



Monthly Meeting Minutes

April 19, 2018

5-7 p.m. – River Bank Building, Twisp, WA

Council Members Present: Mike Fort, Andy Hover, Soo Ing-Moody, Greg Knott, Bill McAdow, Bill Tackman, Travis Thornton, and Ashley Thrasher. Dick Ewing was unable to attend.

Others in Attendance: Lee Bernheisel, Vanessa Brinkhuis, Dick Evans, Steven Exe, Michele Hinatsu, Kent Hitch, Perry Huston, John Kirk, Natalie Kuehler, Mary McCrea, Phil Millam, Jennifer Molesworth, Melanie Rowland, and George Schneider.

Minutes recorded by: Sali Kilmer, Administrative Assistant

Non-Procedural Motions

Motion #	Short Title	Yeas	Nays	Abstain
M-4-18-01	Authorize MWF grant application to update and maintain Aspect's water use database	5	1	2
M-4-18-02	Authorize MWF grant application to fund Administrative Assistant position	8	0	0

1. Call to order

The meeting was called to order by Chair Greg Knott at 5:01 p.m.

2. Introductions

3. Approval of Agenda

Andy Hover moved to adopt the Agenda of April 19, 2018, as presented. Ashley Thrasher seconded, and the motion carried.

4. Minutes – Review and Approval

Ashley Thrasher moved to approve the Minutes of March 15, 2018, as presented. Andy Hover seconded, and the motion carried.

5. Report from the Chair: Greg Knott

Greg reported that he and Mary McCrea recently attended a “Visionary” meeting with the Methow Valley Citizen’s Council (MVCC). It was a productive discussion, with many points of common interest pinpointed between MWC and MVCC, including preserving water for agriculture and restraining development to the towns. MVCC also provided MWC with expert testimony from Hydrogeologist Laura Strauss, which was part of

MVCC's comments on the Comprehensive Plan. The document has been shared on the Methowwatershed.com website.

Greg also reported on the meeting held April 18 between Wolf Creek Reclamation District (WCRD) directors and Ecology representatives at Aspect's office in Wenatchee. An understanding was reached that the pilot project will move forward. Several data gaps were identified and will be filled with information gathered during the pilot project. This includes quantifying how mitigation credits will work for the towns' use.

6. Grant Administrator Report: George Schneider

George reported on the status of the Wolf Creek Twin Lakes Storage pilot project:

- Draft agreement between WCRD and TLAC for a pilot project – Agreement between WCRD and TLAC is very close. There are no real major areas of disagreement; i's need to be dotted and t's crossed as well as a legal review by Natalie Kuehler.
- Water Rights Strategy memo –The revised Water Rights Strategy memo expands beyond the Pilot Project phase to include a water rights strategy for the long-term project. As Greg reported above, the meeting with Ecology went well and all systems are go for the launch of the pilot project.
- Public outreach – From April 19 to May 1, outreach efforts will focus on the communities geographically around the project including WCRD members, TLAC members, and the Sun Mountain Ranch development. Curt Bovee and Dick Ewing will be sending out a letter, along with a list of frequently asked questions and some graphics to explain the project. During the month of May, outreach efforts will focus on key stakeholders, including neighbors, governments, tribes, NGO's, and other agencies. The outreach effort will culminate with a public presentation on May 31 in the upstairs meeting room at the Barn in Winthrop.
- Valve installation – The Bureau of Reclamation has completed their design of the automation valve and has created a parts list. The valve is set to be installed in June.
- Piping – The delivery system for the water should be in place prior to the start of the 2019 irrigation season.

7. Methow Watershed Foundation Report: Mary McCrea

Mary delivered the good news that the Foundation recently received three different grants: \$3,000 from the Community Foundation of North Central Washington for public outreach and education, \$4,000 from the Moccasin Lake Foundation for public outreach and education, and \$45,000 from Ecology to look at a pilot project metering exempt wells in the Valley. Furthermore, Mary received an email from Ecology referencing another grant award, which Vanessa Brinkhuis promised to clarify. The Foundation is working on revising the 2018 budget and will be prepared to present it at the May MWC meeting. Council members were asked to analyze the budget draft for omissions and/or fatal flaws.

