

# Washington's Trust Water Program



# **Trust Water Law**

RCW 90.38 (Yakima 1989)

and

RCW 90.42 (rest of state 1991)

## **RCW 90.42.050**

### **Guidelines governing trust water rights — Submission of guidelines to joint select committee.**

The department, in cooperation with federally recognized Indian tribes, local governments, state agencies, and other interested parties, shall establish guidelines by July 1, 1992, governing the acquisition, administration, and management of trust water rights...

These guidelines shall be submitted to the joint select committee on water resource policy before adoption.

## The guidelines shall address at a minimum the following:

- (1) Methods for determining the net water savings resulting from water conservation projects or programs carried out in accordance with this chapter, and other factors to be considered in determining the quantity or value of water available for potential designation as a trust water right;
- (2) Criteria for determining the portion of net water savings to be conveyed to the state under this chapter;
- (3) Criteria for prioritizing water conservation projects;
- (4) A description of potential public benefits that will affect consideration for state financial assistance in RCW [90.42.030](#);
- (5) Procedures for providing notification to potentially interested parties;
- (6) Criteria for assignment of uses of trust water rights acquired in areas of the state not addressed in a regional water resource plan or critical area agreement; and
- (7) Contracting procedures and other procedures not specifically addressed in this section.

# Trust Water

- Is the holding of a water right by the State - 90.42.080(3) (Temporarily or Permanently)

# When Water Rights Go Into Trust:

- They retain the same priority as the original right  
(between them the trust right is inferior)  
90.42.040(3)
- They avoid relinquishment  
90.42.080(9)
- They may be exercised (enforced) only if not  
impairing other rights, or the public interest  
90.42.040(4)
- Public notice is required (except donations &  
short term leases)  
90.42.040(5)

# Use of Trust

- For Beneficial Uses:
  - Instream flows,
  - groundwater preservation
  - Municipal water supply,
  - Irrigation,
  - Regional plans for pilot planning areas,
  - Critical water supply problems 90.42.040(1)
  - Water Banking – 90.42.100

