

“GREEN SHEET”

Meeting: March 9-10, 2012, Commission Meeting

Agenda item #12: TRANSFER OF FUTURE INTEREST IN WATER RIGHTS

Staff Contact: Dennis Beich, Regional Director, Region 2

Presenter(s): Dennis Beich, Regional Director, Region 2

Background:

The Department of Fish and Wildlife (WDFW) is the owner of 5,750 acres near the Canadian border in Okanogan County, east of Lake Osoyoos on Ninemile Creek. WDFW manages this land as a unit of the Scotch Creek Wildlife Area. Thirteen percent of this unit is subject to the life estates of the former owners and their daughters (“the Family”) who continue to operate a ranch on the property.

The Family has decided to stop using a portion of the water rights associated with its ranch for the benefit of instream flow in Ninemile Creek. During the remainder of the life estates, the unused portion of the water will be leased to Trout Unlimited, a nonprofit organization, and transferred to the state’s Trust Water Rights Program operated by the Department of Ecology. Specifically, the Family will no longer irrigate 100 acres, make the irrigation of another 203 acres more efficient through a center-pivot system, and eliminate surface water diversions from the Creek.

The project is intended to benefit the recovery of steelhead, which are listed as threatened, by improving the habitat of Ninemile Creek. Specifically, the project seeks to improve spring and summer flows in the creek by reducing irrigation needs and by changing the point of diversion. The Family is willing to remove the surface water diversion point, irrigate only with groundwater, and transfer the unused portion of its water rights to the Trust. In addition, riparian fencing will be added.

WDFW has been asked to transfer its future interest in the portion of the water rights that the Family is leasing to Trout Unlimited. Provided that the Trust Program accepts the transfer from Trout Unlimited for the exclusive purpose of instream flow, WDFW would then transfer the relevant portion of its future interest solely for the purpose of instream flow. WDFW would transfer its interest directly to the Department of Ecology’s Trust Water Right Program.

Policy issues:

Protection of critical fish habitat and ensuring adequate instream flows.

Public involvement process and outcome:

This action is a partnership project with WDFW, Trout Unlimited, and the Eder family in close collaboration with the Washington State Department of Ecology.

Action requested:

The Department recommends the Commission approve the transfer of a portion of its future interest in the water rights to the Department of Ecology for instream flow.

Draft motion language:

Move to approve the proposed transfer of future interest in water rights as presented.

Justification for Commission Action:

This action will protect critical fish habitat and ensure adequate instream flows.

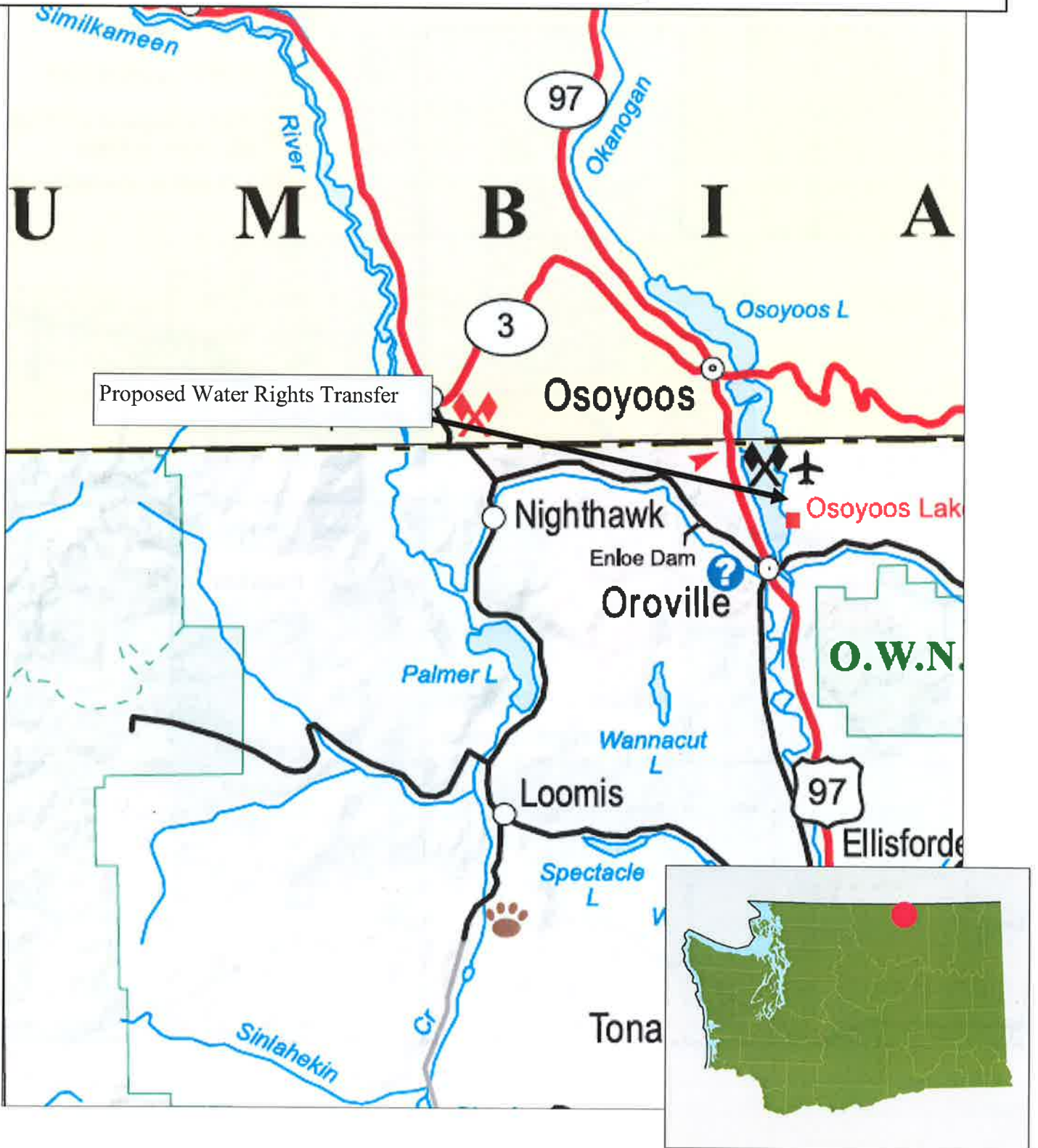
Communications Plan:

With approval, the Department will continue working with Trout Unlimited, the Department of Ecology and the Eder family to implement this action.

ITEM 12: PROPOSED TRANSFER OF WATER RIGHTS

COUNTY: OKANOGAN COUNTY

LEGAL: SECTION 16, TOWNSHIP 36N, RANGE 27E, W.M.



ITEM 2: PROPOSED TRANSFER OF WATER RIGHTS

COUNTY: OKANOGAN COUNTY

LEGAL: SECTION 16, TOWNSHIP 36N, RANGE 27E, W.M.

