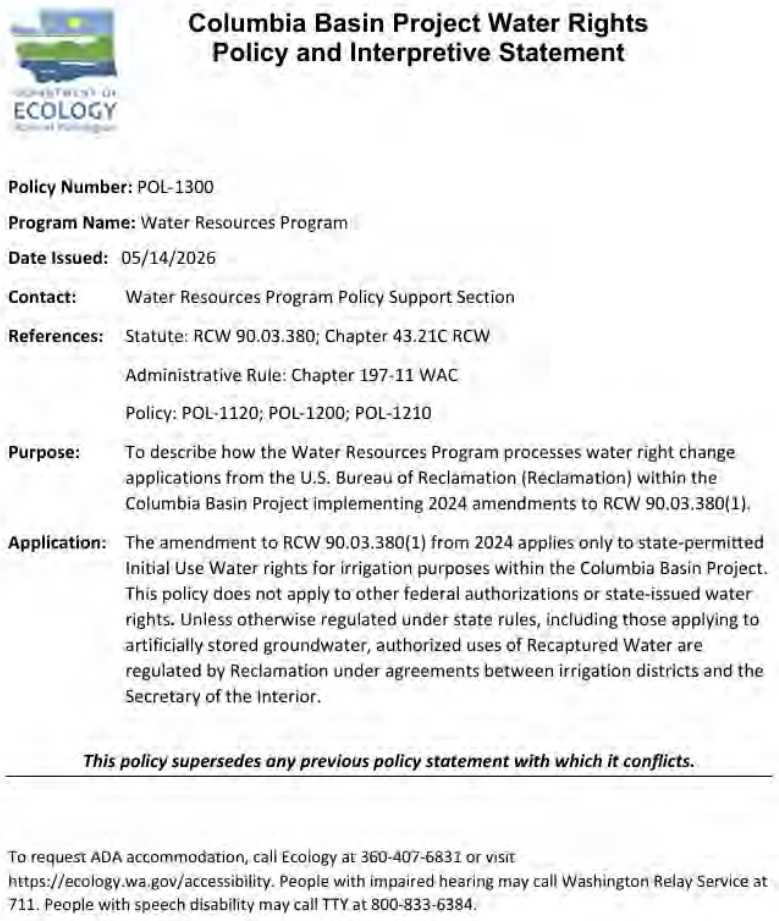
Billy Clapp Lake, Summer Falls & Columbia Basin Project Main Canal (4/16/2007)

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

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.

To request ADA accommodation, call Ecology at 360-407-6831 or visit https://ecology.wa.gov/accessibility. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 800-833-6384.

Adopted Policy

May 14, 2026

Thank you!

