

Bill Bradbury
Chair
Oregon

Henry Lorenzen
Oregon

W. Bill Booth
Idaho

James A. Yost
Idaho



Bruce A. Measure
Vice-Chair
Montana

Pat Smith
Montana

Tom Karier
Washington

Phil Rockefeller
Washington

February 5, 2013

MEMORANDUM

TO: Council Members

FROM: Lynn Palensky

SUBJECT: Presentation on the Columbia Basin Water Transaction Program

Andrew Purkey, of the National Fish and Wildlife Foundation, will present to the Council an overview of the Columbia Basin Water Transaction Program since inception. He will briefly cover program history, successes, partners, transaction ranking and review, monitoring for ecological outcomes, and current program direction while considering challenges and opportunities as the program moves forward into its second decade.



CBWTP at 11 Years



Northwest Power and Conservation
Council

February 12, 2013



Columbia Basin
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Western Water Law: Allocating a Limited Resource



**“Whiskey’s for drinking,
water’s for fightin’ over.”**

– Mark Twain



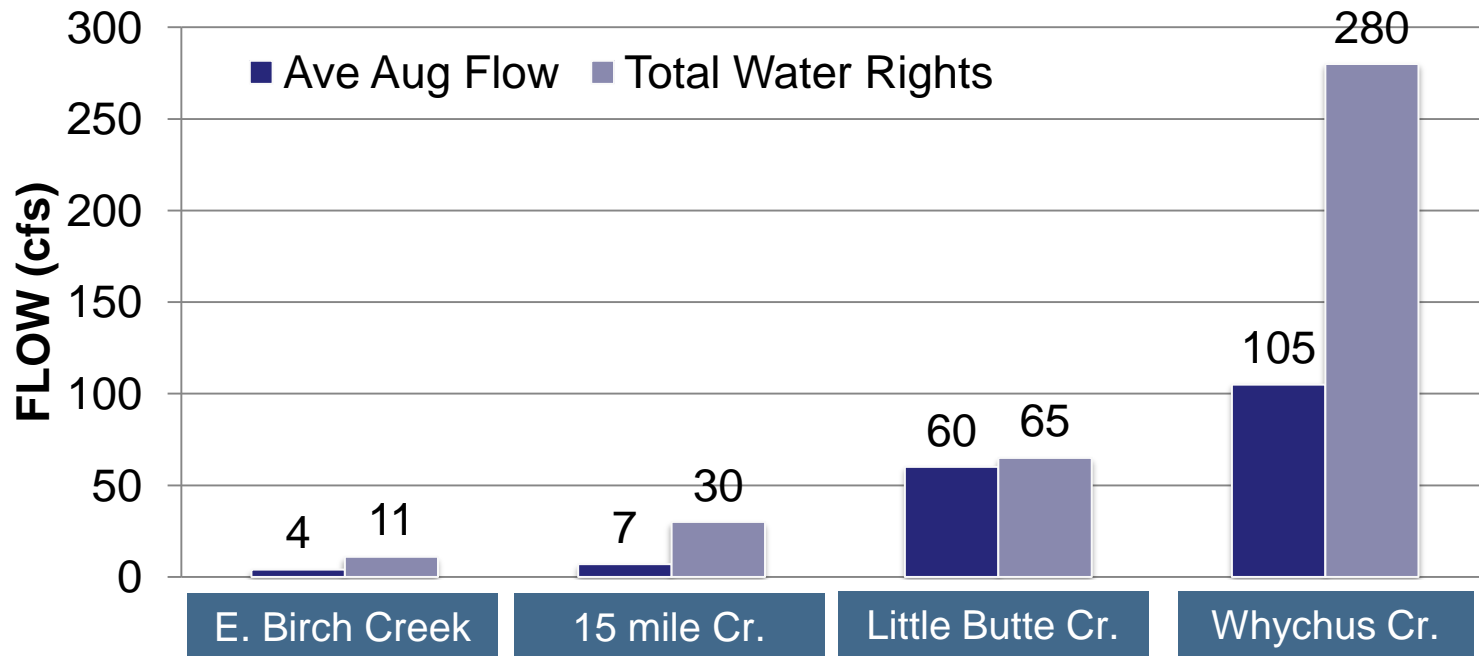
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Historic Challenge: Over-appropriation

Average August flow compared to total water rights



Depleted Streams



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Oregon Instream Water Rights Act: 1987

- Conversion of existing consumptive rights
 - Instream = beneficial use, equal to all others
 - Instream right maintains priority date
- Variety of tools
 - Leases (1-5 years, no limit on renewals)
 - Split-season leases
 - Permanent transfers
 - Allocation of conserved water



Origins of a Movement: Oregon Water Trust (OWT)



- Founded in 1993
- Formed in response to Oregon's Instream Water Rights Act of 1987
- Diverse Board of Directors
- Soon followed by efforts in other Columbia Basin states
- BPA Project Sponsor



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Guiding Frameworks



Qualified Local Entities

STATE PARTNERS:

- Idaho Water Resources Board
- Montana Department of Natural Resources and Conservation
- Oregon Water Resources Department
- Washington Department of Ecology

