

DRAFT

May 7, 1998

Mr. Gary Spangelo
8426 S. Couples Lane
Cheney, WA 99004

(sent to
HCL)

Dear Mr. Spangelo:

Senator Prince passed on a copy of your e-mail to him earlier this year regarding your plans to develop your property along Lake Roosevelt. I apologize for the delay in my response.

Since you applied for a water right over five years ago, I can understand your frustration at having waited so long for a decision from us. Unfortunately, thousands of citizens statewide are in similar situations, as we struggle to resolve the difficult issues imbedded in water management.

What you heard regarding the Columbia moratorium is indeed correct: the moratorium was lifted last year. At the time Governor Locke signed ESHB 1110, which voided the moratorium, he explained that the lifting of the moratorium did not mean new water rights would begin to issue, but that he hoped it would contribute to the effort to revise instream flows on the mainstem Columbia.

We are actively working with the other Northwest states, along with the Bureau of Reclamation, Northwest Power Planning Council, Corps of Engineers, Bonneville Power Agency, as well as many others on better understanding issues related to instream flow in the Columbia River. In Idaho, the Bureau of Reclamation has been leasing water rights to augment instream flow in the Snake and Columbia Rivers. Given the regional nature of these waterways, it is imperative we collaborate with our neighbors on key management decisions. As you might expect, such discussions and negotiations are not quick processes. In addition, several related issues complicate our effort to provide clear decisions regarding water right decisions. Amongst these are court decisions on hydraulic continuity and recent listings of endangered fish stocks by the National Marine Fisheries Service (NMFS).

As I'm sure you have heard, steelhead and salmon species have been listed by NMFS in the Mid- and Lower Columbia. Instream flow has been implicated as a potential factor in the declines of these fish stocks. At the same time, recent court cases in the state have set a sharp standard for hydraulic continuity, or the interconnection of ground and surface water. In brief, if a surface water body is significantly flow impaired, and ground water contributes to that surface water, we may be precluded from issuing new water rights from that ground water. The Department is engaged in a court case currently that relates to hydraulic continuity between the basalt aquifers in Eastern Washington and the Columbia River, where we issued a new water right. That case may provide further clarity.

I know this all sounds discouraging, but there is some good news as well. This past year, the State Legislature and Locke administration worked side-by-side to build tools to break the gridlock over water in our state. One result was a watershed planning bill, ESHB 2514. Signed into law by the Governor, this bill envisions a locally-led, broadly inclusive watershed evaluation, planning and management process. Ecology is working now to issue grants to begin watershed planning as directed by the Legislature. We believe watershed planning can provide a new start to effective, collaborative water management. We also want to build on the cooperative momentum from the last legislative session, and are working now to tackle key, long unresolved policy issues that will help watershed plans become reality. The next year promises to be a very active one around water issues.

I know these changes don't provide you immediate satisfaction. I hope however, that the potential to resolve water management issues for the state, for our generation and for those to follow, is of enough value that you will look for opportunities to engage with us in this work.

Thank you again for your note. Since it also mentioned exempt wells, I have asked our Eastern Regional Office to send you some additional information under separate cover. If you have further questions, please call our Spokane office at (509) 456-5057.

Sincerely,

Tom Fitzsimmons
Director

Cc: Sen. Eugene Prince
Rep Mark Shoesler
Rep Larry Sheahan

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