Dave Christensen

Water Resources Deputy Program Manager

Email: dave.christensen@ecy.wa.gov

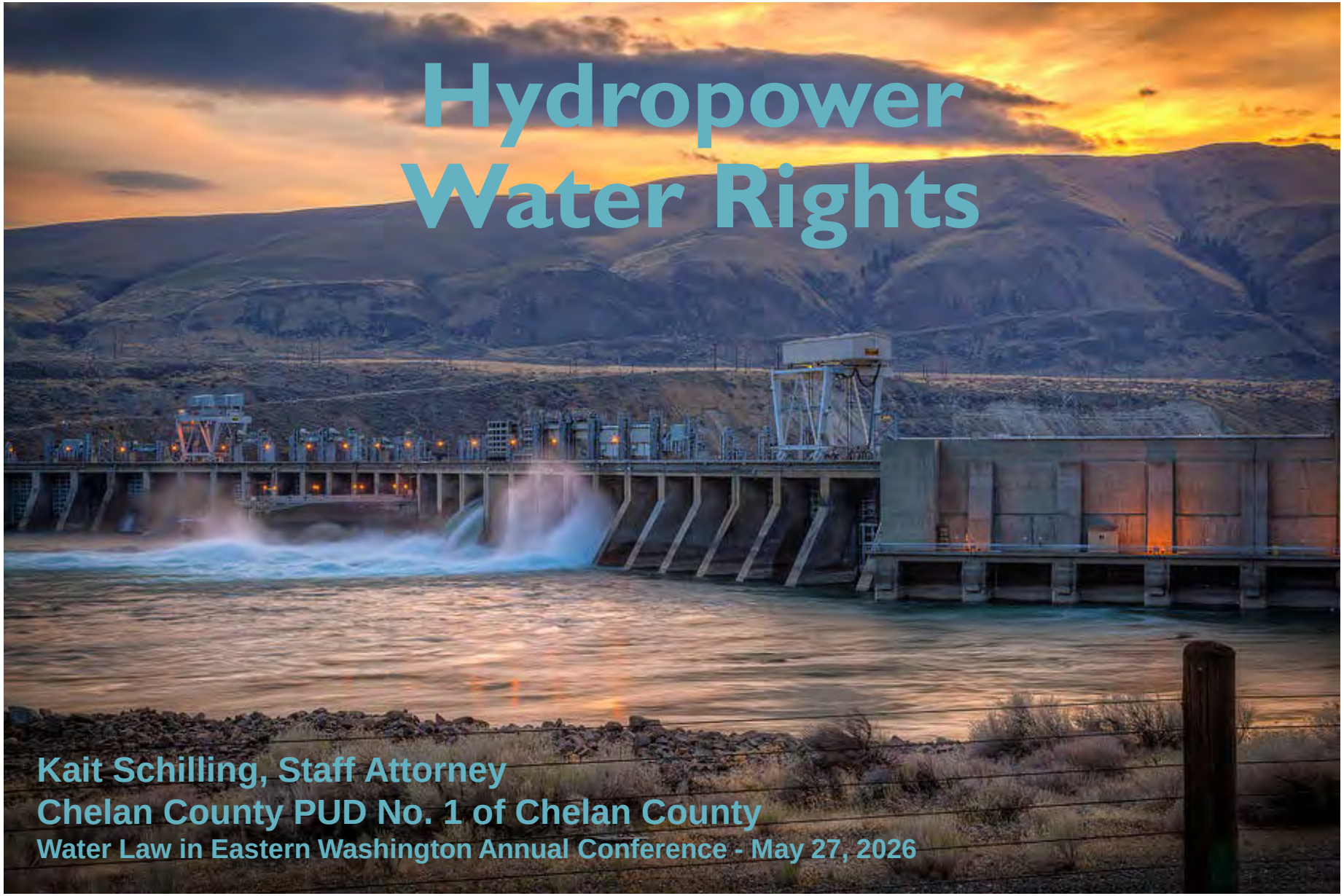
https://apps.ecology.wa.gov/publications/documents/2611106.pdf

