

# CENTER FOR ENVIRONMENTAL LAW & POLICY

## Annual Report September 2008

### A Message From CELP Executive Director Rachael Paschal Osborn

### CELP PEOPLE

Dear CELP friends & supporters –

The years 2007-2008 have been good ones for CELP. More friends, more donors, more volunteers, and more non-profit partners have given of their time and resources to help us advance our mission – protecting the rivers and aquifers of Washington – than at any time in CELP's past. On behalf of CELP's board and staff, I express gratitude to you who have given so much.

We missed our annual report in 2006. This report provides financial information for the fiscal year July 15, 2007 through July 14, 2008. In the future, CELP's annual report will issue mid-year. However, our thanks, starting on page 5, acknowledge those who have contributed to CELP since January 2006.

CELP's future holds both continuity and change. We remain committed to the mission given to us by our founder, Professor Ralph W. Johnson, who believed in the enormous power of a simple concept – water resources are public resources that must be protected for the people. CELP continues the quest to protect public interests and the public trust in all water arenas.

Sadly, threats to water resources are greater than ever. Climate change may irrevocably alter the hydrology of water bodies throughout the Pacific Northwest. Because of this, protection and restoration of our waterways is no longer optional – we must achieve restoration to achieve a viable water future for coming generations. Fortunately, with change comes opportunity. Now is the time to achieve real reforms in water allocation and management, to preserve both the environment and Pacific Northwest economies.

Because the waters of eastern Washington are encompassed within a much larger watershed, CELP's focus is expanding to the entirety of the Columbia River basin. Stay tuned for CELP programs that extend further in geographic scope and to address the new climate-water urgency.

Your continuing support is key to our success.

Many thanks to  
you all,



Spokane, WA, September 4, 2008  
509-209-2899 / rosborn@celp.org

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#### CELP's Mission

To protect and restore rivers & aquifers in western Washington and the Columbia River watershed. We accomplish our mission through public education, grassroots outreach, agency advocacy, public interest litigation, and policy research.

E-mail: [info@celp.org](mailto:info@celp.org)  
Website: [www.celp.org](http://www.celp.org)

CELP is an IRS 501(c)(3) non-profit organization.  
Donations to CELP are tax deductible  
as allowed by law.

## CELP ACCOMPLISHMENTS

*In the past year and in the face of climate change, CELP advocated to protect rivers and drinking water aquifers throughout western Washington & the Columbia River watershed.*

*With your help, CELP accomplished a lot, including the following highlights . . .*

◆ Won a legal victory for Washington's waters in the biggest water law case of the decade, by defeating provisions of the **2003 Municipal Water Law**, which validated thousands of 'paper' water rights and immunized private developers from 'use it or lose it' laws. The case is now headed to the State Supreme Court.

◆ Protected **trumpeter swan habitat at Hines Marsh**, on the Olympic Peninsula (where swans recently returned for the first time in 40 years), by obtaining conditions in a water right to limit and monitor off-site exempt well use.

◆ Achieved unprecedented mitigation and monitoring to protect Okanogan waters in settlement of the **Buckhorn Mountain** gold mine appeal.

◆ Focused media attention on the multiple threats to waters. See **CELP's media archive** ([www.celp.org](http://www.celp.org)) for all the articles, and be sure to read two favorite editorials:

- *Sandhill Cranes Need Our Help to Block Plans to Dam Crab Creek* (guest column by Dr. Estella Leopold & Rachael Osborn, Seattle Times, October 2, 2007)
- *Bring Back Our Falls* (guest editorial by Rachael Osborn, Pacific Northwest Inlander, May 15, 2008)

◆ **Engaged the public** in protection of rivers and aquifers through sponsorship of:

- The first statewide Exempt Well Workshop, in Ellensburg,
- Two Columbia Dams Workshops, in the Tri-Cities & Yakima, and
- The Spokane River Flow Workshop.

◆ Undertook new efforts to enforce the **2003 Quad Cities settlement agreement** to ensure aggressive water conservation and other protections for the Columbia River.

◆ Founded the **Benella Caminiti Public Trust Doctrine Education Fund**, to honor and continue the work of Benella, a staunch advocate for our public waterways.

*CELP initiated several new campaigns to protect regional water resources, including . . .*

◆ **Columbia Dam Watch** — CELP initiated a program to oppose new, environmentally harmful dams and promote sensible, sustainable water supply solutions. We founded the Columbia Water Conservation Alliance, an alliance of conservation groups and landowners, to provide a unique eastern Washington perspective on Washington's new dam program.