In addition to the grants already received, Mary reported that the Foundation is seeking the approval of the MWC to apply for funding for two different projects: 1) updating

Aspect's water use database, including training someone to maintain it, and 2) additional funding for the Administrative Assistant position.

Regarding the first project, Andy Hover asked what the advantage is to updating Aspect's database when the County has already used that information in its database. The problem with Aspect's database is that it does not link to parcel numbers so it cannot correctly debit against the 2 cfs. Mike Fort replied that the MWC has been waiting for the County's data for three years, and that ultimately, the Council has the responsibility for producing an annual report, which has never been done. Bill Tackman interjected that it seems the County does not have enough manpower to make sure the database is updated and maintained.

Mike Fort made a motion to authorize the Methow Watershed Foundation to pursue grant funding to update Aspect's water use database, including training someone to maintain it, with a budget up to \$6,000. Bill Tackman seconded the motion. Mike Fort, Greg Knott, Bill Tackman, Travis Thornton, and Ashley Thrasher voted "yea". Andy Hover voted "no". Soo Ing-Moody and Bill McAdow abstained. The motion carried.

Andy Hover made a motion to authorize the Methow Watershed Foundation to pursue grant funding for the Administrative Assistant position, with a budget up to \$6,780. Mike Fort seconded, and the motion carried unanimously.

Dick Evans gave a brief Treasurer's report: All bills have been paid, and the current checkbook balance is around \$10,000.

8. Initiating Government Reports

Town of Twisp: Mayor Soo Ing-Moody related that the Twisp Town Council unanimously agreed (with one abstention) that there is no conflict of interest with Ashley Thrasher serving on both the Twisp Town Council and as the at-large representative #6 on the Methow Watershed Council.

Town of Winthrop: Council Member Bill McAdow had nothing to report but mentioned that he recently toured the Winthrop water system. Greg suggested meeting with him later about efficiency improvements to the system.

Okanogan County: Commissioner Andy Hover reported on a recent meeting he had with Josh Thompson, Yakama Nation representatives, and Army Corps of Engineer representatives regarding the levee past the Weeman Bridge. The Army Corps of Engineers determined that they will not breach the levee unless there is a structure that can be put into place to shut it off. The purpose of the project is to try to get water into the back channels. The group is proceeding with talks to try to come up with a solution.

Andy also met recently with a group of real estate industry representatives who expressed concern about helping clients understand water availability requirements for properties they are interested in purchasing in the Valley. Andy would like to see a color-coded map created whereby areas are easily identified that require prior approval from Ecology before a well is drilled.

Andy also reported on a recent conversation he had with John Kirk of Department of Ecology regarding gages. His take-away from the conversation is that there are differences between the measurements taken at Pateros and the other gages in the Methow system. Since we are regulated by reach, we need to put gages in place in

each reach. Greg Knott interjected that the MWF needs to know if they should pursue funding for gages. Vanessa Brinkhuis suggested reaching out to USGS regarding their gages. John Kirk clarified that Ecology looked at a twenty-four year period, from about 1991 to 2015, and broke the data down by week. They plotted every week at the Pateros gage and compared it with the other existing gages in the Methow. Many deviances were found, especially in the Upper Methow. As soon as the report is finalized, he will forward it to Methow Watershed Council members.

Finally, Andy reported that the County will be meeting with Yakama Nation representatives on April 23 to let them know what the County is doing regarding tracking wells in WRIA 48.

9. Ecology Report: Vanessa Brinkhuis and John Kirk

Vanessa reported that Ecology has awarded the Methow Watershed Foundation a PIFA grant for the metering study in the amount of \$45,000. She will check into the specifics of the other grant that was awarded and will provide details to Mary.