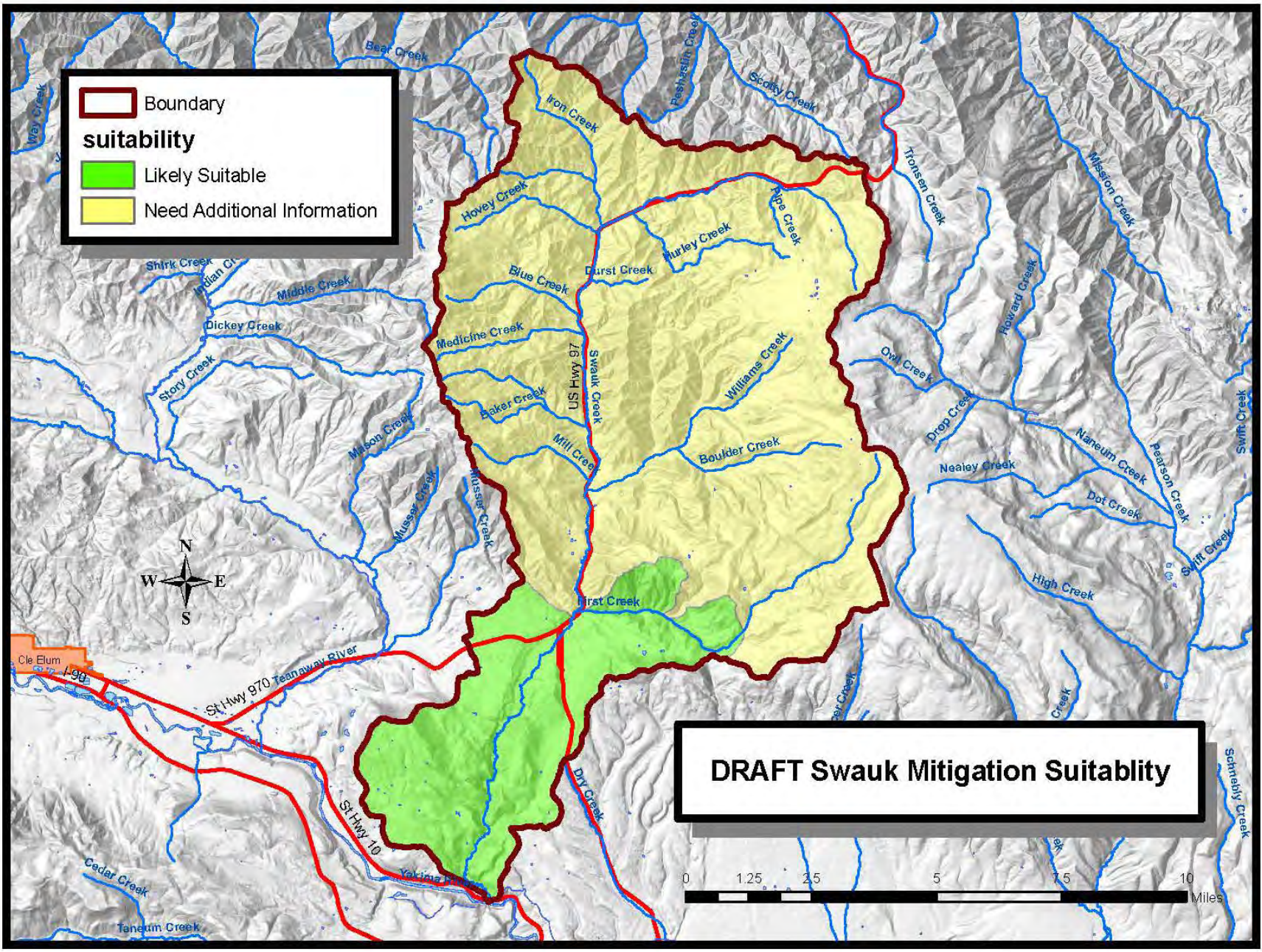
# Washington Water Banking

- Ecology is authorized by law to use the trust program for water banking.  
(Chapter 90.42 RCW)
- Washington state uses the trust water right program to implement water banking  
(*Think of trust as a bank to hold right*)
- Banking efforts in WA are varied and are designed to meet specific regional need.



