



CLEAN, FLOWING WATERS FOR WASHINGTON

The Center for
Environmental Law & Policy

CELP 2005 Annual Report

CELP 2005 Accomplishments

◆ **LEVELING THE PAYING FIELD FOR PROSPECTIVE WATER USERS:** In February 2005, CELP published a critical report, *Water is Worth It*, which resulted in legislation that increased application fees for Washington water rights from \$10 to \$50, and substantially raised other fees relating to processing water rights. In the report, CELP made the case for requiring individual water right holders (who pay only an application fee and nothing for the water they later use) to pay a greater portion of the true cost of water management in the state. These fee increases, *the first significant changes to the fee structure since 1917*, are an important step toward both encouraging water conservation and funding an effective state water management program.

◆ **KEEPING WATCH OVER WASHINGTON WATER RIGHTS:** In addition to reviewing more than 1,200 water right decisions permitting uses of public water, CELP in 2005 also vigilantly scrutinized over 100 applications for emergency drought permits to make sure that each one demonstrated a situation meriting this emergency remedy. CELP influenced state decisions on a number of dubious applications, leading the agency to reject ones failing to meet basic legal requirements.

◆ **COLUMBIA RIVER ADVOCACY IN THE COURTS:** CELP submitted an *Amicus Curiae* (friend of the court) brief in support of Tribes and the Pollution Control Hearings Board in a case argued before the Washington Court of Appeals in early 2005. The case challenged a Columbia River water allocation decision which illegally ignored the advice of fish experts and Native American Tribes. The appellate court in March 2005 affirmed the PCHB's revocation of the water permits—making this a win for the river, and the Yakima, Nez Perce, and Umatilla Tribes. The Washington Supreme Court has

since denied the losing parties' petition for review, reinforcing the Court of Appeals decision as binding law.

◆ **FIGHTING ILLEGAL WATER USE:** Keeping in line with its objective to prevent illegal water use in Washington, CELP aided the Trumpeter Swan Society in its fight to protect a restored marsh habitat that is critical for migrating swans. In 2003, rare migrating swans returned to Washington's Pacific Coast for the first time in 40 years, thanks to habitat restoration efforts in Hines Marsh on the Long Beach Peninsula at Leadbetter Point. When water levels in the marsh declined dramatically, the Swan Society turned to CELP to help it pressure Ecology to investigate illegal water use by a neighboring landowner. Among other infractions, the neighbor had created and filled a man-made lake and was irrigating many acres of lawn and horse pasture—all without a water right. As a result of CELP's intervention, a state investigation, as well as an enforcement action, are currently underway regarding these unauthorized water uses.

◆ **WATCHING WATER USE DURING THE 2005 DROUGHT:**

CELP was honored to be the only environmental group asked to sit on the Seattle Water Shortage Advisory Committee, which was formed in March 2005 to address anticipated water shortage conditions that resulted from the 2005 drought.

In addition, CELP reviewed, monitored, and commented on special drought permit applications for emergency water rights.



CELP's 2005 Accomplishments (continued)

◆ **PARTNERING WITH ECOLOGY TO IMPROVE WATER DECISIONS:** CELP took a proactive approach to address shortcomings in the way Ecology documents its water permitting decisions, and offered examples of how the agency could improve its decision documents to resolve this problem. At the invitation of Ecology managers, CELP staff traveled to each Ecology regional office and led training sessions on how to improve water right documentation. Ecology has since incorporated many of CELP's suggestions into its own training and policy materials, and has also published several new policies and procedures, including one long-advocated by CELP to tighten the way Ecology handles requests for water right permit extensions.

◆ **PARTICIPATING IN LOCAL WATERSHED PLANNING PROCESSES:** CELP continued to take an active role in watershed planning efforts throughout the state both by participating in the planning process in various watersheds and by lending its expertise to local groups involved in the process. Among other things, participants in these planning efforts strive to determine whether (and how much) water will be protected in streams, as well as whether (and how) low flows will be addressed in the watershed. CELP's input has made a positive difference for flow protection and water resource management in watershed planning processes statewide, including those in the Quilcene-Snow, Elwha-Dungeness, Nooksack, Wenatchee, Walla Walla, and others.