NGO PARTNERS:

- Clark Fork Coalition
- Deschutes River Conservancy
- The Freshwater Trust
- Trout Unlimited-Montana Water Project
- Trout Unlimited-Washington Water Project
- Walla Walla Watershed Management Partnership
- Washington Water Trust



Established as a Regional Effort



2010 Biological Opinion

- Increased Geographic Priorities based on status of fish populations
- Water transactions help improve habitat limiting factors for target species



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Fish Accords: Supporting Water Transactions

- State of Idaho Office of Species Conservation
- The Confederated Tribes of the Colville Indian Reservation
- The Confederated Tribes of the Umatilla Indian Reservation
- The Confederated Tribes and Bands of the Yakama Nation

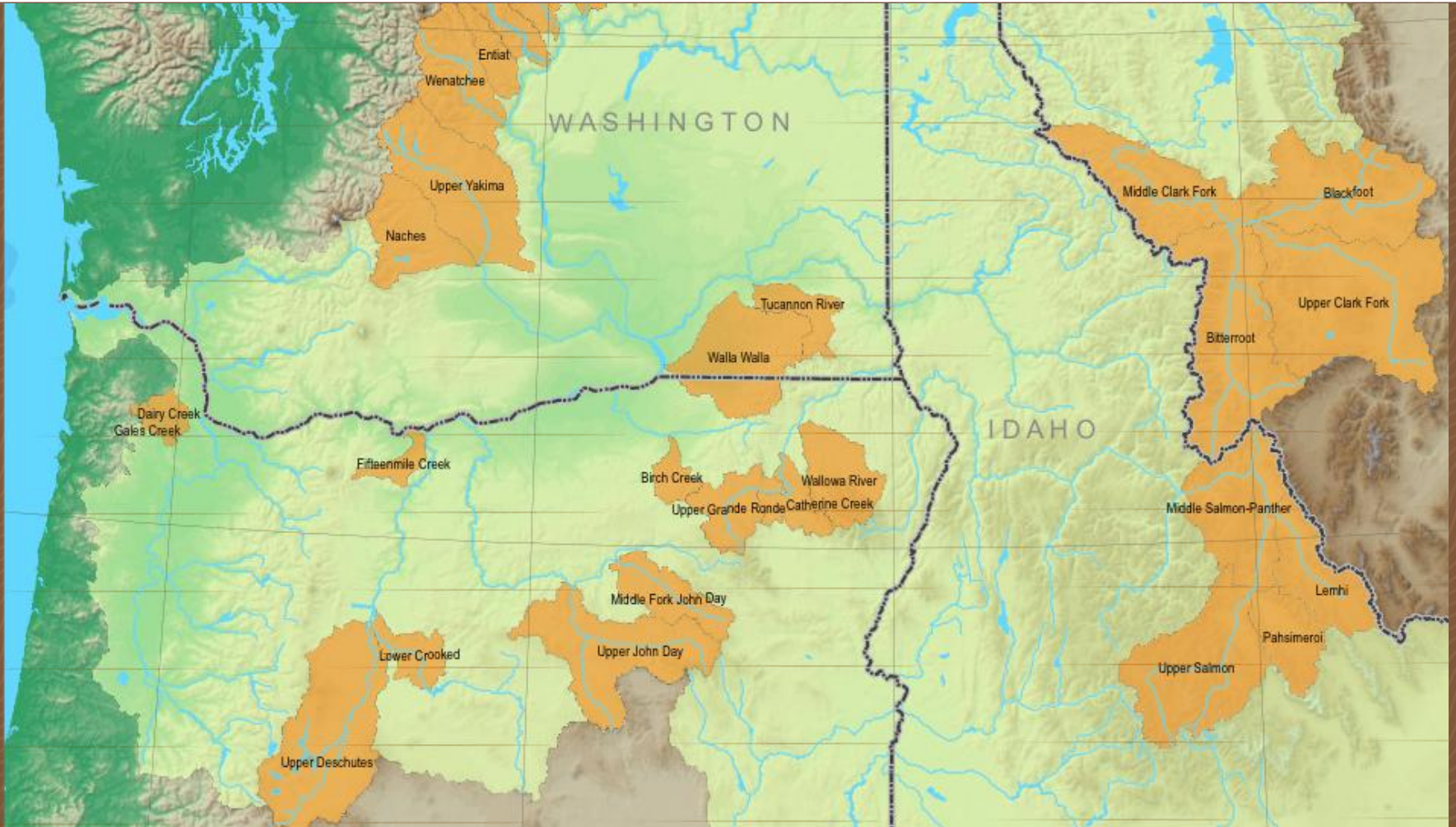


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Water Transaction Areas



Transaction Tools

- Leases and Acquisitions
- Diversion Reduction
- Reverse Auction
- Storage Flows
- Efficiency Gains
- Source Switching



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Transaction Outcomes

- Passage
- Spawning Habitat
- Rearing Habitat
- Riparian Restoration



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ISRP Criteria

Columbia Basin Water Transactions Program Criteria for Evaluating Proposals to Secure Tributary Water

Revised 02/12/04

GOAL: To increase tributary flows for the primary benefit of ESA listed fish and other depressed fish stocks in accordance with Action 151 from the 2000 NMFS Biological Opinion and Implementation Provision A.8 of the Council's Fish and Wildlife Program.