Speaker Introduction

Kait Schilling

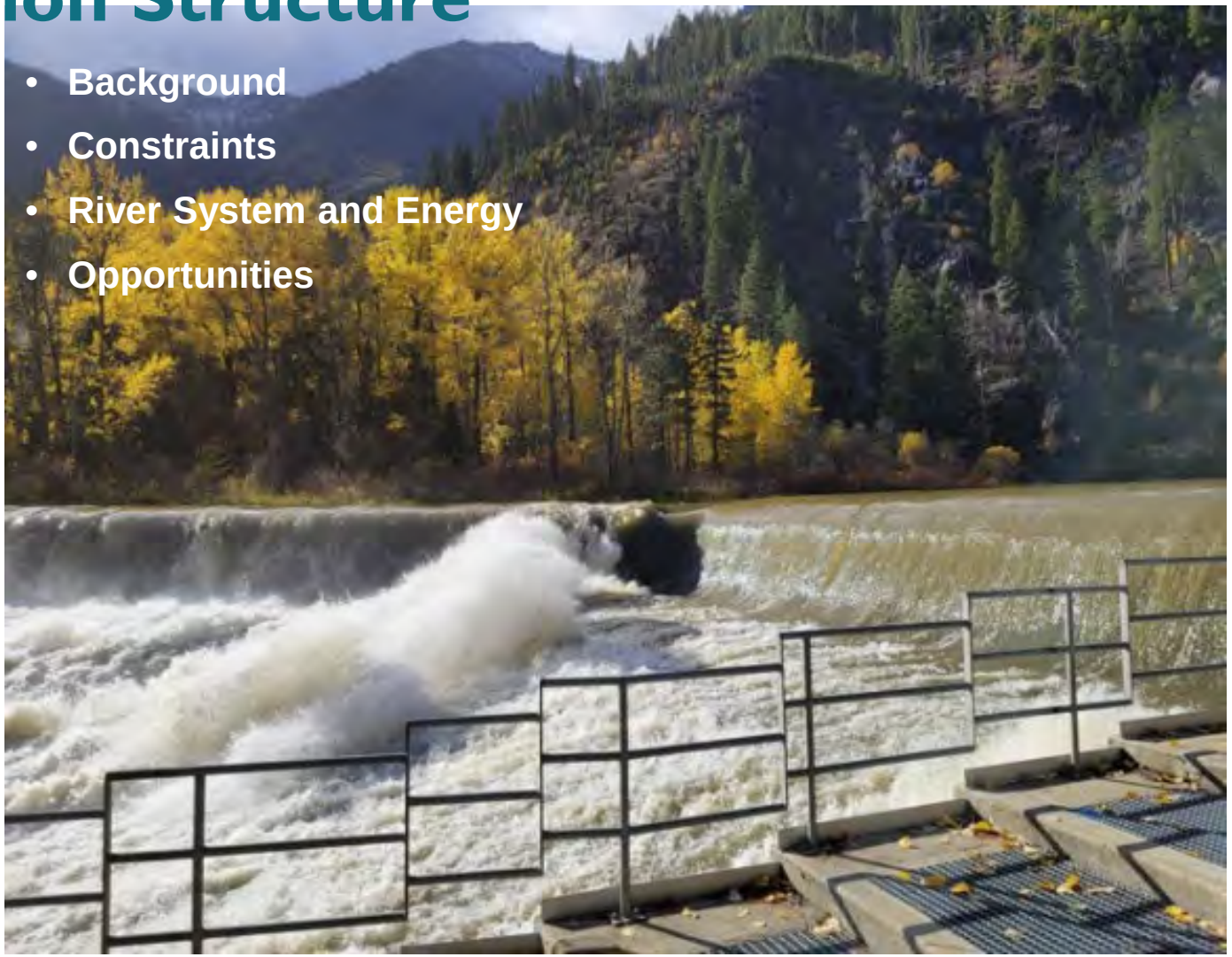
Chelan PUD Staff Attorney

Hydropower Water Rights



Kait Schilling, Staff Attorney
Chelan County PUD No. 1 of Chelan County
Water Law in Eastern Washington Annual Conference - May 27, 2026

Presentation Structure



- Background
- Constraints
- River System and Energy
- Opportunities

Background - Water Rights Overview

Hydropower water rights

Related water rights: hatcheries, irrigation, and other FERC requirements

Drinking water: municipal water rights supporting the Regional Water System and small water systems

