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?