The National Fish and Wildlife Foundation (NFWF), the regional entity for the Columbia Basin Water Transactions Program (CBWTP), will evaluate and prioritize water transaction proposals for funding by BPA based on the extent to which the proposals submitted by the Qualified Local Entities (QLEs) satisfy the following criteria. To qualify for funding, a proposal need not meet all the criteria below, with the exception of the administrative and accountability criteria.

1. The proposal satisfies the following accountability criteria:

- The QLE has provided the necessary documentation including transaction checklist, NEPA checklist, landowner contract and state agency authorization (if applicable).
- The QLE agrees to update the water transaction checklist and forward a final version to NFWF upon implementation of the proposal.

2. The proposal satisfies the following administrative components:

- The water rights to be secured are valid and verifiable.
- Landowner/irrigation district agreements are signed or the steps to completion are manageable and timely.
- Agency approval has been received or a plan is in effect to ensure transfer of the water is in accordance with the applicable state agency rules (if applicable).

3. The proposal satisfies the following hydrologic components:

- The proposal will secure water for in-stream tributary flows at a location where low flows are a limiting factor to fish survival and/or productivity and for the maximum reach of river legally and physically possible. [Location]
- The water right is of significant seniority to be protected in-stream at a time of year when needed to benefit fish and wildlife or is protectable instream from diversion regardless of priority date (e.g., diversion elimination agreement). [Timing]
- The quantity to be transferred has been properly estimated and will incrementally restore flow in the targeted reach. [Amount]

4. The proposal satisfies as many of the following biological components as possible:



- ESA listed species in jeopardized ESUs are expected to benefit from the proposal when implemented.
- ESA listed species or other depressed native fish, wild fish, or wildlife populations are expected to benefit from the proposal when implemented.
- Water quality is expected to improve due to increased quantity.



QLE Transaction Proposals

- 3 Solicitations Annually
 - Spring
 - Summer
 - Fall
- Online Proposal Form
 - www.cbwtp.org

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 **NFWF**  Columbia Basin Water Transactions Program

Water Transaction Checklist for Specific Water Transactions to Increase Tributary Flows

TRANSACTION INFORMATION

Name of Transaction:

Local Entity Proposing Transaction:

Entity Contact Person on Transaction:

Date Transaction Proposal Submitted to the CBWTP:

Total Cost of the Water to be Acquired (see 24a): \$

Amount of Total Cost of Water Requested from the CBWTP (see 24c): \$

Has this transaction been previously funded by CBWTP: YES NO

Checklist Complete and Ready for CBWTP Consideration: YES NO

Please notify CBWTP when making significant changes to a completed checklist and Record Date(s) of Changes:

Provide a summary of the transaction:

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Technical Advisory Committee (TAC)

- CBWTP Deal Review
- TAC
 - NOAA
 - FWS
 - Hydrologist
 - Attorney
- TAC Presentation
 - Completed Proposal Form
 - Water Right(s) Uploaded
 - Terms of Deal Outlined



TAC Ranking Form

Transaction Evaluation & Prioritization Columbia Basin Water Transactions Program Criteria for Evaluating Proposals to Secure Tributary Water	
Proposal Name: _____	
1. The QLE has provided the minimum amount of documentation necessary for consideration by the Technical Advisory Committee: (check)	(check)
<ul style="list-style-type: none"> completed transaction proposal form, <input type="checkbox"/> signed letter of intent with landowner, or a draft landowner agreement (signature not required, but terms of the proposed transaction are), <input type="checkbox"/> documentation of the water rights. <input type="checkbox"/> 	
2. The QLE has confirmed the following will be provided FY11:	
<ul style="list-style-type: none"> Signed landowner agreements (by February 15), and <input type="checkbox"/> Agency approval by Aug 31. If agency approval has not been obtained by June 30, the QLE agrees to obtain written confirmation from the agency that approval can be obtained by Aug 31. Such a written confirmation must be received by CBWTP by June 30 or funding may be shifted to other transactions. <input type="checkbox"/> 	
3. The proposal satisfies the following biological component :	
<ul style="list-style-type: none"> Benefits ESA listed ESUs. (Rank 5 for Yes, 0 for No) _____ Benefits ESA listed ESUs with BiOp targeted populations.¹ (Rank 10 for Yes, 0 for No) _____ 	
Q19 • ESA listed resident species or other at-risk and species of concern are expected to benefit from the proposal when implemented. (Rank 5 for ESA listed resident species, 3 for state species of concern.) _____	
4. The proposal satisfies the following hydrologic component : (scale 1 to 5)	
Q21a • The proposal will secure water for in-stream tributary flows at a <u>location</u> where low flows are a limiting factor to fish survival, productivity or distribution. (Ranking based on demonstrated significance of the location) _____	
Q13b • The proposal will secure water for in-stream tributary flows at a <u>time of year</u> when needed to address an identified limiting factor. _____	
¹ Priority populations as of May 5, 2008 are as follows: Snake River Spring/Summer Chinook: Grande Ronde/Imnaha MPG—Upper Grande Ronde 23, Catherine Creek 23; Lower Snake MPG—Tucannon River 17; Upper Salmon River MPG—Yankes Fork 30; Snake River Steelhead: Clearwater MPG—Lolo Creek 12, Lochsa River 14, Selway River 1; South Fork 14; Salmon River MPG—Seestis River 6; South Fork Salmon 1; Lower Middle Fork Tributaries 2; Upper Columbia Spring Chinook: Upper Columbia MPG—Wenatchee 3, Methow 6, Entiat 22; Upper Columbia Steelhead: Upper Columbia MPG—Wenatchee 4, Methow 4, Entiat 8, Okanogan 14.	
Revised December 10, 2010	Revised December 10, 2010

