

Stream “Closures”

WRIA 35 Instream Flow Assessment
April 13, 2006



Closures...

- ...are applied to streams/basins where no surface waters (also groundwater in hydraulic continuity with surface water) are available for appropriation.
- ...protect stream flows from **new** appropriations, but do not return (or add) flows to streams.
- ...do not protect stream flows from potential harm caused by water rights transfers or changes.
- *SWSL (surface water source limitation) – compilation of flow limiting actions taken on a particular body of water based on recommendations by WDFW as a result of a particular water right application. (RCW 75.20.050)*



Whereas, a minimum instream flow...

- ...is “a water right for streams.”
- ...requires water use to cease whenever stream flows fall below a certain level at a prescribed control point.
- ...applies only to water rights “junior” to the minimum instream flow priority.
- ... requires continued stream flow monitoring for “enforcement.”
- ...provides flexibility for potential intra-basin transfers and other future water rights decisions, including water rights for temporary, seasonal and storage uses.



Integration of Closures into Strategy

- ***Where?*** Determine where closures are warranted
 - Priority habitat areas where low flows are a “key” limiting factor
 - Potentially applicable in data-limited basins

- ***When?*** Generally, apply year-round closures
 - Unless anticipated water use calls for seasonal closure and water use would not interrupt habitat forming flows

- **Develop minimum instream flows where data is available**
 - Where a closure is warranted, Ecology prefers closures backed up with minimum instream flows



Integration of Closures into Strategy

Cont'd...

- Develop closure provisions (see later slides)
 - Exemptions for domestic well use and other uses
- Review existing SWSLs and recommend changes, as necessary
 - Ecology considers, but is not legally bound to accept them nor do they apply generally to all applications.
 - Are the limitations appropriate?
 - Should limitations be adopted into rule?



Management Points with Closures

- Which streams have identified priority protection/ restoration reaches?
- Where is flow identified as a primary limiting factor?
- Refer to Table A-2 (updated from TM-2b) (hand-out)

- Besides a closure, consider “no-action” or “further study” in some areas due to data uncertainty.
 - Additional instream flow analysis?
 - Additional hydrologic data collection?
 - Additional groundwater availability study?



Closure Period

- Year-round closures are generally applied
 - Ease of enforcement
 - Interruptible rights are not desirable
 - Year-round fish presence
 - Closure would provide most benefit during flow transition period (early spring and late fall)

- Where are seasonal closures appropriate?
 - Anticipated water uses?



Provisions on Closures

- Watershed Planning Act requires strategies to supply water for instream flows and future out-of-stream uses.

- Provisions can be developed to specify criteria allowing water rights that are not conditioned or restricted by minimum instream flows or closures.
 - Set aside or reserve an amount of water for future use
 - Develop or modify closures that allow flexibility in addressing future water needs
 - Approve mitigation to offset adverse flow effects from new permits
 - Overriding consideration of public interest (OCPI)
 - Allow for changes to existing water rights



Using Reservations

- ❑ Reservations are established for specific uses, with specified amounts for each jurisdiction and basin.
- ❑ Applicant would need to evaluate all potential sources and demonstrate why reservation is needed.
- ❑ Off-setting or mitigating actions would be required for potential stream flow impairment.



Reservation for Exempt Wells

- Exempt wells are not exempt from priority date system, closures, or impairment restrictions.

- Considerations:
 - Reservation should be consistent with land use plans (i.e. zoning densities).
 - Ecology would track number of wells against reservation
 - Well completion should account for potential surface-ground water interactions
 - Wells should be metered and water usage reported



Reservations for Exempt Wells

- Calculating reservation value
 - Zoning densities
 - Lot size limits or irrigated land limits (e.g. ½ acre)
 - Average annual use rate (e.g. 800 gpd)



Reservations for M&I

- Existing water rights are adequate to meet projected demands for planning period
 - Exception maybe Town of Asotin
- Other unaccounted-for users or anticipated users?