



# How the Trust Water Rights Program Can Work for You

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Methow Valley Community Center

# Tonight's Talk

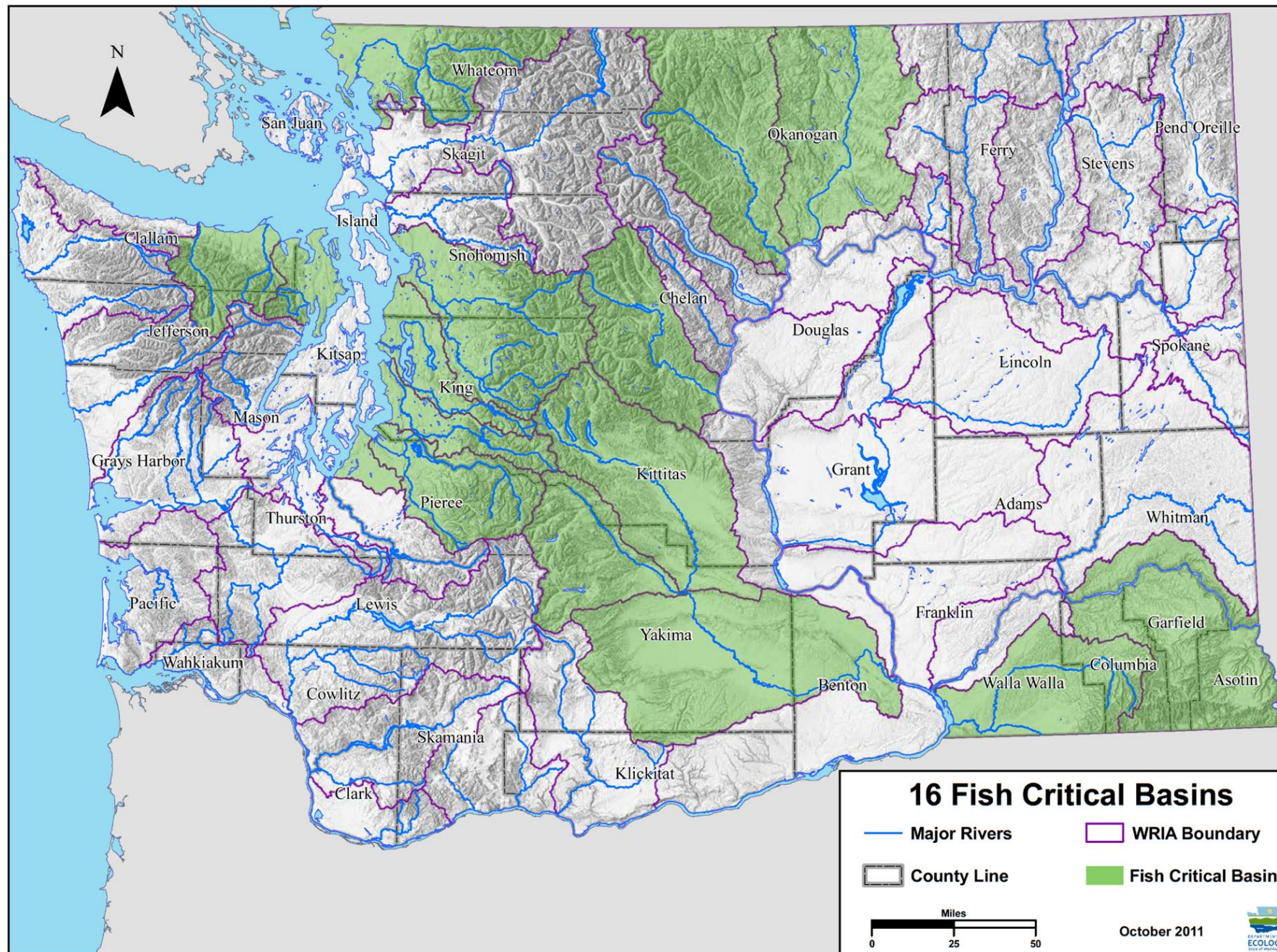
- About Washington Water Trust
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- Top 7 Ways the TWRP Can Work for You
- Trust Water in Action
- Questions