- (Ranking based on the demonstrated significance of the timing).
- Q16b • The proposal will secure a quantity of water for in-stream tributary flows in an amount that will incrementally restore flow in the targeted reach to address an identified limiting factor. (Ranking based on the quantity secured relative to the biological flow target for the reach.) _____
- The proposal is related to other efforts previously funded by CBWTP. (1 Point Bonus) _____
5. The proposal provides a **watershed context**: (scale 1 to 5) _____
- Q22 • The proposal is linked to additional habitat restoration activities that address other limiting factors. _____
- Q30, 31 • The proposal is supported by an existing ESA recovery plan, watershed assessment or subbasin plan that identifies water transactions as an appropriate response to addressing factors limiting a specific life history stage(s). _____
- The proposal satisfies a flow target upon implementation or fully restores the natural hydrograph (e.g., removes the last diversion from a stream). (3 Point Bonus) _____
- Q11 • This proposal has a completed logic model pertaining to its subbasin and/or stream reach. (2 Point Bonus) _____
6. The proposal satisfies the following **monitoring components**: (scale 1 to 5)
- Q27 • The proposal provides for monitoring of tributary flow improvements in the short term and the long term. _____
- Q28 • The proposal provides for monitoring of benefit to fish and wildlife, habitat and water quality. _____
7. The proposal satisfies the following **fiscal components**: (scale 1 to 5)
- The proposal demonstrates a basis for the price that it is cost-effective in terms of local and regional markets. _____
- The proposal includes cost share from sources other than the CBWTP. (>80% = 4, ≥60% = 3, >40% = 2, ≥20% = 1) _____
8. The proposal provides a benefit beyond this funding cycle: (scale 1 to 5)
- The proposal term is: permanent = 5, 25+ years = 4, 10+ years = 3, 5+ years = 2, more than one year = 1 _____
- The proposal is a short-term transaction intended to seed a longer-term transaction and is in its first year, is intended as an emergency response, or is part of long-term flow restoration strategy. (1 Point Bonus) _____



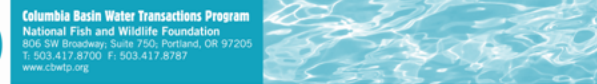
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NFWF Recommendation

- Recommend to BPA
- Request Council Review
 - TAC Ranking
 - Signed LOA
 - Reviewed and Approved LOA by CBWTP Legal Counsel



MEMORANDUM

TO: Chris Furey, BPA
FROM: Andrew Purkey, NFWF
DATE: September 20, 2012
SUBJECT: Water Transaction Recommendation (#5 of FY 2012)

Enclosed is a summary of four water transactions that the National Fish and Wildlife Foundation (NFWF) recommend the Bonneville Power Administration (BPA) consider funding under the Columbia Basin Water Transactions Program (CBWTP). The transactions are summarized as follows.

Clark Fork Coalition:
146c-13 (Von de Ruhr *Ninemile Cr* / 10 Years / BPA Funds: **\$95,279.00**)

Deschutes River Conservancy:
71j-13 (AWLP / Various Rivers and Creeks / 1 Year / BPA Funds: **\$55,000.00**)

Trout Unlimited – Montana Water Project:
227-09 (Kowalski / Nevada Spring Cr / Permanent / BPA Funds: **\$437,318.00**)

Walla Walla Watershed Management Partnership:
368-13 (GFID / Walla Walla River / 4 Years / Umatilla MOA Funds: **\$90,000.00**)

The total cost of these transactions is **\$1,046,370.00**. The amount of funds requested from BPA is **\$677,597.00**. Signed landowner agreements have been submitted by the sponsors for these transactions. Please note that the transaction in italics above is proposed for funding through NFWF under the terms of the BPA-Umatilla Accord.



