

Chapter 173-531A WAC

WATER RESOURCES PROGRAM FOR THE JOHN DAY-MCNARY POOLS REACH OF THE COLUMBIA RIVER, WRIA 31 AND PARTS OF WRIAS 32, 33, 36, AND 37

WAC

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WAC 173-531A-010 Purpose. This chapter is adopted in accordance with the water resources management regulation, chapter 173-500 WAC, which was promulgated under the authority of the Water Resources Act of 1971, chapter 90.54 RCW. This chapter applies to the surface waters of the John Day and McNary Pools of the Columbia River and the Lower Snake River.

[Statutory Authority: Chapter 90.54 RCW. 80-08-022 (Order DE 80-19), § 173-531A-010, filed 6/24/80. Formerly WAC 173-531-010.]

WAC 173-531A-020 Definitions. For the purposes of this chapter, the following definitions shall be used.

(1) "Department" means the Washington state department of ecology.

(2) "Reservation" means the designation of specific amounts of the water resources for specific future beneficial uses.

(3) "John Day/McNary Pools Reach," means that part of the Columbia River from John Day Dam upstream to the upper limits of McNary Pool including the upper limits of the pool in the Snake River, the Yakima River, and the Walla Walla River. This reach extends from river mile 216 to river mile 352 of the Columbia River, and includes the lower 10 miles of the Snake River, the lower 6 miles of the Yakima River, and the lower 9 miles of the Walla Walla River.

[Statutory Authority: Chapter 90.54 RCW. 80-08-022 (Order DE 80-19), § 173-531A-020, filed 6/24/80. Formerly WAC 173-531-020.]

WAC 173-531A-030 Existing water rights protected. Nothing in the chapter shall be construed to lessen, enlarge, or modify existing rights acquired by appropriation or by other means, including federal reserved rights.

[Statutory Authority: Chapter 90.54 RCW. 80-08-022 (Order DE 80-19), § 173-531A-030, filed 6/24/80. Formerly WAC 173-531-030.]

WAC 173-531A-040 Reservation for future irrigation use. (1) One million three hundred twenty thousand acre-feet per year are hereby reserved from the John Day/McNary Pools reach to provide a water supply for the 330,000 acres of irrigation projected to be developed by the year 2020. The 330,000 acres includes lands under existing

water right permits, pending applications and land for which appropriation applications have not yet been filed.

(2) The priority dates of existing permits and applications already on file covered by the reservation are the dates of filing with the department. The priority dates of permits issued under applications filed in the future under the reservation shall be the effective date of this regulation (see RCW 90.03.345).

(3) Waters represented by canceled or relinquished applications and permits will still be considered reserved and may be subsequently filed on by interested appropriators.

[Statutory Authority: Chapter 90.54 RCW. 80-08-022 (Order DE 80-19), § 173-531A-040, filed 6/24/80. Formerly WAC 173-531-040.]

WAC 173-531A-050 Reservation for municipal use.

(1) Twenty-six thousand acre-feet of water per year is reserved from the John Day/McNary Pools reach to provide for future municipal supply to the year 2020.

(2) The reservation for municipal use does not guarantee any existing or future supply entity a specific quantity of water. Municipal water supply utilities must petition the department for reservation of water, for their particular needs, according to procedures of chapter 173-590 WAC.

(3) The priority dates of water right filings under the municipal reservation shall be the effective date of this regulation.

[Statutory Authority: Chapter 90.54 RCW. 80-08-022 (Order DE 80-19), § 173-531A-050, filed 6/24/80. Formerly WAC 173-531-050.]

WAC 173-531A-060 Permit conditions. All permits issued for waters reserved under WAC 173-531A-040 or 173-531A-050 after the effective date of this chapter and prior to July 27, 1997, shall be subject to the provisions of chapter 173-563 WAC - instream resources protection program for the main stem Columbia River in Washington state. Any application for waters reserved under WAC 173-531A-040 or 173-531A-050 which is considered for approval or denial after July 27, 1997, will be evaluated for possible impacts on fish and existing water rights. The department will consult with appropriate local, state, and federal agencies and Indian tribes in making this evaluation. Any permit which is then approved for the use of such waters will be, if deemed necessary, subjected to instream flow protection or mitigation conditions determined on a case-by-case basis through the evaluation conducted with the agencies and tribes.

[Statutory Authority: Chapter 90.54 RCW, WAC 173-563-090 and ESHB 1110 (1997). 98-08-062 (Order 97-15), § 173-531A-060, filed 3/30/98, effective 4/30/98. Statutory Authority: Chapter 90.54 RCW. 80-08-022

(Order DE 80-19), § 173-531A-060, filed 6/24/80. Formerly WAC 173-531-060.]

WAC 173-531A-070 Department to review regulation. (1) The department, in accordance with applicable statutory provisions, shall review the reservations for future irrigation use and future municipal use at least every five years after adoption of this management regulation.

(2) In reviewing the reservations, the department will evaluate the account of water rights established under the reservations as provided in WAC 173-531A-040(3) and 173-531A-050(2). The department will also evaluate and update the accounts of groundwater development and use on lands relating to the reserved waters and reduce the reserved amounts of surface water.

[Statutory Authority: Chapter 90.54 RCW. 80-08-022 (Order DE 80-19), § 173-531A-070, filed 6/24/80.]

WAC 173-531A-080 Enforcement. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

[Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-531A-080, filed 6/9/88.]

WAC 173-531A-090 Appeals. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-531A-090, filed 6/9/88.]