



CLEAN, FLOWING WATERS FOR WASHINGTON

The Center for  
**Environmental Law & Policy**

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*State spends money to buy water for rivers – while Ecology gives away more water*

**Legal ruling helps public interest, health, environmental organizations have their day in court**

**Seattle, WA.** Washington State spent over \$1 million to buy water for the Walla Walla River in November 2000. Now a statewide water watchdog group says the Department of Ecology is wasting tax dollars and illegally giving that water away.

They've taken their case to the state Pollution Control Hearings Board, where a preliminary ruling issued late Wednesday has set the stage for a major decision about the Columbia River – and helped other like-minded organizations who may also want their day in court.

At issue is whether the Department of Ecology can grant a massive new water permit to four Eastern Washington cities (Kennewick, Pasco, Richland, and West Richland). The permit would allow the cities to withdraw up to 80,000 gallons of water per minute from the Columbia River, substituting water from the Walla Walla River – bought by the state for more than \$1 million in November 2000 to restore salmon habitat there – for part of the withdrawals. The Walla Walla joins the Columbia miles downstream from the four cities.

The Center for Environmental Law and Policy says the science doesn't support taking so much water from the Columbia – and that with the river in peril, the state shouldn't be subsidizing further water withdrawals at taxpayer expense.

“We think buying water to put back in a river that needs it, only to give it away for free later is a waste of tax dollars, and bad for the river besides. Common-sense water efficiency could get these four cities all the water they need – without taxpayers footing the bill,” says Shirley Nixon, attorney for CELP.

Kennewick, Pasco, Richland, and West Richland (combined population 200,000) already have water permits for nearly 200 million gallons of water per day – enough for 1000 gallons per person.

By comparison, Seattle's water customers (over 1.2 million people and businesses) use around 180 million gallons of water per day – an average of 150 gallons per person, and the same total amount of water used in 1975, thanks to improved technology and efficiency measures.

Nearly 40% of the average natural flow of the Columbia at McNary Dam (about 40 miles downstream from the cities) is already withdrawn, mostly for irrigation. Hundreds of users do not yet take all of the water they are permitted to use, so river levels on the Columbia are likely to continue dropping, even if Ecology issues no new water rights.

Agencies as diverse as U.S. Bureau of Reclamation, B.C. Hydro of Canada, the Bonneville Power Administration, and Indian Tribes are currently working to improve salmon habitat by restoring water to the Columbia River system. Ironically, Ecology is defending the permit even though it has budgeted \$588,000 for two studies to determine whether the Columbia can even afford more water withdrawals. Those recommendations are due by Spring 2004.

According to the PCHB's findings, “if CELP were to prevail...some of [the water issued in the permit] could potentially be made available to reduce the potential for extinction of certain salmon species from the Columbia River and Snake Rivers. Once Ecology allocates that water for municipal uses, other potential use of that water is gone.”

The court's recent decision gave CELP the go-ahead to pursue its case against Ecology and the four cities. That ruling will likely help other public interest, health and environmental organizations who want to bring similar cases before the PCHB, but until now, have lacked standing to do so.

Nixon calls the court's decision “a win for the river, the people and the wildlife that depend on clean, flowing water in the Columbia. We're happy we will finally get to pursue these issues in front of the court.”

Substantive arguments in the case will begin this summer. A final decision by the PCHB is expected this fall.

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