◆ **INFLUENCING WATER CONSERVATION RULEMAKING:** CELP continued to serve as a representative of the environmental community on a committee convened by the Department of Health to help develop statewide water conservation rules. In 2003, Washington's legislature adopted a law mandating that the state develop rules

requiring public water suppliers to adopt and implement water conservation plans. During 2005, the state continued to move forward in this rulemaking process, and CELP remained an active participant, advocating for stringent conservation requirements. CELP has stood by its position that water suppliers have a responsibility as stewards of the state's water resources to use our water sustainably and without wasting it in order to protect our rivers and streams.

◆ **SUPPORTING STATE AUTHORITY UNDER THE CLEAN WATER ACT:** In 2005, CELP joined with National Wildlife Federation and 50 other environmental groups

to submit an *Amicus Curiae* brief to the U.S. Supreme Court in a case challenging state authority under the Clean Water Act. A company operating hydroelectric dams had asked the Supreme Court to rule that states have no authority under the Clean Water Act to place environmental conditions on dam operators, arguing that "the mere flow of a

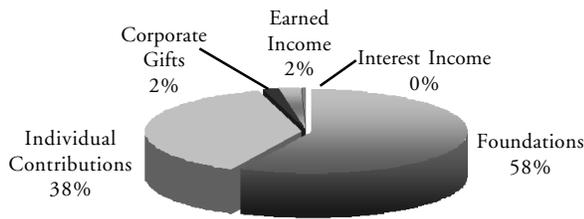
river" through existing dams does not constitute a "discharge." In May 2006, the U.S. Supreme Court agreed unanimously with CELP's amicus position and upheld the authority of individual states to impose river-protective conditions on dam operators under Section 401 of the Clean Water Act.

CELP's Mission: Because fresh water is vital to our quality of life, CELP takes action to leave a legacy of clean, flowing water in Washington's rivers and streams for use and enjoyment by all. We defend, develop, and advocate for ecologically and socially responsible water laws and policies through collaboration, education, government oversight, research, and litigation.



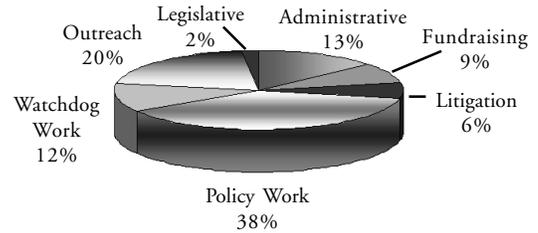
2005 Financial Information

INCOME



Foundations	\$92,200
Individual Contributions	\$61,105
Corporate Gifts	\$2,929
Earned Income	\$3,550
Interest Income	\$784
Total:	\$160,568*

EXPENSES



Administrative	\$25,357
Fundraising	\$16,141
Litigation	\$12,005
Policy Work	\$70,839
Watchdog Work	\$21,921
Outreach	\$38,145
Legislative	\$3,798
Total:	\$188,201

* Expenses in excess of revenue paid for from prior year carryover.

CELP would like to extend a special note of thanks to the following individuals and businesses for their tremendous gifts of professional services and resources!

Kevin Almeida, Netkal.net	Pat Oshie
Bainbridge Island Winery	Rebecca Phelps, Attorney at Law
Blue Skies Fishing	Pacific Natural Sales
Jacki Bricker & Ron Critchfield	Janet Nazy
Emerald Waters Anglers	Robert Nixon, FAIA
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Johnson Flora, PLLC	The River Network
Maggie Glowacki	The Saving Water Partnership
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* Officers and directors elected or re-elected at the November 2005 annual meeting.

CELP 2005 Staff

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Barbara Doat, Bookkeeper

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Thank you for supporting CELP!

We would like to sincerely thank all of our members and donors for your support. With your help, we will continue our fight to leave a legacy of clean, flowing water in Washington's rivers and streams for use and enjoyment by all. This list recognizes the individuals, businesses, groups, and foundations who supported CELP in 2005.

** If we have omitted your name in error, we apologize. Please let us know so that we can rectify the mistake.*

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The Flintridge Foundation
Horizons Foundation
Kongsgaard-Goldman Foundation
The Leslie Fund, Inc.
Charlotte Martin Foundation
Peach Foundation
Harrington-Schiff Foundation
Seattle Foundation
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Evergreen Flyfishing Club
The Mountaineers
Paddle Trails Canoe Club
Partnership for Water Conservation
Puget Sound Flyfishers Club
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