◆ **Wazzu Appeal** — CELP assisted Pullman-area groups in appealing Washington State University water rights, which are exacerbating serious declines in the Grande Ronde Aquifer (sole source of drinking water for the Pullman-Moscow region) in order to irrigate a new golf course.

◆ **Spokane River Flow Campaign** — CELP filed an appeal challenging conditions imposed on Avista's Spokane River Dams, to protect instream flows for Upper Spokane Falls and a struggling native redband trout population.

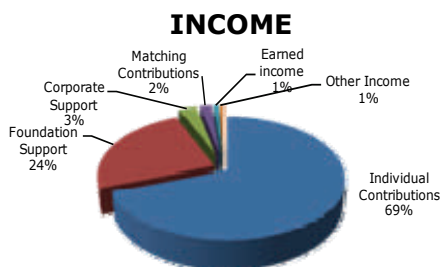


Upper Spokane Falls, with and without water.  
Photos: John Osborn

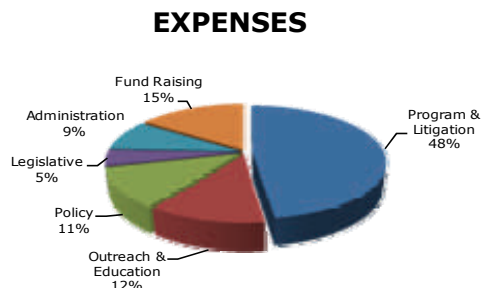
◆ **Exempt Well Campaign** — CELP initiated a campaign to reform Washington's exempt well laws. We petitioned Ecology (with partner Aqua Permanente) to halt exempt well drilling in Kittitas County, sponsored a workshop to educate & support similar efforts elsewhere, and will seek legislative reform in coming sessions.

◆ **Meter It/Manage It** — CELP continued its longstanding program promoting water conservation, water usage metering, stream gaging and groundwater monitoring — essential elements of sustainable water management.

# FINANCIAL INFORMATION



Individual Contributions	\$142,218.77
Foundation Support	\$ 41,295.71
Corporate Support	\$ 5,072.60
Matching Contributions	\$ 3,302.30
Earned Income	\$ 1,395.82
<u>Other Income</u>	<u>\$ 936.22</u>
<b>Total</b>	<b>\$194,221.41</b>



Program & Litigation	\$ 92,097.93
Outreach & Education	\$ 23,224.17
Policy	\$ 21,606.63
Legislation	\$ 8,853.11
Fundraising	\$ 29,839.97
<u>Administration</u>	<u>\$ 16,750.59</u>
<b>Total Expenses</b>	<b>\$192,372.40</b>

Note: Financial information covers the dates July 15, 2007 to July 14, 2008.

## How We Work: CELP's Water Rights 911 Program You Have Water Questions—We Have Water Answers!

### GUEST COLUMN: Okanogan Highlands Alliance President David Kliegman

*Ed. Note: Because of CELP's unique expertise in water rights advocacy, we dedicate resources to assisting citizens and groups who are doing battle to protect their local waterways. In 2008 we gave a name to this program: "Water Rights 911." As one example, CELP partnered with Okanogan Highlands Alliance, a Tonasket-based group that, for years, has fought a proposed gold mine that would have destroyed beautiful Buckhorn Mountain. OHA president David Kliegman describes our partnership:*

In 2000, Okanogan Highlands Alliance successfully fought a state-approved plan to allow a mining company to blow the top off of Buckhorn Mountain, in northeast Washington, and pollute local waters. The Center of Environmental Law & Policy's involvement in the 18-year fight helped even out the odds of this David vs. two Goliaths struggle against the mining company and state government itself.

In the mid 1990's CELP answered our call and got involved with our small but persistent group of Okanogan Highlands residents to protect a clean and healthy environment and the water resources upon which we depend to live and farm. CELP brought expertise, reputation, and formidable knowledge of water law to the table. Good science, good lawyers, and state laws that are written to protect the environment provided a defense that would ultimately

stop the open pit gold mine and form the basis of our efforts to permanently protect Buckhorn Mountain.

CELP participated in the challenges of the mine from the beginning and is a party to a successful agreement reached with the company in 2008. Although the agreement will allow a mine to be built - it is a very different mine from the original proposal. The underground operation will process ore at an existing off-site facility and reduce mountain impacts to a minimum. The settlement provides for long-term monitoring, allowing us to verify that the waters of the mountain and local wells will be protected. Concerns remain, but OHA and CELP will continue to keep a close eye on the Buckhorn mine and nearby waters for a very long time.