# Washington Water Trust

- Non-regulatory, 501(c)3 nonprofit
- Restore flow-limited streams
- Help people better understand and protect their water rights
- Utilize voluntary, market-based transactions and cooperative partnerships to create win-win solutions
- Part of a regional Columbia Basin effort with offices in Ellensburg and Seattle
- Founded in 1998
- The Trust Water Rights Program provides the foundation for our work







# Water Rights 101

- First in time, first in right: based on seniority (prior appropriation)
- A junior water right cannot impair a senior right
- Use it or lose it: 5 yr+ of nonuse = relinquishment (RCW 90.14)
- Confirm and maintain through beneficial use: irrigation, domestic, municipal, stock, industrial
- Place of use and point of diversion: water rights are appurtenant to land.
- All surface and groundwater withdrawals and rights must be permitted, except permit-exempt wells.
- Different elements of a water right can be changed, but Ecology rarely issues new water rights, given most water has already been allocated.



# Unfortunately, More Often than Not...

**Certificate of Water Right**

THIS IS TO CERTIFY:

That by virtue of a decree of the Superior Court of the State of Washington in and for Walla Walla County, made and entered on the 19th day of September, 1929, and recorded in Volume 18 of the Superior Court Journal of said County at page 1, from which decree no appeal was taken, and which decree determined the rights of all known claimants to the use of the waters of the Touchet River, a tributary of the Walla Walla River

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is entitled to use, subject to provisions set forth in said decree, and the laws of the State of Washington, the waters of said Touchet River

for the purpose of irrigation of 110.0 acres of land.

That the amount of water to which said water right is entitled is limited to the quantity which is reasonably and actually necessary for the purpose aforesaid and shall not exceed 1.466 second feet from April 1st to Sept. 15th and 2.200 second feet from Sept. 15th to April 1st, with the following exception: After all rights scheduled in the above mentioned decree are filled, the surplus water is allotted in the order of priority in amounts sufficient to increase the rate to the quantity allotted for the period from September 15th to April 1st. The total diversion shall not exceed 6 acre feet per acre for any one year beginning September 15th.

That the date of priority of said water right is 1912; that the decree aforesaid establishes said right in Class Forty-one

That the point of diversion of said water right is as follows: The NE $\frac{1}{4}$  of the NW $\frac{1}{4}$ , Sec. 2, Twp. 9 N., Rge 35 E. W. M.

and cannot be changed except as provided in Section 39, Chapter 117, Session Laws of 1917.

That said water right was adjudged by said decree to be and is appurtenant to the following described real property situated in Walla Walla County, Washington, to-wit:

W $\frac{1}{2}$  of NW $\frac{1}{4}$  of NE $\frac{1}{4}$  and N $\frac{1}{2}$  of NW $\frac{1}{4}$ , Sec. 2, Twp. 9 N., Rge 35 E. W. M.  
Also S $\frac{1}{2}$  of S $\frac{1}{4}$  of Sec. 35, Twp. 10 N., Rge 35 E. W. M., less 2 rod strip off east side thereof. Also N $\frac{1}{4}$  of S $\frac{1}{4}$  of said Sec. 35.

≠



# Introducing the Best Kept Secret: The Trust Water Rights Program

# Trust Water Rights Program



- Created in 1991 to hold and protect water rights for future uses while enhancing stream flows
  - Key: Stops the clock and protects water from relinquishment while benefiting people and the environment
- Managed by the Washington State Dept. of Ecology
- Retains priority date (seniority) and all other attributes
- Offers flexibility: Temporary, permanent, partial, entire



# Top 7 Ways the Trust Water Rights Program Can Work for You

# #7



Your community is concerned about water supply –  
The TWRP can facilitate mitigation (or “water banks”).

# #6



You recently bought property and  
you're still figuring out your water rights –  
Act now before they're gone!



# #5



You're looking to change crops  
and will be using less water –  
Don't lose it when you're not using it!

# #4



You're upgrading to a more efficient irrigation system –  
Protect the “saved” water just in case!

# #3



You need a vacation from irrigating –  
And who wants to worry about relinquishment?!



