Dear friend,

Spring has officially arrived, and with that, more typical Washington weather. But even with rainfall reaching record levels at times, Washington's snow pack remains extraordinarily low. The Governor recently declared a drought in three regions of Washington State. That means this summer we'll see low stream flows at times when fish need it the most.

That's why CELP continues to fight for better management of Washington's water resources. We continue to work in Olympia, fighting new legislation that could take water out of our rivers and streams, and advocating for a more sustainable management of Washington's water resources for both people and fish.

This month you'll find articles about CELP’s recent victory in our Spokane River PCB challenge, the positive outcome of our Columbia River challenge, updates on other water issues and the Legislative session, an introduction to our new Development and Outreach Coordinator, and more.

We can do this work because of the continued support from our loyal members like you. If you haven't renewed your membership for...
Buy your tickets here and join CELP for our annual fundraiser, Celebrate Water, on May 21, 2015 at Ivar's Salmon House in Seattle, WA. We will be celebrating another year of advocating for Washington's waters and celebrating this year's winner of the Ralph W. Johnson Water Hero Award, the Upper Columbia United Tribes.

**Upcoming Events**

**April 2:** "Climate Change and the Columbia River Treaty," Seattle, King County League of Women Voters - Rachael Paschal Osborn, Scott Simms, and Paul Lumley speaking.

**April 18:** "Growth and Water Availability in Thurston County" co-sponsored with Carnegie Group - Rachael Paschal Osborn, Branda Snyder and John Dodge speaking.

**May 21:** Celebrate Water: CELP's annual fundraising reception at Ivar's Salmon House, Seattle, WA

Best water wishes,

**Trish Rolfe**  
Executive Director

P.S. Buy your tickets here for our annual fundraiser, Celebrate Water! Join us on Thursday, May 21, 2015 at Ivar's Salmon House in Seattle, WA.

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**Federal Court Rules that Spokane River PCB Cleanup Plan is Not Adequate**

By John Osborn

On March 16, U.S. District Court Judge Barbara Rothstein issued a decision in the matter of Sierra Club and Center for Environmental Law & Policy versus U.S. Environmental Protection Agency (EPA). The Court ruled that EPA abused its discretion in agreeing to allow a polluter-dominated committee process substitute for a cleanup plan for Spokane River PCBs.

Sierra Club & CELP filed the citizen lawsuit against EPA in 2011. The Spokane Tribe of Indians intervened in support of the lawsuit, and the Department of Ecology, Spokane County and Kaiser intervened to defend EPA.

Matt Wynne, Spokane Tribal Councilman and Chairman of Upper Columbia United Tribes noted, "Judge Rothstein confirmed that delay in cleaning up the River is unacceptable, and found that deadlines and pollution limits are necessary." The Spokane River is Washington's most polluted river when it comes to PCBs.

[Read More.](#)

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**Columbia River Flows to be Protected**

By John Osborn

On March 23 CELP announced that we will not challenge a revised water right issued by Washington Department of Ecology (Ecology) to Trios Health/Easterday Farms after Ecology
Hanford Reach of Columbia River

amended the water right to protect Columbia River flows. The earlier legal challenge of the water right focused on Ecology's practice of issuing new water rights that deplete rivers by using "out-of-kind mitigation."

"We are pleased that Ecology has abandoned 'out-of-kind' mitigation for this water right," said Rachael Paschal Osborn, CELP's senior policy analyst. "Out-of-kind mitigation is illegal. It threatens to de-water rivers statewide."

The water right will irrigate 2000-3000 acres of land owned by Easterday Farms. Kennewick General Hospital (now Trios Health) received title to the lands as a gift in 1980, but the lands lacked irrigation water. Trios sold the land to Easterday Farms, contingent upon receiving a water right from the state.

Read More.

Honoring Upper Columbia United Tribes with the Ralph W. Johnson Water Hero Award

By John Osborn

We invite you to help us in honoring the Upper Columbia United Tribes (UCUT) on May 21st at CELP's Celebrate Water annual event at Ivar's Salmon House.

The five Tribes of UCUT are the Confederated Tribes of the Colville Reservation, the Spokane Tribe of Indians, the Kalispel Tribe of Indians, the Coeur d'Alene Tribe, and the Kootenai Tribe of Idaho.

Even while Canada and the United States continue to posture on modernizing the Columbia River Treaty, UCUT is moving forward with the first phase to return salmon home to ancestral spawning waters of the Upper Columbia. This is an historically important first step. The Tribes (and First Nations in Canada) need public support to bring the salmon home.

Read More.

2015 Legislative Update

By Trish Rolfe and Trudy Soriano
We have passed another legislative deadline in Olympia, where bills needed to moved out of their house of origin to stay alive. Many of the bad Senate water bills we discussed last month failed to pass out of the Senate, and died for this year. Six bills passed the Senate and have moved to the House where they’ve been heard in the Ag & Natural Resources Committee this week.