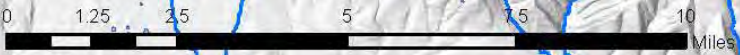
# Water Banks in Washington State

- Yakima
- Walla Walla
- Dungeness



Boundary  
**suitability**  
 Likely Suitable  
 Need Additional Information

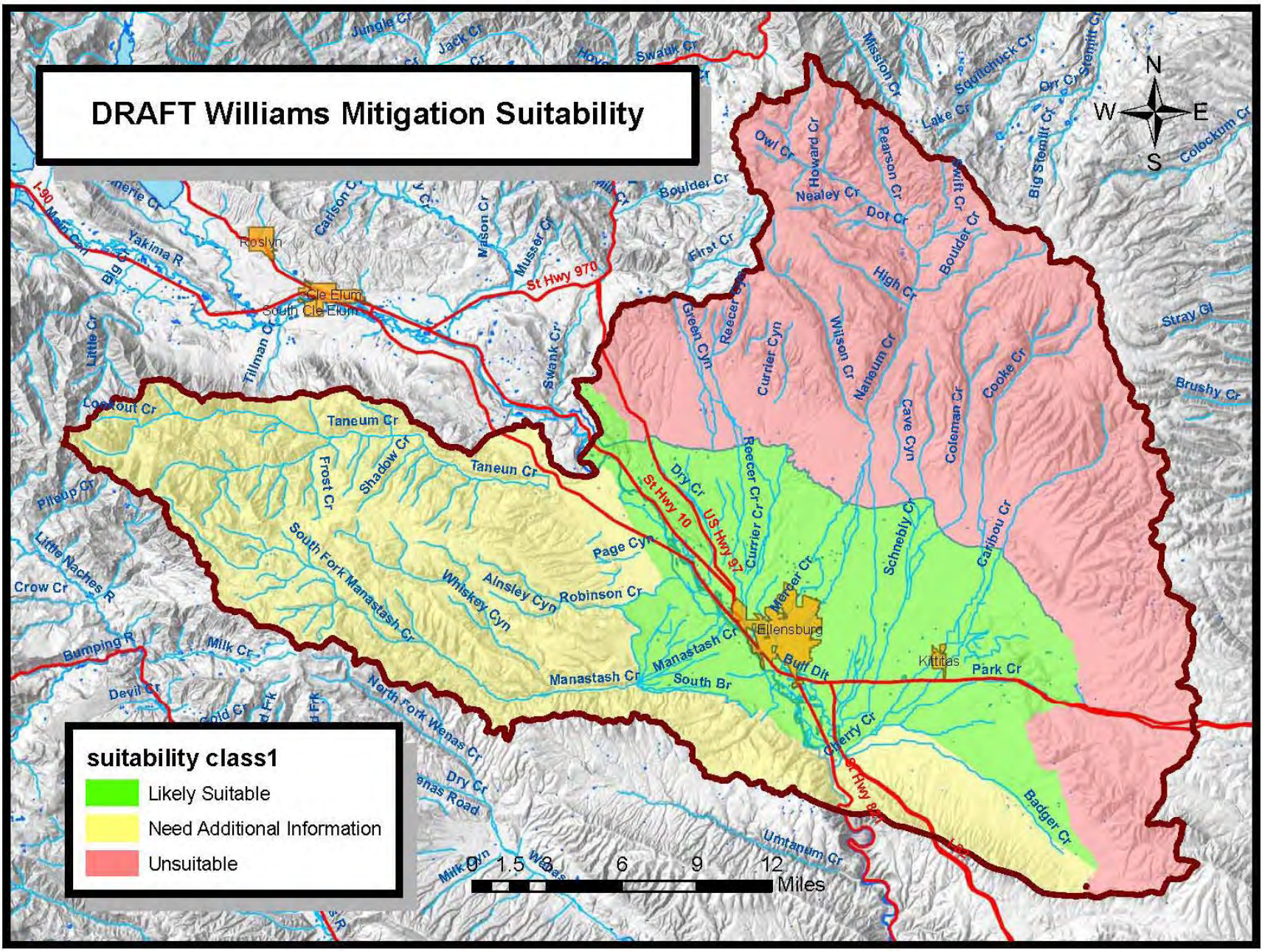
**DRAFT Swauk Mitigation Suitability**



# DRAFT Williams Mitigation Suitability



- suitability class1**
- Likely Suitable
  - Need Additional Information
  - Unsuitable