Vanessa noted that the Ecology Grants Department is extremely busy getting systems in place (evaluation criteria, funding, guidance docs, etc.) to implement ESSB 6091 and provide funding to watershed groups that are tasked with updating their plan in a very short timeframe. She will be involved in the WRIA 49 watershed planning process. Internally, Ecology is still determining what needs to be in the plan, funding positions to be filled, etc. She assured the Council that WRIA 48 will also potentially qualify for some funding, based on it being a fish priority area. However, the grant funding will be competitive, and Ecology is still working on a ranking and prioritization system for statewide projects and funding.

10. Sub-Committee Reports

Instream Flow Rule Revision & Technical Review Committees: Mike Fort had nothing new to report.

Political Action Committee: Bill Tackman had nothing new to report.

Outreach and Education Committee: Bill Tackman reported that plans are in the works for another round of community outreach meetings in Methow, Twisp, and Mazama this spring. Another series of subject matter expert presentations will begin in the fall. However, Ecology representatives have indicated that they would not be able to do a joint outreach with MWC at a Twisp Farmer's Market booth this summer. Vanessa Brinkhuis clarified that the reason for the pull-back is that the Department of Ecology operates their public outreach efforts under the "One Ecology" umbrella. Therefore, all sub-departments would require equal representation (air quality, toxic waste, environmental assessment, etc.) making it logistically unrealistic to use a farmer's market booth for outreach. However, Vanessa indicated that she may be available to present information at the community outreach meetings, since they are public forums. Bill will contact Vanessa to coordinate.

Bylaws Amendment Committee: Ashley Thrasher deferred the discussion, due to lack of time.

Water 2066 Committee: Ashley Thrasher deferred the discussion, due to lack of time.

11. Agenda Items

04-18-01 – Report: Instream Rule Clarification Task Force: Travis Thornton began his report by reminding the Council that the Detailed Implementation Plan (DIP) had as its number one priority the modification of WAC 173-548, the Methow River Basin Instream Flow Rule. The purpose of the proposed rule modification was to make water available to a broader range of uses than the single domestic and stock water uses currently allowed; to accommodate growth of municipal and other Group A water systems and Group B water systems; and to allow greater flexibility in managing available water resources. Recently, it has been determined that opening the rule up for modification may result in unintended consequences and may end up with more problems than solutions. Therefore, the “Instream Rule Clarification Task Force” was created to identify and prioritize specific parts of the Methow Rule, as written, for submission to Ecology for their administrative clarification and/or interpretation.

The Task Force met on March 20 and reached consensus on four questions and their suggested interpretations. (Subsequently, Dick Ewing submitted a fifth question, which was not discussed by the group.) As part of the process, the Task Force discussed that simply asking questions of Ecology is totally neutral, whereas offering suggested interpretations may not be. Therefore, it was agreed that broader community input was needed to ensure that the suggested interpretations are representative of the community’s viewpoint.

Following this introduction of the report, Travis led the group in a discussion of the specific questions and interpretations identified by the task force:

1. **Definition of “single domestic” and single parcel**

Question: For the purpose of the 2 cfs reserve under our Instream Flow rule, please define “single domestic”.

We suggest that, for the purpose of use of the 2 cfs reserve, “single domestic” includes traditional water use associated with a single family residence, including limited outdoor use including watering of lawns and gardens, and including use within a development or a municipality.

Andy Hover expressed that defining “single domestic” is the most important priority, as it has implications to multiple components of the implementation of the Methow Rule. Travis agreed, and pointed out that he believes that “single domestic” in the context of use of the 2 cfs reserve can have a different meaning than the definition of “single domestic” as applied to permit-exempt wells.

Melanie Rowland asked for the rationale behind using “development” in the suggested interpretation. She sees potential unintended consequences with this definition, such as “developments” showing up in rural locations. Natalie Kuehler referred to the Campbell & Gwinn decision, stating that there are no fast and clear rulings on what a “project” is, but that if a person puts in roads, power, and infrastructure, he is considered a “developer”. The decision defined “group

domestic” by ruling that wells drilled by a developer for a subdivision necessarily constitute a single “group domestic use” rather than a series of individual uses. All homes in the development were on one exemption and could not cumulatively withdraw more than 5,000 gallons a day.