# #2



You don't know what you want to do with your water –  
But the clock is still ticking.

# #1 (And Our Favorite!)



Your water might have instream flow value –  
And can help make a difference.

# Creative Solutions

- Purchases and Leases
- Late-season
- Drought years
- Source switches
- POD changes
- Irrigation efficiencies
- Water banking & mitigation
- Storage release
- Off-channel storage
- Downstream transfers
- Land use changes



**Key Question:** Can we do a project that adds water to a stream when and where fish need it?



# Trust Water in Action – Salmon Creek



Salmon Creek – Dry (Photo by Jeff Gersh)



Fish Flows Return to Salmon Creek

# Trust Water in Action – Taneum Creek

2005 –

Restored 28.8 cfs to Taneum Creek through a source substitution

- Restored access to 30 miles of fish habitat
- Water users sourced to groundwater
- Changed 130-yr practice

2009 –

Bruton Ditch source substitution with fish barrier removal

- 1.9 cfs summer flow





# Trust Water in Action – Touchet River



“I’m getting to the point in my life where I’m tired of changing handlines...And I thought if I could help the stream out and help the fish and make out okay financially, I might as well do it”

- Touchet River Landowner



# Trust Water Incentives



*Restoring Stream flows,  
Respecting Landowners*



## Basic Agreements

- **Lease** – Flexible incentives for temporary trust water
- **Purchase** – Fair market value for permanent trust water
- **Donation** – Protects beneficial use and gives tax incentives

# How to Temporarily Donate

Water Resources Program Donation of a Water Right to the State Trust Water Rights Program		For Ecology Use (Date Stamp)
<p>This form is used only when a water right is proposed to be donated to the State Trust Water Right Program and there are no other modifications to the water right being proposed. No fee is required with this form for a donation to the State Trust Water Right Program.</p>		
<b>FOR OFFICIAL USE ONLY</b>		
WATER RIGHT NO.: _____		
FILE (CONTRACT) NO.: _____		
WRIA NO.: _____		
WRTS CONTROL NO.: _____		
<i>IMPORTANT: This form will not be considered complete without proper documentation.</i>		
<b>1. Water Right Holder Information:</b> Identify the name and contact information for the donor who is filing the proposal to enter a water right into trust. Provide contact/authorized representative information if it differs from the donor.		
Name/Business Name:	Primary Phone:	Other Phone No:
Address:		
City:	State:	Zip:
Email Address:		
<b>2. Contact Information (if different from above)(Attorney, Agent, etc.):</b>		
Name:	Primary Phone:	Other Phone No:
Relationship to Donor (i.e., authorized representative, family member, etc.):		
Address:		
City:	State:	Zip:
Email Address:		
<b>3. Duration of Donation:</b> Check the one that applies; if temporary, define donation period.		
<input type="checkbox"/> Temporary	Start Date:	End Date:
<input type="checkbox"/> Permanent (If accepted, Ecology will request a quit claim deed in accordance with RCW 64.04.010.)		
<b>4. Water Right Information:</b> Provide the water right document number (i.e., Certificate, Claim, etc.) and the name(s) of the individual(s) as identified on the water right document. If you are not the owner of the water right, identify the owner/partial owner and their contact information.		
Water Right or Claim No. (required)	Recorded Name(s):	
Do you own the entire water right? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Partial Owner		

ECY 070-488 (Rev 06-2014) To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

1. Download the donation form from Dept. of Ecology's website
2. Submit the form to Dept. of Ecology
3. Provide proof that the water right has been used in the last five years
4. Once Dept. of Ecology's regional office receives the complete form and proof of use, Ecology will send a letter to the water right holder accepting the water rights into the TWRP
5. Ecology will post notice of the water right donation on their website and accept comments

Need Help?  
Not a Problem.



# Resources

- Washington Water Trust & Trout Unlimited (confidential)
- Water right attorneys and consultants
- Ecology staff: Central Regional Office in Yakima
- Ecology's Water Resources Explorer (online)
- Washington State Water Law: A Primer (online)
- Landowner's Guide to Washington Water Rights (online)



# Questions



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