The need for CELP's statewide role is stronger than ever. CELP ensures that our laws are improved and enforced. State agencies must simply do a better job. CELP keeps watch and supports the ability of small groups like OHA to protect the public interest in a clean and healthy environment. ♦

Learn more about the work of Okanogan Highlands Alliance on the Buckhorn gold mine project at: [www.okanoganhighlands.org/](http://www.okanoganhighlands.org/)

# Thank You for Supporting CELP!

Note: The following list displays aggregate contributions made between January 1, 2006 and July 14, 2008.

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 & McGaw

**THREE HONORED FRIENDS**

In the past year, CELP recognized two tremendous water advocates and established a fund to continue the work of a departed friend.

On December 29, 2007, CELP honored former Spokane City Councilwoman  
**CHERIE RODGERS**  
 for her visionary and tenacious advocacy to protect the Spokane-Rathdrum Aquifer.

On March 1, 2008, CELP's Board of Directors awarded the Ralph W. Johnson Water Hero Award to attorney  
**MICKEY GENDLER**  
 for his longstanding service to Washington's environmental community.

And, in December 2007, CELP established the Benella Caminiti Public Trust Doctrine Education Fund to continue the work of former CELP Board member, Ralph W. Johnson Water Hero, and lifelong public water & lands advocate,  
**BENELLA CAMINITI**  
 who passed away in October 2007.  
 We will miss her.

Franklin Foit  
 Gary and Marie-France Minton  
 Gayle Clements Castillo  
 Gayle Wilson & Kathleen Quiniola  
 Gena DiLabio  
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**Many thanks to our volunteers, in-kind donors, pro bono attorneys and partner non-profits who have given their time and services to assist CELP in protecting the waterways of the Pacific Northwest!**

Majestic Bay Theatre  
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Matt Fairbank  
Melissa Arias  
Melissa Bates  
Michael Rossotto  
Microsoft  
Mountain Gear  
Museum of Flight  
New Belgium Brewing Company &  
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Nordic Heritage Museum  
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Yellowhawk Winery  
Yuen Lui Studio

#### **Volunteers**

Amy Johnson

Andrew Krawczyk  
Andrew Laughlin  
Anne Johnson  
Anne Powell  
Prof. Bob Anderson  
Bob & Shirley Nixon  
Brian Crossley  
Brian Walsh  
Catherine Clerf

Christy George  
Community/Saranac Building  
Cy & Janet Vaughn  
Dave Monthie  
Dave Nazi  
David & Hannah Kliegman  
Deidre Link  
Denise Smith  
Don Barbieri & Sharon Smith  
Eileen Carrel  
Erik Cornellier  
Erik Halverson  
Estella Leopold  
Evelyn Reingold  
Fran Wood  
Gail Sandlin  
Glen & Greta Cosby  
Gordon & Betty Orians  
Greg Kirsch  
Harvey Morrison  
Hellmut & Marcy Golde  
Jan Sharar  
Jane Cunningham & Julian Powers  
Janet Nazi  
Janet Thompson  
Janine Blaeloch  
Jeff Schuster  
Jerry Osborn  
Jessica McNamara  
Jim Sheehan  
joan burlingame  
Joan Thomas  
Jocelynne Fallgatter  
Prof. Joel Hamilton  
John Caminiti and Cindy Pa  
John Gross  
John Hollowed  
John Konovsky  
John Osborn  
Judith Thornton  
Julie Dalsaso  
Julie Golomb  
Kate Lloyd  
Kathi Jett  
Kathy George  
Kelly Schrader  
Ken Slattery  
Prof. Kent Keller  
Kevin Brackney  
Kevin Hastings  
Kimberly Ordon & Allan Bakalian  
Larry Wasserman  
Llyn Doremus  
Lois Trevino  
Lynette Baskins  
Margie VanCleve  
Melissa & Clyde Arias  
Melissa Bates  
Michael Martin  
Prof. Michael Robinson-Dorn

Mike & Linda Harrington  
Mike Haug  
Mike Marvich  
Orion Inskip  
Pat Sumption  
Prof. Paul James  
Pete Knutsen  
Phil Talmadge  
Rich Bowers  
Rick Leaumont  
Sam Mace  
Scotty & Diane Cornelius  
Shallan Dawson  
Sims Weymuller  
Stephanie Gilfeather  
Steve Robinson  
Susan Adams & Washington  
Water Trust  
Suzi Hokonson  
Thom Lufkin  
Tim Trohimovich & Futurewise  
Tom Ring  
Yvonne Geissler-Eyler & Gary Eyler  
Zachary Hansen