Perry Huston made the point that it is environmentally advantageous to have one well serving several homes. However, when making application decisions, he goes back to the Campbell & Gwinn decision and uses around 2002 as the start of the fifteen year look-back period of time to establish a “project”. He sees it as a question needing two separate answers, the definition of a “project” as well as the definition of “single domestic”. Do the lots each get an exemption, or do they share the exemption? Travis interjected that water law was not intended as a zoning tool, but was intended to prioritize water use. He reiterated that use of the 2 cfs reserve is different from the 5000 gallon a day exemption.

Mary McCrea stated that in her years of working with the Watershed Council on rule revision, the goal was always to make whole the existing A and B group systems and to provide more water to the towns. Adding new A and B systems was not discussed.

2. 2 cfs

Question: What does “appropriation from the stream management units” under the rule mean?

We suggest that water use is available at any point from the specific reach downstream, within the Methow River Basin, so long as the use is charged against the original designated reach.

Andy stated that simple math could be put into place if we were allowed to move water downstream. Currently, there are around 3,000 codes representing single domestic use in WRIA 48. The total developable lots under current zoning in five of the reaches is 7,734 lots. At 350 gallons a day, there is enough water for 15,000 lots. Therefore, we are about 50% below the total water that would be used if all the lots were developed.

Travis clarified that the point of being able to move water is to create more water for the towns, per the DIP. Melanie recommended that the suggested interpretation should specify that the water moved downstream would be available to provide water to the towns. Kent Hitch reminded the group to keep in mind the needs of fish as proposals are made about moving water downstream.

3. Consumptive use

Question: When accounting against the 2 cfs reserve, are we to use instantaneous divergence amounts or consumptive use amounts?

We suggest that consumptive use is the measure used to debit against the 2 cfs reserve.

Mary brought up two arguments in support of use of the withdrawal quantity over consumptive use. First, if you do the math using consumptive use, many more houses would be allowed in the valley (about 65,000) than developers of the Watershed Plan intended. Second, water in the reservation is a quantity allocated for future appropriation. When a person appropriates water for a beneficial use, they are authorized to use the quantity that is withdrawn or diverted, not the quantity consumptively used.

Melanie asked where the data is coming from for consumptive use at 350 gallons a day indoor and 710 gallons per day with outdoor use. Andy stated that a neighboring county was given the go-ahead to use 380 gallons a day as an average for indoor consumptive use. Okanogan County needs clarification so they know what to debit against the 2 cfs reserve. John Kirk referenced some Ecology reports which state that about 10% of water is consumed with indoor use and about 80% is consumed with outdoor use.

The group ran out of time to discuss closed basins and groundwater management. Travis wondered out loud whether it would make sense simply to throw out the suggested interpretations, since they seemed to be fraught with controversy. Soo answered that she sees merit in offering up the suggested interpretations, as they can be tweaked to suit the voice of the community. Andy interjected that this is not really a time-critical project and he suggested taking our time to get both the questions and the interpretations correct. The entire Council thanked Travis and the task force for their work on the project. Travis will report back to the Council on the progress of the task force at the June meeting. In the meantime, he created a new email address, instreamrulecomments@gmail.com, and invited any comments or suggestions regarding clarification of the Instream Flow Rule to be sent to that address.

04-18-02 – Action: Revised Bylaws: Deferred, due to lack of time.

04-18-03 – Information: Water 2066 Report: Deferred, due to lack of time.

04-18-04 – Action: Disbanding the IFRR Committee: Deferred, due to lack of time.

Public Comments: Lee Bernheisel asked rhetorically whether current members of the Methow Watershed Council have read the Detailed Implementation Plan and are sticking to what it says regarding the objectives and goals of the Council.

Discussion: Agenda Items – Next Meeting: The next meeting agenda may include a discussion on the MWF planning budget, a decision on the revised bylaws, and a presentation on the WCTL Pilot project.

12. Meeting Adjournment

At 7:07 p.m. the meeting was adjourned by Chair Greg Knott.

Greg Knott, Council Chairman

Approved at the May 17, 2018 Council Meeting.