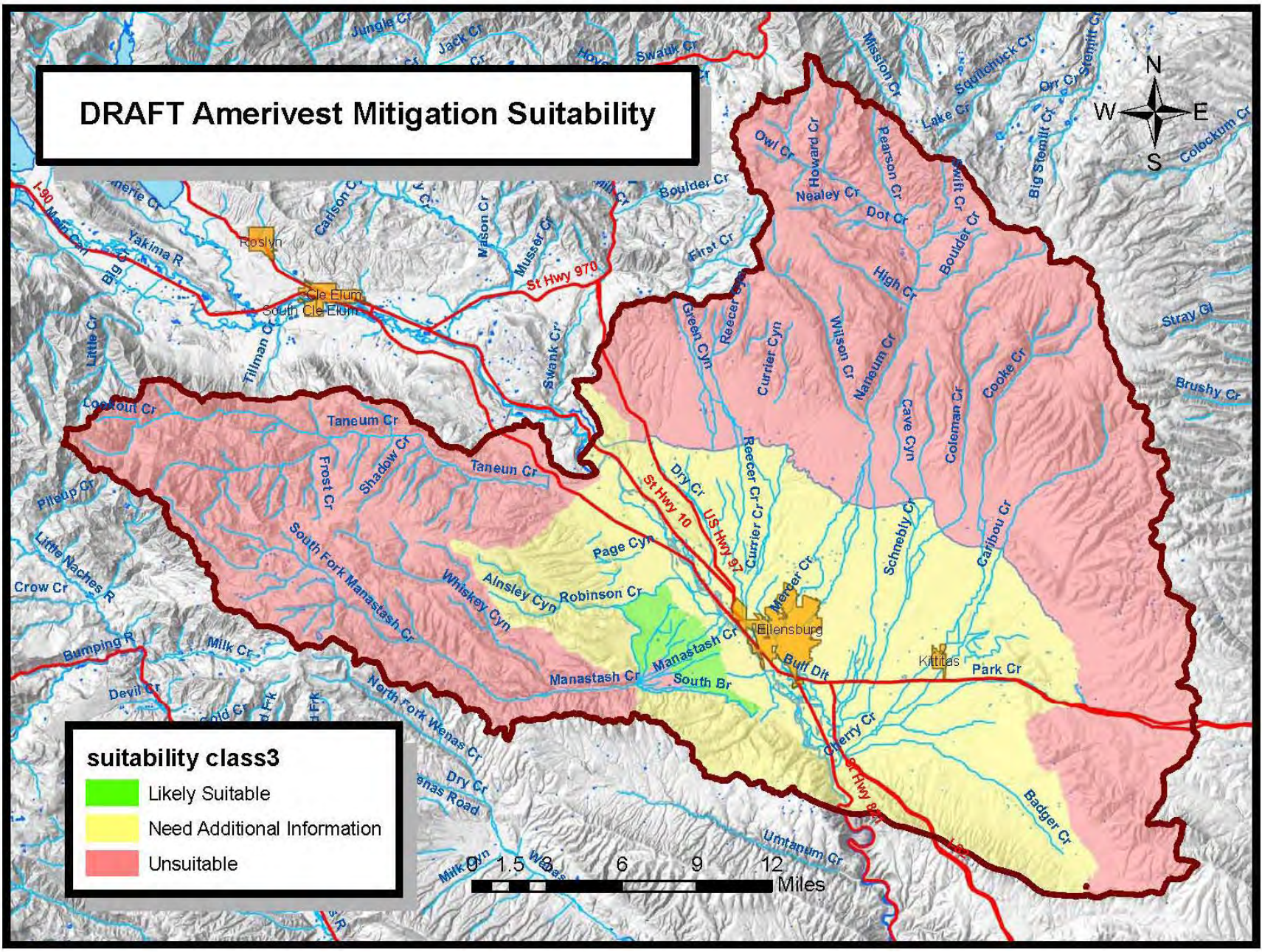


# DRAFT Amerivest Mitigation Suitability

## suitability class3

- Likely Suitable
- Need Additional Information
- Unsuitable

1.5 6 9 12 Miles

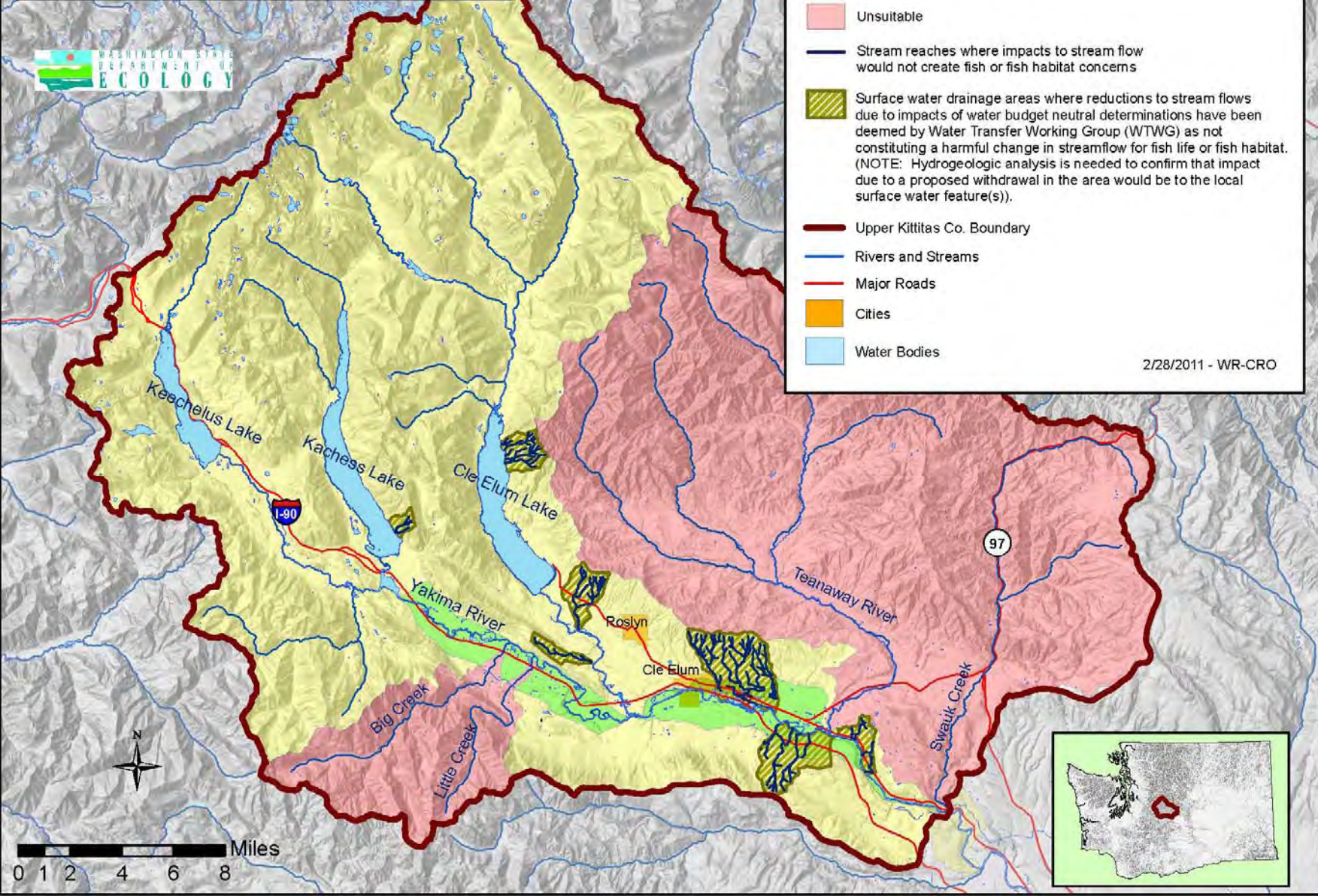


# Mitigation Suitability of the Suncadia (Lamb and Anderson) Trust Water Rights



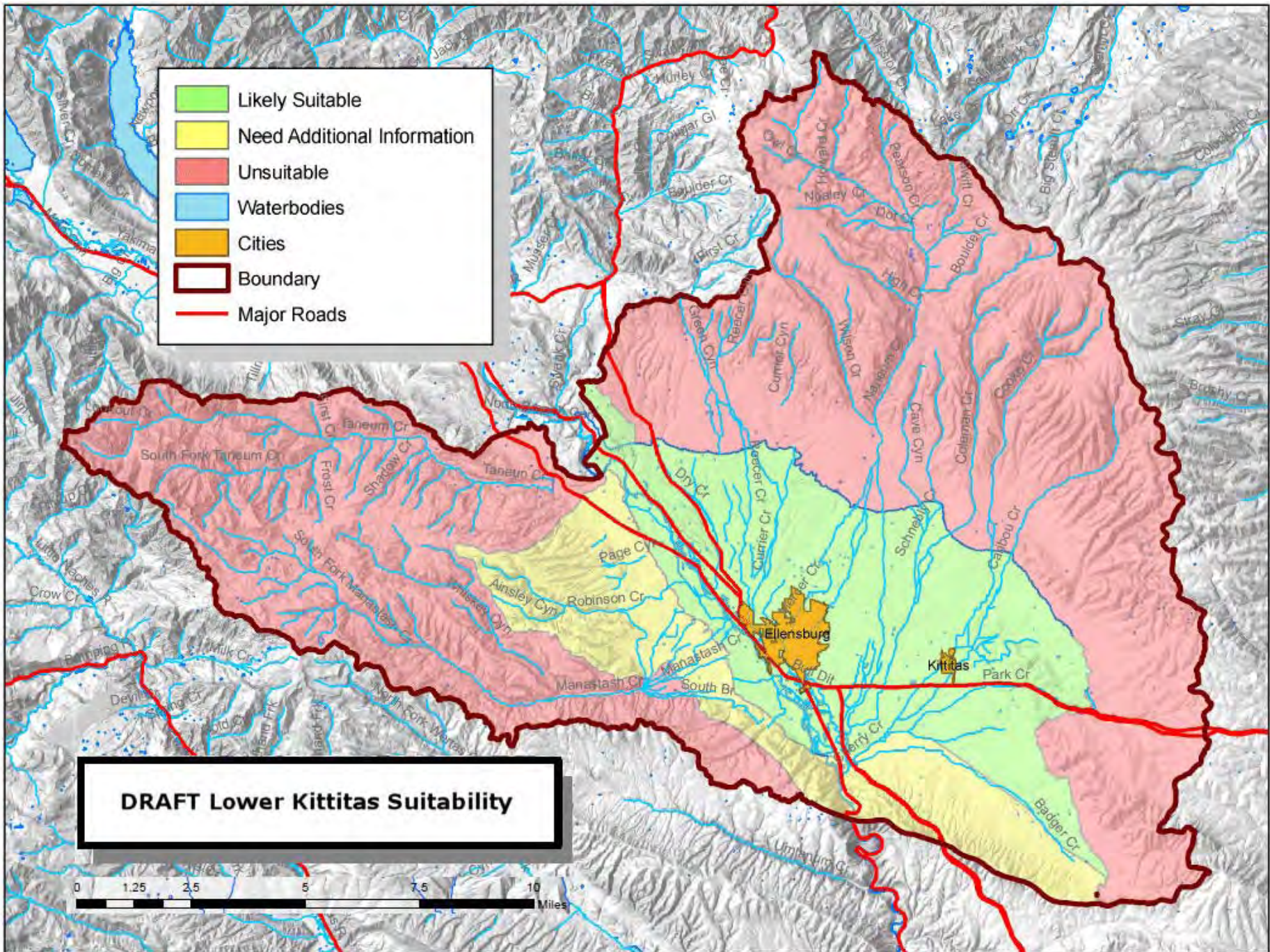
- Likely Suitable
- Need Additional Information
- Unsuitable
- Stream reaches where impacts to stream flow would not create fish or fish habitat concerns
- Surface water drainage areas where reductions to stream flows due to impacts of water budget neutral determinations have been deemed by Water Transfer Working Group (WTWG) as not constituting a harmful change in streamflow for fish life or fish habitat. (NOTE: Hydrogeologic analysis is needed to confirm that impact due to a proposed withdrawal in the area would be to the local surface water feature(s)).
- Upper Kittitas Co. Boundary
- Rivers and Streams
- Major Roads
- Cities
- Water Bodies