Agency Approval

- Disbursement upon completion of state agency approval process and submission of final transaction documentation

Transactions	Term	Funding Pool	TAC	LOA	State	\$ Request FY12	Accord FY 12	\$ Request FY13	Accord FY 13
Ready for TAC						\$ -	\$ -	\$ -	\$ -
TAC Reviewed						\$ -	\$ -	\$ 1,831,444.84	\$ 1,650,878.29
97b-06 WRC (--- / Cowiche Creek)	100		46					\$ 346,875.00	
172-08 IDWR (Carias / Lemhi)	100	ID-MOA	52						\$ 371,520.00
179b-11 WATU (Reverse Auction / Manastash Cr)	100		yes					\$ 400,000.00	
263d-12 TFT (Jacobs / Roberts Cr Coop)	10		49					\$ 85,250.00	
269-09 WWT (Matson / Nile Cr (1))	100		42					\$ 101,400.00	
278c-12 WATU (Drought Response / Methow)	1		46					\$ 75,000.00	
279b-11 WATU (CCC / Chevuch (Lease))	1		53					\$ 105,000.00	
290b-12 WWT (Markgraf / Rattlesnake Cr)	5		40					\$ 33,200.00	
298-10 WWT (CCT / Antoine Cr)	100	C-MOA	53						\$ 1,200,000.00
308-11 CFC (--- / O'Brien Cr)	10	Resident	38					\$ 75,200.00	
318b-12 TFT (Ferres / Fifteenmile Cr)	1		44					\$ 1,519.84	
324b-12 WATU (Dyk / Manastash)	100		47					\$ 50,000.00	
335c-12 WATU (Cambell / Beaver Cr (Perm))	100		56					\$ 45,000.00	
341-12 TFT (Wolfe Ranch / Lostine)	100		49					\$ 200,000.00	
342-12 TFT (Makin Ranch / Lostine)	100		50					\$ 99,000.00	
345-12 WATU (API / Entiat)	100		yes					\$ -	
347-12 WATU (AWEP & CCPI / Methow)	20/100		yes					\$ 30,000.00	
356-12 TFT (Nantz / Fifteenmile Cr)	1		44					\$ 3,000.00	
361-12 WATU (Roseburg / Unnamed)	10		yes					\$ -	
362-12 TFT (Jacobs / John Day SSL Pilot)	30		51					\$ 181,000.00	
369-13 IDWR (Andrus / Kanney Cr)	20	ID-MOA	46						\$ 9,919.79
370-13 IDWR (Y Livestock Ranch / Big Springs Cr)	20	ID-MOA	41						\$ 69,438.50
LOA Purgatory						\$ -	\$ -	\$ -	\$ -
Ready for Council Review						\$ -	\$ -	\$ -	\$ -
At Council for Review						\$ -	\$ -	\$ 587,597.00	\$ 90,000.00
71j-13 DRC (AWLP / Deschutes)	1		46	X				\$ 55,000.00	
146c-13 CFC (Von der Ruhr / Ninemile Cr)	10	Resident	29	X				\$ 95,279.00	
227-09 TU (Kowalski / Nevada Spring Cr)	100	Resident	48	X				\$ 437,318.00	
349-12 IDWR (--- / Sulphur Creek)	100	ID-MOA	yes	X				\$ -	
368-13 WNWMP (GFID / Walla Walla)	4	U-MOA	41	X					\$ 90,000.00
To be Invoiced w/Agency Decision Received						\$ 505,071.18	\$ 142,168.95	\$ 1,274,132.75	\$ 229,050.00
04d-09 WWT (Hardy & Converse / Beaver & Frazier)	7		50	X		\$ 3,528.00			
17b-12 WWT (Eckman / Teanaway (12))	15		50	X		\$ 28,429.00			
35c-12 WWT (Cromarty / Teanaway (4))	10		49	X		\$ 9,450.00			
71i-12 DRC (AWLP / Deschutes)	1		50	X		\$ 37,500.00			
72i-12 IDWR (Lower Lemhi / Lemhi)	1	ID-MOA	50	X			\$ 82,328.65		
86d-12 CFC (Fire Creek Ranch / Fire Creek)	5	Resident	42	X		\$ 30,000.00			
86d-12 CFC (Fire Creek Ranch / Fire Creek) - FEE		Resident				\$ 200.00			
100-11 IDWR (Barnes / Big Cr)	1		45	X		\$ 10,000.00			



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Invoicing

- Monthly – on the 8th
 - Through database for QC
 - Landowner payment
 - State application fees

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Water Transaction Invoice

QLE: **Washington Water Trust** Contract #: 9922.11.030335

Period Covered: From: [select date](#) To: [select date](#) Date Submitted: 10/01/2012 [select date](#)

Direct Water Acquisition Costs	Total Acre Feet	\$/AF	Total Cost of Water	\$ From CBWTP
Add <input type="text" value="N/A----test"/>	0.00	\$ 0.00	\$ 0.00	\$ 0.00
Direct Costs Total			0.00	0.00
Associated State Application Fees	# of Fees	Cost of Fee	Total Cost of ASAF Fee	\$ From CBWTP
test	1	\$0.00	\$0.00	\$0.00
Fee Costs Total			0.00	0.00
			Grand Total:	0.00

Prepared and Submitted by:

[Exit](#) [Save](#) [Delete](#)



CBWTP Outcomes Since 2003

- 340 water transactions
- 837,710 acre-feet of max cumulative annual volume
- 900 cfs max cumulative rate
- 6,156,486.96 of acre-feet over life of projects
- Over 1500 miles of tributaries improved



