

EAST COLUMBIA BASIN IRRIGATION DISTRICT

RESOLUTION 2021 - 15

Individual Landowner Delivery Systems for Odessa Groundwater Replacement Program Water Service Contracts

WHEREAS, the East Columbia Basin Irrigation District (District) has established the Odessa Groundwater Replacement Program (OGWRP) to implement delivery of Columbia Basin Project (CBP) irrigation water as a replacement water supply for groundwater withdrawals from the Odessa Subarea Aquifer, and;

WHEREAS, the District is developing District-operated and maintained delivery systems to provide OGWRP water supplies for eligible participating OGWRP lands, and;

WHEREAS, the delivery of OGWRP water supplies may also be made through landowner owned, constructed, operated, and maintained delivery facilities ("individual landowner delivery systems") that receive OGWRP water supplies from CBP gravity delivery facilities, particularly the East Low Canal (ELC), for groundwater replacement purposes, and;

WHEREAS, due to operational concerns attributable to existing operational fluctuations and return flows to the ELC, as well as seepage and evaporation, return flows from new diversions on the ELC will not be accepted. This requirement emphasizes existing policies and recognizes the need to maintain stable ELC flows for canal safety purposes and to maintain consistent deliveries at other District facilities by minimizing unnecessary fluctuations that can occur at unregulated deliveries and by return flows; and

WHEREAS, individual landowner delivery systems receiving water from CBP gravity delivery facilities, particularly the ELC, must conform to District rules and requirements to receive contracted water deliveries as prescribed through an authorized District permit and pursuant to a District water service contract; and

WHEREAS, full compliance with OGWRP and District policies is required, including:

- Acceptable water rights for groundwater replacement, as determined by Ecology;
- Pertinent review and approval of eligibility by the District, including but not limited to lands being included in the CBP and having an irrigable land classification;
- Adherence to District policies and standards, including but not limited to:
 - Execution of a groundwater replacement contract for water delivery,
 - Compliance with pertinent design, construction, and permitting standards,
 - Payment of Applicable Development Fees and Construction Debt Service Charges,
 - Payment of Annual District O&M rates, tolls, and charges,
 - Compliance with Reclamation Reform Act provisions, and
 - Managing deliveries and waste.

WHEREAS, individual landowner delivery systems receiving water from CBP gravity delivery facilities, particularly the ELC, must not negatively impact other landowner deliveries or adversely affect District canal operations;

NOW, THEREFORE, BE IT HEREBY RESOLVED the Board of Directors of the East Columbia Basin Irrigation District sets the following rules and requirements for installation and operation of individual landowner delivery systems receiving water from CBP gravity delivery facilities, particularly the ELC:

- 1) Individual landowner delivery system facilities authorized for contract delivery must be permitted by the District.
- 2) Individual landowner delivery systems can serve multiple contracts owned by the same entity. Common delivery of different contract types will result in all contracts being held to the most restrictive conditions amongst the contracts
- 3) Deliveries will be accepted and received per standard District water ordering procedures.
- 4) Delivery facilities shall be designed, constructed, operated, and maintained to ensure the use and disposal of all water ordered and must ensure the ability to take their water order delivery on a continuous basis for 24-hour periods. No return flows to the District's delivery facilities, including but not limited to the ELC, will be accepted. Return flows, overflow, and wastewater may be accepted in District drains and wasteways by permit only. Permits may be considered for alternative or mitigation that address return flows.
- 5) Retention ponds for individual landowner delivery systems cannot be located within Reclamation easements.
- 6) Each contract will have its own District-approved measuring device. The District shall be provided an easement to access any District-approved measuring device not located within existing CBP easements.
- 7) Lands served by individual landowner delivery systems will pay the Development Fee for OGWRP as established by the Board of Directors.
- 8) New individual landowner delivery systems or expansion of an existing individual landowner delivery system shall not negatively affect the cost of other deliveries and shall not negatively impact the normalized cost for development of other OGWRP delivery systems. Additional construction debt service charges may be required if it is determined by the District that the lands served would have beneficially contributed to the cost of a District-operated and maintained delivery system.
- 9) Individual landowner delivery systems will not be eligible to receive CBP Reserved Power.
- 10) Alterations to existing landowner delivery systems to accommodate OGWRP contract deliveries will require that those systems eliminate any new or existing return flows to the ELC.
- 11) The District may establish additional requirements for individual landowner delivery systems required to protect CBP facilities or mitigate negative impacts to District operations or the OGWRP.

DULY ADOPTED in Open Meeting this 7th day of September, 2021.



BOARD OF DIRECTORS:

Dennis Archer

Thomas J. Erickson

Kevin Lytle

ATTEST:

[Signature]

 Secretary