2/28/2011 - WR-CRO



0 1 2 4 6 8 Miles

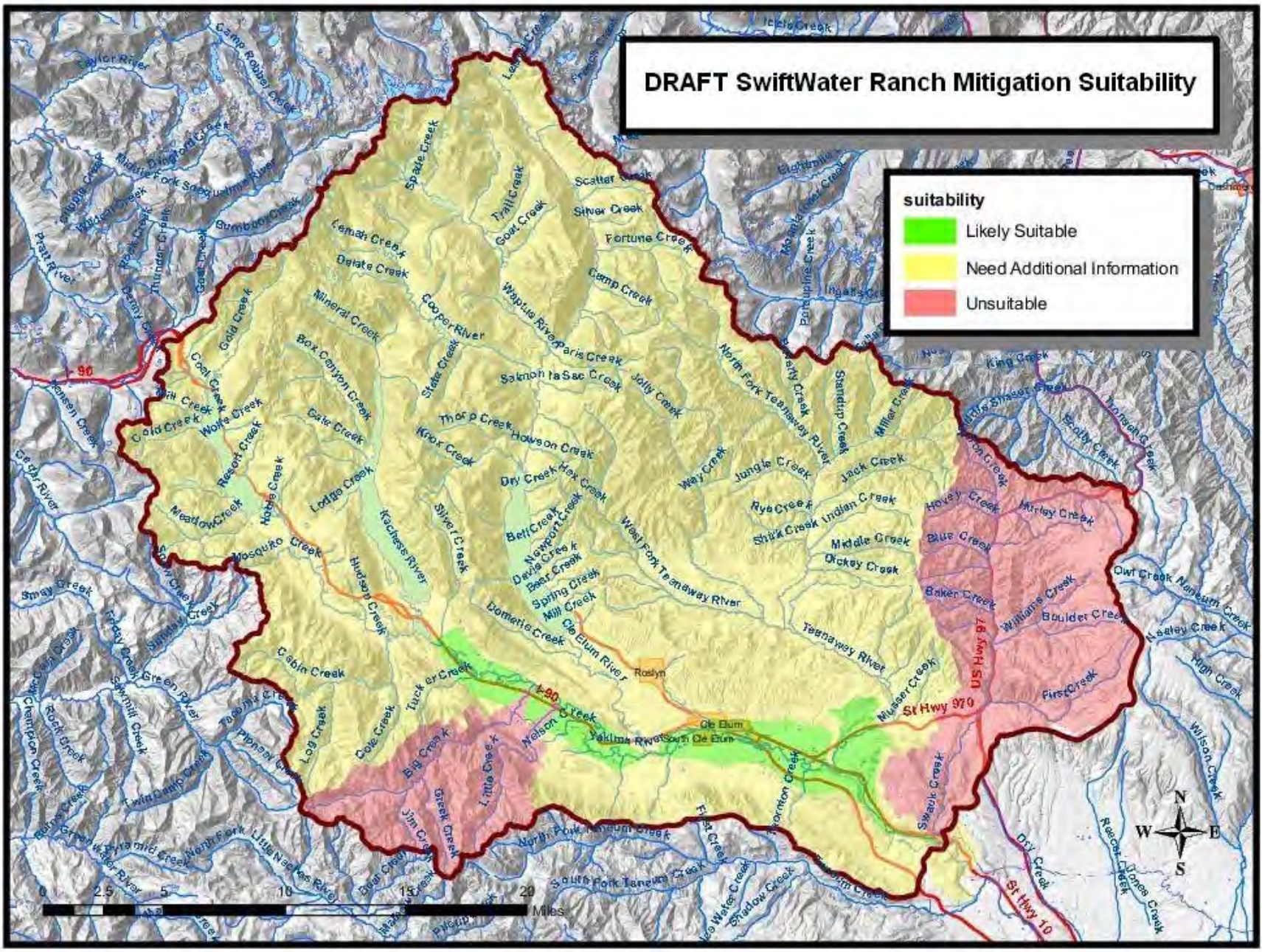




# DRAFT SwiftWater Ranch Mitigation Suitability

**suitability**

- Likely Suitable
- Need Additional Information
- Unsuitable



# WA Mitigation – Surface Water

- RCW 90.03.255

“The department's consideration shall extend to any increased water supply that results from the impoundment or other resource management technique, including but not limited to any recharge of groundwater that may occur, as a means of making water available or otherwise offsetting the impact of the diversion of surface water proposed in the application for the water right, transfer, or change.”



# WA Mitigation - Groundwater

- RCW 90.44.055

“The department shall, when evaluating an application for a water right ...take into consideration the benefits and costs, including environmental effects, of any water impoundment or other resource management technique that is included as a component of the application. The department's consideration shall extend to any increased water supply... that results from the impoundment or other resource management technique..., as a means of making water available or otherwise offsetting the impact of the withdrawal of groundwater proposed in the application for the water right or amendment in the same water resource inventory area.”

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<http://www.ecy.wa.gov/programs/wr/market/market.html>