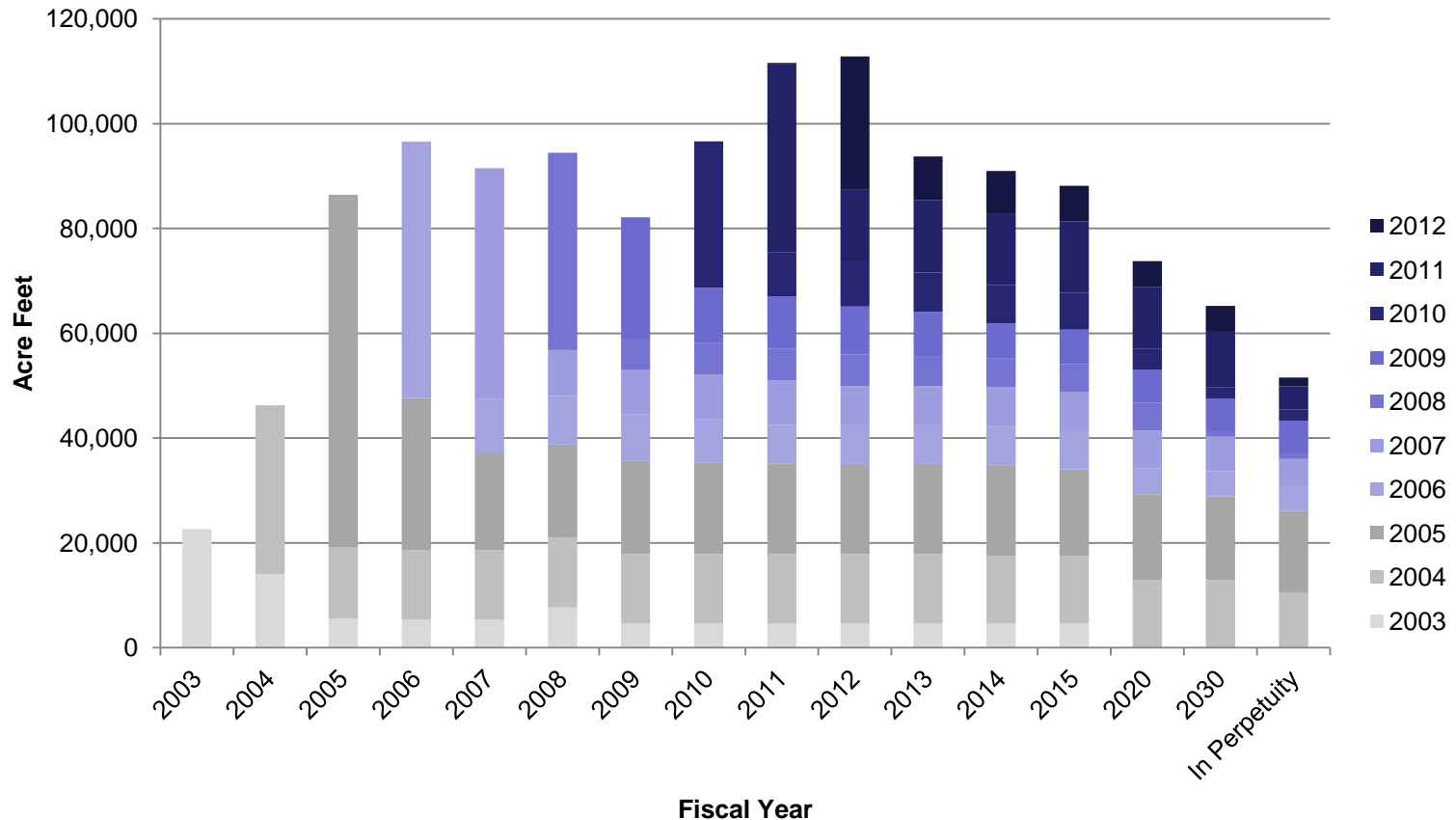
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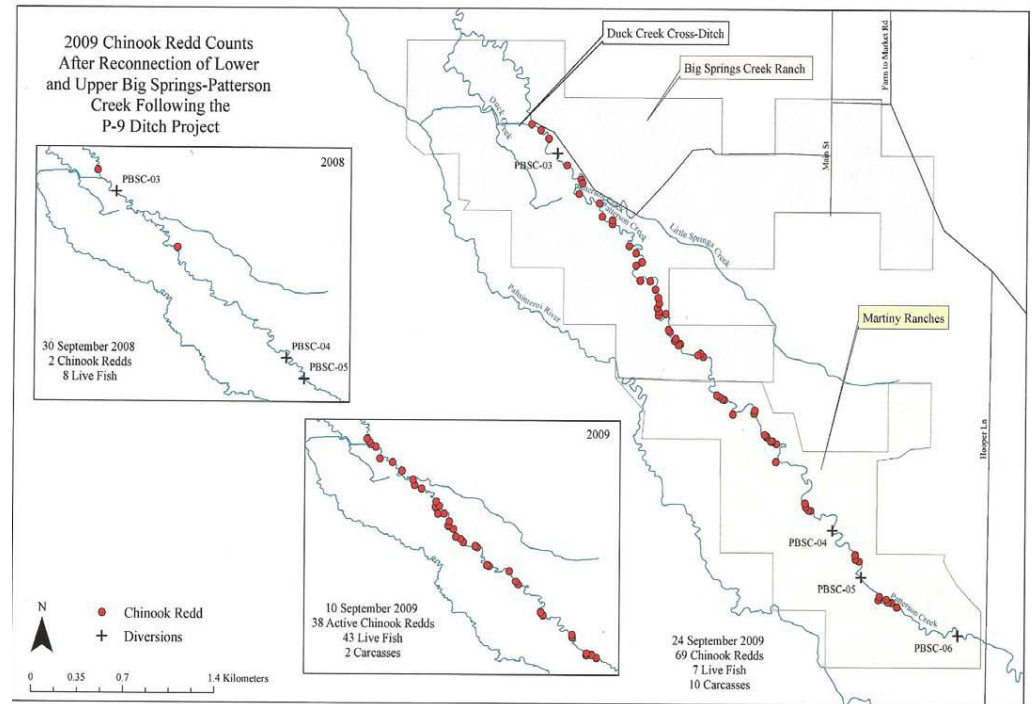
CBWTP Outcomes Since 2003