Only one bill pertaining to the Skagit made it through to the house, but CELP continues to work with our water allies to fight this short-sighted bill.

**SB 5407** would allow uninterrupted use of exempt wells in Skagit Valley. The bill presumes that domestic wells have no impact on instream flows. The current system requires new users to demonstrate that their well will not harm existing water right users. This bill would shift the burden to Ecology to prove that a single well is having a negative impact on instream flow levels, before they can limit any withdrawals. This bill also disregards the cumulative impacts of unlimited withdrawals that new and existing wells may have on instream flows.

CELP also has real concerns about the following bills:

**SB 5298** would allow diversion of certain municipal waters from the Nooksack River, in the Lynden area. This bill has the potential to circumvent senior water rights, and put Lynden in priority when instream flows are low. CELP opposes this bill.

**SB 5491** declares that existing reservations of water for new development in several watersheds are consistent with the water code despite impacts to instream flows. This bill needs rewording to remove the "OCPI" language, ensure that no further reserves are allowed that harm instream flows, and to promote water demand management strategies.

**SB 5965** directs Ecology to study mitigation for permit-exempt wells, including out of kind mitigation. CELP wants clarity that out of kind mitigation cannot serve as a bargaining chip in exchange for new water withdrawals. The study also needs to put more focus on assessing the impacts of permit-exempt withdrawals and the effects of climate change, as well as study effective methods to restore streams that are already over-allocated.

**SB 5018** would waive the anti-degradation requirement of groundwater quality standards for aquifer storage and recovery projects. The anti-degradation law is an important catch-all to address pollutants that are not covered by federal drinking water standards. Also, the bill's requirement to "protect aquatic resources" is vague and should be strengthened to ensure that all biotic communities are protected.

**SB 5014** outlines best practices for water banking, although it has been amended to apply in the Yakima Basin only. Water banking has proved to be a sustainable alternative for homeowners living in areas with limited water resources. The legislature should promote this important water supply alternative.

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**Water News in Brief**

by Rachael Paschal Osborn

**Litigation Updates**

In the matter of **Scott Cornelius v. Ecology and WSU**, decided by the Washington Supreme Court against the plaintiffs on February 12, 2015, the Cornelius plaintiffs have asked the Court to reconsider its decision on the separation of powers claim. This case involves WSU's longstanding failure to fully utilize more than two-thirds of its water rights, and the impact of Ecology's transfer of those rights on the declining aquifer system in the Pullman region.

*Documents:*
In the matter of Whatcom County v. Hirst, decided by Division 1 of the Court of Appeals against Hirst on February 23, 2013, the petitioners have asked the Washington Supreme Court to review Division 1’s decision. This case involves intersections between the Growth Management Act and water resource laws, especially instream flow rules. In both cases, the Court’s decision whether to accept and review the cases is discretionary.

Documents:
Hirst Petition for Review

CELP filed amicus briefs in both cases. Stay tuned for decisions.

Documents:
Hirst Amicus Brief
Aqua Permanente Amicus Brief

Welcoming Kelly Mistry to CELP

We are pleased to welcome Kelly Mistry to CELP! Kelly joins us as our new Development & Outreach Coordinator.

Kelly is a fifth-generation Seattlite, although she has only recently moved to Seattle herself, having grown up mostly in Alaska. She has been working in the nonprofit world since before college, and her love for animals and the environment has led her to jobs and volunteer positions at organizations like the Alaska Zoo, the Seattle Aquarium, PAWS, and now CELP. Kelly graduated with a BA in Middle Eastern History and Religion, minoring in Women's Studies from Marlboro College, located in southern Vermont. Since college she has primarily held positions in fundraising, and thoroughly enjoys helping people contribute to causes that they love. Kelly is currently on the board of directors for the Young Nonprofit Professionals Network of Greater Seattle (YNPN - Greater Seattle). In her spare time, Kelly loves to play with her dog, play board games with her husband, read, knit, hike and learn.

Kelly can be reach at development@celp.org, or by calling the office at 206-829-8299.

Celebrate Earth Day with Earthshare and CELP

Help celebrate Earth Day! EarthShare Washington is challenging local companies, community groups, and individuals to make a change, raise funds and volunteer for a select group of environmental organizations... and CELP is on the list!

When you participate in EarthShare’s Earth Day challenge, you'll be doing your part to help the environment, have fun, and support CELP all at the same time.

Learn more about how you can participate in the Earth Day Challenge!
Thanks for taking the time to read Washington Water Watch! Thanks to your help, CELP has accomplished much but, as you can see, more needs to be done. You can support our work by making a donation online here, or mailing a check to 911 Western Ave #305, Seattle, WA 98104

CELP's mission is to protect and restore Washington's rivers and aquifers through science-based management of and advocacy for our waters. CELP works through public education, grassroots assistance, agency advocacy, legislative reform, and public interest litigation.

If you care about a future with water, please become a CELP member today!
You can reach us at: 206-829-8299 or email us.

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