Background - Hydropower Water Rights

Surface and Reservoir Rights

- Rock Island Hydro Project – nine power generation related water rights

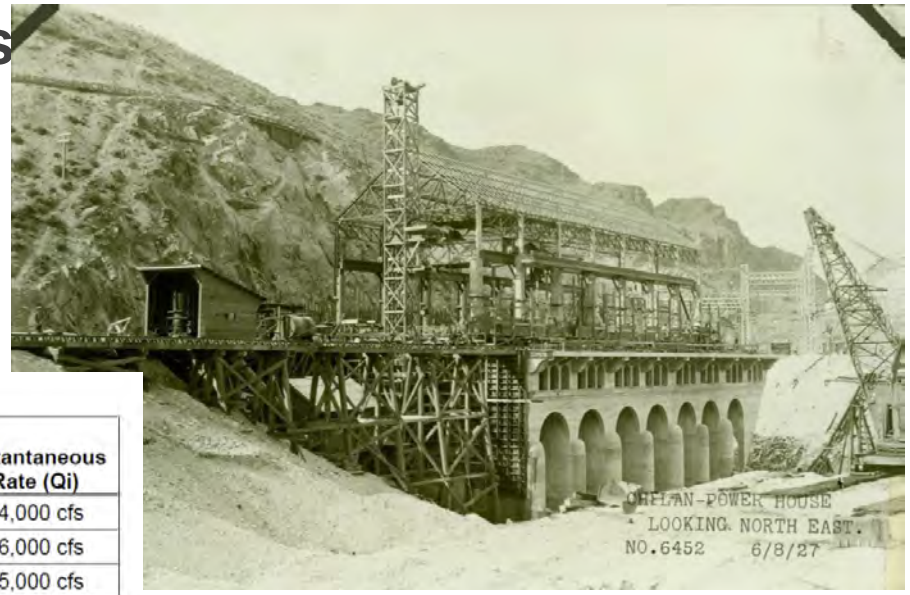


Table 1. Power Generation Water Right Authorizations

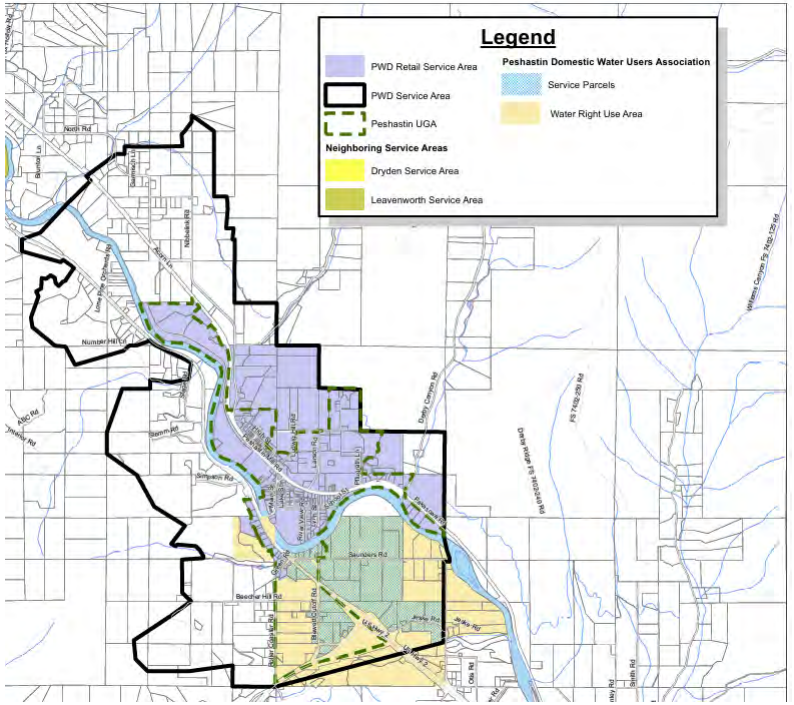
Water Right	Priority Date	Purpose	Volume (Qa)	Instantaneous Rate (Qi)
S4-*02466AHVCWRIS	November 28, 1928	Power	-	24,000 cfs
S4-*02857AHVCWRIS	February 21, 1930	Power	-	26,000 cfs
S4-*10182AHVCWRIS	March 10, 1951	Power	-	35,000 cfs
S4-24281CWRIS	May 3, 1976	Power	-	136,000 cfs
R4-*02465AHVCWRIS	November 28, 1928	Power	25,000 af	-
R4-*03762AHVCWRIS	December 7, 1932	Power	67,000 af	-
R4-*10183AHVCWRIS	March 10, 1951	Power	12,000 af	-
R4-*12231AHVCWRIS	April 7, 1953	Power	9,700 af	-
R4-24282	May 3, 1976	Power	17,300 af	-
		Total	**131,000 af**	**219,000 cfs**

Background - Irrigation Water Rights

- FERC Recreation Requirement
- RCW 54.16.030 **-** Water and irrigation works

Background – Drinking Water

- Municipal water rights for drinking water and wastewater
- RCW 54.16.030 - Water and irrigation works



Background - Hatcheries

- Hatcheries
  - District hatchery related water rights stem from license requirements to mitigate for the impact of the dams

Constraints

- FERC licenses
- Statutory requirements/ limitations
- Evolving water policy
- Meeting load reliably

River System and Energy

Opportunities

- Supporting small municipal drinking water systems
- Partnership with local governments
- Partnerships with tribes
- Alternative clean power options

Summary

Questions & Discussion

Moderator

Katherine Taiclet
Grant County PUD Business Development Manager

Panelists

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Columbia Basin Conservation District Executive Director

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Thank You!