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Harold Magistrale, Pomona, CA  
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for Justice, Spokane  
Rick Poulin, SCOPE Law Firm,  
Seattle  
Shaun Goho, Kristen Boyles  
& Patti Goldman, Earthjustice,  
Seattle

#### **Partner Organizations**

Aqua Permanente  
Center for Justice  
Columbia Institute Water Policy  
Columbia Riverkeeper  
Columbia Water Conservation All.  
Duwamish River Cleanup Coalition  
Friends of Hawk Creek  
Greenlaw @ UW Law School  
Hunter-Angler Coalition  
Lower Columbia Basin Audubon  
Society  
Metropolitan Democratic Club  
Northwest Indian Fisheries Comm.  
Okanogan Highlands Alliance  
Okanogan Wilderness League  
Palouse Water Conservation  
Network  
Puget Sound Harvesters  
Partnership for Water Conservation  
Save Our Wild Salmon  
Seattle University Law School  
Environmental Law Society  
Sierra Club Cascade Chapter  
Sierra Club Palouse Group  
Sierra Club Upper Columbia  
River Group  
Spokane Audubon Society  
Spokane Falls Trout Unlimited  
Spokane River Flow Caucus  
Squaticum Valley Community Assn  
The Trumpeter Swan Society  
Washington Environmental Council  
WaterWatch of Oregon  
Wild Fish Conservancy  
Yakima Valley Audubon Society

**CELP has a new database! If we have missed your name, misspelled it, or otherwise erred—please let us know! We'll fix it!**



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**YOUR CELP CHECKLIST**

- Read CELP's Annual Report.**
- Visit our updated website at [www.celp.org](http://www.celp.org)**
- Join CELP's e-mail list to get our monthly Water News and occasional alerts.**
- Make sure you've renewed your membership!**  
**You can do it all on line at [www.celp.org](http://www.celp.org)**

*On the Front Cover: CELP's **Water Rights 911** program provides assistance to citizens & groups seeking to protect their local rivers and aquifers. In the past year, CELP has helped local water advocates protect some very special places, several depicted here. From left to right, top to bottom:*

- Similkameen River, near Keremeos, British Columbia (John Osborn), where a dam proposed by Okanogan PUD would flood seven miles into Canada, drown Palmer Lake, and inundate 12 abandoned mine sites.
- Petit Lake, in the Sawtooth National Recreation Area near Stanley, Idaho (John Osborn) where salmon migrate 900 miles to spawn. The Idaho Supreme Court denied water rights to protect water in the Sawtooth NRA.
- Whatcom Creek, near Bellingham (City of Bellingham), where exempt wells threaten the City's water supply.
- Sunnyside Diversion on the Yakima River, circa 1905 (photo source unknown), where irrigation diversions and water waste have extirpated several species of salmon and threaten several more.
- Icicle Creek near Leavenworth, WA (Wild Fish Conservancy), where the Leavenworth National Fish Hatchery illegally diverts water, degrading the natural stream and native fish habitat.
- Trumpeter swans at Hines Marsh, Olympic Peninsula (Guy Gerjects), where multiple exempt wells threaten avian habitat.
- Washington State University golf course, Pullman, WA (Scotty Cornelius), where the Department of Ecology has authorized the school to pump 20,000 year old water despite dramatic declines in groundwater levels.
- Sandhill cranes, Crab Creek, near Othello, WA (Kathy Admire), where the State of Washington proposes to put a new water supply dam, drowning 19,000 acres of wildlife refuge lands.
- Hamm Creek, Seattle (honoring the memory of John Beal) (RP Osborn), where the City illegally diverts water to mitigate for a new training center, despite longstanding community efforts to restore Hamm Creek.
- Grand Coulee Dam, Lake Roosevelt and Banks Lake (U.S. Bureau of Reclamation), where irrigation diversions enjoy \$500/acre/year (in 1990 \$\$) energy subsidies, to produce french fries. New diversions are proposed.
- Manastash Creek, near Ellensburg, WA (Tom Ring), where exempt wells intercept water that is already allocated to existing water users and salmon habitat.
- Hawk Creek, near Davenport, WA (John Osborn), where the State proposes to build an 800-foot dam in fractured basalt, taller than Hoover Dam, for water supply.
- Spokane River, Bowl & Pitcher, Riverside State Park (John Osborn), where instream flows have dropped to one-third their historic levels, harming water quality, recreation, and native trout habitat.
- Buckhorn Mountain rainbow (David Kliegman), where CELP & Okanogan Highlands Alliance settled an appeal to create the most heavily mitigated and monitored gold mine in history.