CBWTP AF Instream Per Fiscal Year



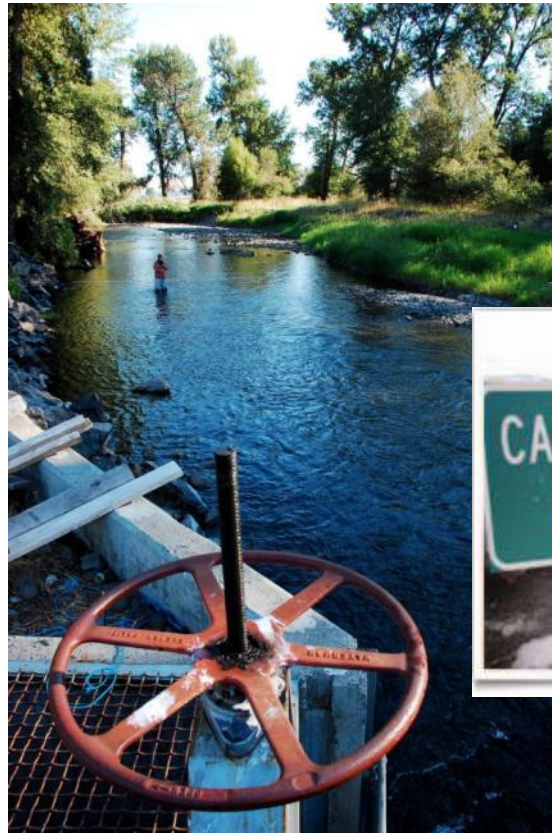
Salmon Basin Priority Transactions - Pahsimeroi

- Tributary flow reconnects



Upper Grande Ronde - Catherine Creek

- Catherine Creek: This year the program successfully implemented the first 3 year lease which shows gaining traction in the area
- 1.73 cfs were secured in Catherine Creek through FY 2012 Funded CBWTP transactions



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Salmon Creek

Okanogan Irrigation District water is released during critical passage periods to allow salmon access to 11 miles of robust habitat



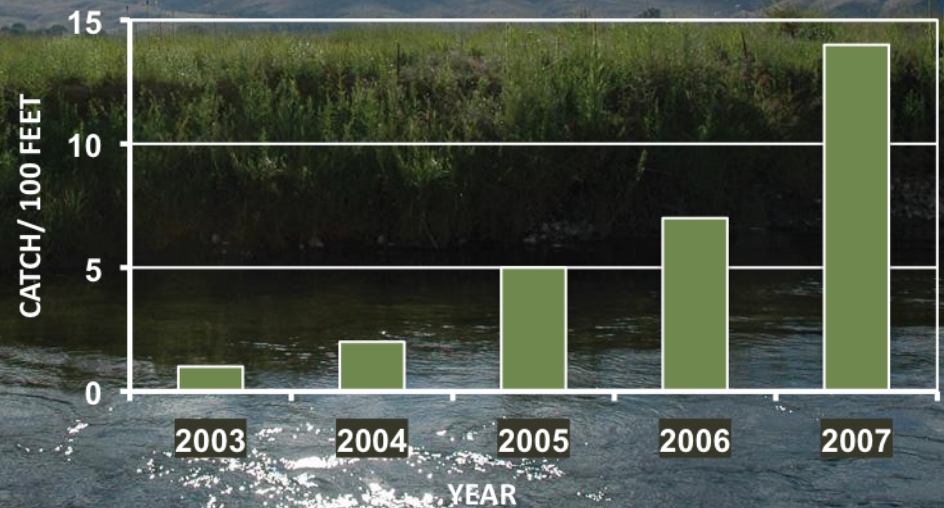
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Wasson Creek Restoration

Fish Sampling on Wasson Creek
WESTSLOPE CUTTHROAT TROUT BELOW DIVERSION (Stream
Mile 2.4)



Data from Montana Fish, Wildlife and Parks

Monitoring Partnerships



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Accounting Framework Goal

- To create and implement an accounting methodology that uses well-defined measures of progress to track the effectiveness of flow restoration as a tool to improve aquatic habitat conditions for targeted fish populations.



