

## Water Pool Meeting 1 - Summary

Monday, February 24, 2020

Duration: 9:00a - 11:00a

Minutes Prepared by: Jeremy Jenkins - President, SAJB

### Major Questions:

1. RCW 87.80 is a statute that specifically references eligibility as serving Irrigation water as a primary purpose. Do each SAJB member need to primarily serve irrigation services?
  - a. In State statute, the difference between *domestic* and *irrigation* are not defined.
  - b. Also, *irrigation's* definition is ambiguous.
2. If a Joint Control Board (JCB) is formed under SAJB, would all members have to participate and/or subsidize the JCB's operations?
  - a. No, JCB would only be comprised of those entities who wish to participate in a given "project". Those participants would proportionately share the fiscal burden of the project, including administrative overhead.
3. Does a JCB provide benefits to all SAJB members?
  - a. No, only those who would be participating in a given project.
4. Are there any SAJB members who are opposed to the idea of creating a JCB under the umbrella of the existing organization?
  - a. Yes, at least 4.
5. Would a vote to approve the creation of a JCB under SAJB cause members to leave SAJB?
  - a. Likely yes. The result of that would greatly impact the cohesive nature of our Wellhead Protection Plan (WHPP), the cornerstone of SAJB's identity.
  - b. Budgetary impacts: scale is unknown.
  - c. WHPP effectiveness: unknown
6. Would this action dilute the core mission of SAJB?
  - a. Maybe. Possible exodus of members; possible budgetary issues; likely hit to public perception of SAJB if/when litigation occurs.
7. Are there other ways for SAJB members to gain access to water rights held by adjacent/nearby systems?
  - a. Yes, one way some members currently do this is by drawing overlapping service areas in their CWSP; enabling wholesaling of water via an intertie.
  - b. Yes, at any time a JCB can be formed by submitting a petition to Spokane County Commissioners. At least one Irrigation District must be party to that petition.
8. Would this action have any negative impacts to SAJB members?
  - a. Likely occurrence of lawsuits being filed against the group. Such a lawsuit would not differentiate between participant and member organization. A

JCB has not yet been used to pool water rights for use in an urban setting in WA State.

9. Structural Problems

- a. JCB would have completely separate board composition underneath SAJB board
- b. The “sponsoring” irrigation district would hold 51% stake in JCB
- c. Current SAJB organization holds all voting members equal

Transcript of notes taken, order has been adjusted:

Overview

- Entity for members (choose to participate)
- Liken to County WRB
- Voluntary - year-to-year choose to participate
- Ability to shift/share rights without DOE involvement

87.80

- Q about “irrigation” definition
- difference between domestic and irrigation not defined in statute

Would all members subsidize JCB structure? No, only those that are participating.

Water banking/pooling talk presently going on in legislature (Bill 6494)

- Most have been pulled (per M.Hermanson)

In a dispute, Ecology has to prove JCB is wrong, not JCB needs to prove it is correct.

Only perfected rights can be used in WR bank (unk in a “pool”)

When adjudication: How would this be impacted

- Post adjudication, an enforceable order is in place that ECY can act on, regarding future changes to POU, POW.

Spokane River Instream flow rule case has been accepted by supreme court for hearing (in near future)

What if JCB is formed, what would happen to permanent WR transfers? Those move forward, unimpacted by JCB.

Adjudication: all will inevitably be in court with DOE (JCB or not)

Irrigation vs. Domestic

- Irrigation is ambiguously defined

- Purveyors pooling irr & muni water for domestic use
- If “majority” of water is used for irrigation, part of JCB, you could use any type of WR

Downside (J. Carroll):

- Irrigation District member has ultimate control (must hold 51% of power)
- There are 10 irrigation districts w/in Spokane County over SVRP.

JCB would have own Board

- If SAJB “hosts” JCB, SAJB can maintain direct visibility, insight, input so as not to be negatively impacted by JCB actions to SAJB members operations.

Example of a JCB benefit:

- Trentwood built a new reservoir, SIP needs more storage, JCB would allow for easy way to project-share.

However:

- SAJB historically has had shared projects w/ subsets of membership ‘playing’ (example: conservation kits education/outreach. Some members chose not to participate.)

Agency specific questions:

DOH - Water System Comp Plan amendment requirements? Unknown.

- CWSP May not need to be amended, as service area does not change.

DOE - capacity justification; DOE can challenge with regards to detrimental impacts

\*WILDCARD\*

‘Active Compliance’ - DOE seems to have backed off, JCB would be a possible way “around” this “policy”

JCB would have a valid point if litigation occurs, as no Water Rights are being issued. What else are we supposed to do?

JCB ‘could’ allow for transfers of inchoate rights w/in a pool (DOE wants ‘wet water’ (proven rights))

\*MAJOR lift/issue (R.Lindsay)

-Pooling of inchoate rights in an urban setting has not been done in Washington State before.

Respectfully,

Jeremy Jenkins - 2/26/2020

# Meeting Sign-In Sheet

Project: Water Pool Discussion

Date: 2/24

Facilitator: \_\_\_\_\_

Time: 9a

Place/Room: \_\_\_\_\_

PRINT NAME	ORGANIZATION	TITLE	PHONE	EMAIL
1. Jeremy Jenkins	LLSWD			
2. Bray Adams	LLSWD			
3. Bryan St Clair	MEWCO			
4. [Signature]	moab			
5. Joe Carrocc	ARTY			
6. Doug Greenlund	City of Spokane			
7. Ty Wick	CROWN WEST REALTY			
8. Henry Allen	Sp. Valley			
9. Dan Keecay	City of Spokane			
10. Todd Henry	VERA W&P			
11. Terry Scurbb	Canyon Home Habitat Inn			
12. CALE HAWKINSON	Crown West Realty			
13. OLIVER LAWRENCE	CROWN WEST			
14. [Signature]	PPID #7			
15. Shane Sheppard	C.I.D. #19			
16. Mike Hermanson	Spokane County			
17. Rob Lindsay	"			
18.				
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