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Impetus for Implementation

Third Party Program Evaluation (2007)

- Augment existing performance metrics to include measures of progress towards achieving biologically-based flow targets, and overall habitat restoration

ISRP Qualification #1 of 2 (2010)

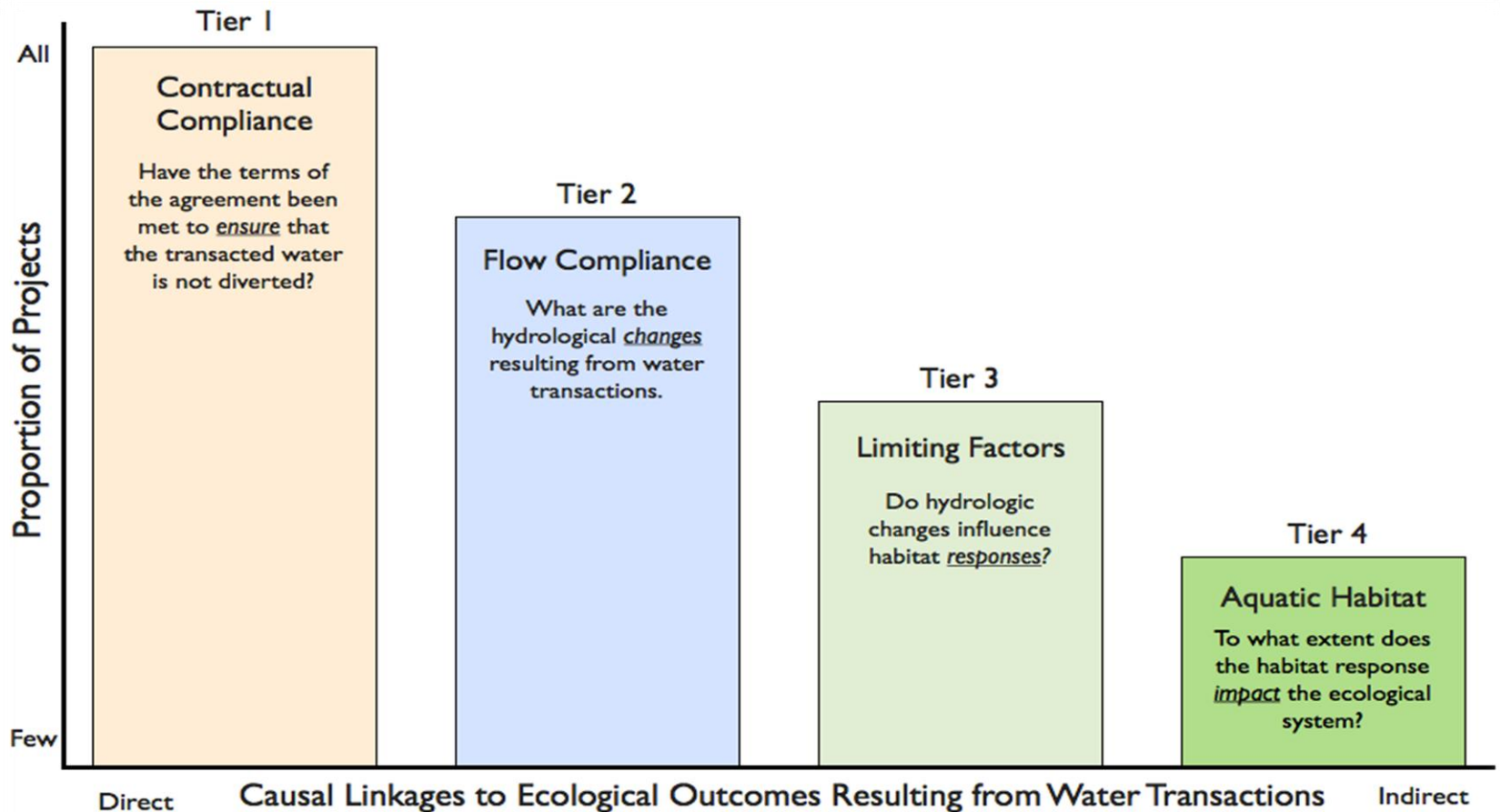
- Qualification of funding for FY 2012 – 2014 is to, “develop compliance, implementation and effectiveness monitoring protocols.”



Accounting Framework Partners



Accounting Framework Logic Path



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Strategic Plans

- QLEs will develop for priority basins and stream reaches
- Clearly define conservation objectives, particularly flow goal or target
- Describe how flow restoration goal fits with efforts to address other limiting factors
- Implement Accounting Framework to track progress towards achievement of flow goal and broader conservation objectives.

