

John Roskelley

Ecology's "new draft policy and interpretive statement" is an end run around the process of historical water rights and availability of water for Reclamation to provide new water rights for agricultural purposes. "Recaptured Water" is a loophole that will be expensive to implement, difficult to monitor, and damaging to the watershed's creeks and ponds that have historically relied on excess water from irrigation. Is Ecology going to allow Reclamation to pull "Recaptured water" this federal agency deems excess from Lenore Lake, Billy Clapp Lake, Coffee Pot Lake, Pacific Lake, Moses Lake, Frenchman Hills Lake, or the numerous named and unnamed duck ponds and lakes throughout the basin? In 1952, water from Lake Roosevelt behind Grand Coulee Dam began irrigating farms within the Columbia Basin Project. For 74 years, the excess water has filled lakes, ponds, and creeks that sustain mainly incredible waterfowl habitat. Situated within the Columbia Basin Project are federal, state, and county wildlife and waterfowl designated areas - Ancient Lakes, Potholes Reservoir, the Desert Habitat Management Area, Columbia National Wildlife Refuge, and the Columbia Basin Wildlife Area, to name a few. Ecology's first responsibility is to the wildlife and waterfowl in these areas and throughout the Basin, not to Reclamation and its claim for more irrigated land for farmers. In essence, the "recaptured water" is already being used for another purpose - habitat. The wildlife and waterfowl habitat in the Columbia Basin uses the current "recaptured water". It is also being used to maintain or refill the area's aquifers, many of which have been pumped to levels that cannot be recharged through natural means.

I find RCW 90.03.380(1)(b) to be legislation passed to give some representatives and senators representing the agricultural community in central Washington political bacon to get reelected. They didn't think about the other primary uses from the excess water within the basin, and if they did, they ignored the consequences of this legislation.

Ecology can "investigate and make a tentative determination of the extent to which a water right actually exists and is valid for change, including change applications for Initial Use Water" all it wants, but in the end it should do its job realizing that the excess is being taken by the state's obligation to keep water for wildlife and waterfowl habitat and the natural landscape. Do not rely on Reclamation to evaluate ongoing compliance with state issued water right limits. That's putting the fox watching the henhouse. Ecology should do the studies and monitoring of STATE issued water right limits. It's a state issue, not federal. Reclamation only has jurisdiction along the Columbia River, not on state or private lands in the Columbia basin.

We have to remember that the state is not going to legislate its way out of the future drought conditions created by climate change by defining new terms to avoid accountability. We have to preserve water, not ignore the science and issue more water rights on some half-baked definition named "recaptured water". Farmers need to recognize that water is a limited resource and dryland farming, which many in Washington already do successfully, may be their only option to be financially productive in the future.

Public Comment Form

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Commenting open: **March 02, 2026 12:00AM PT - April 17, 2026 11:59PM PT.**

Draft policy: Columbia Basin Project Water Rights

From: John Roskelley

Date: April 13, 2026

Ecology's "new draft policy and interpretive statement" is an end run around the process of historical water rights and availability of water in an attempt to provide new water rights for agricultural purposes. The state has not used the "Recaptured Water" loophole in the past that I know of, as this process will be expensive to implement, difficult to monitor, and damaging to the watershed's creeks and ponds that rely on excess water from irrigation. Is Ecology going to allow Reclamation to pull "Recaptured water" it deems excess from Lenore Lake, Billy Clapp Lake, Coffee Pot Lake, Pacific Lake, Moses Lake, Frenchman Hills Lake, or the numerous named and unnamed duck ponds and lakes throughout the basin? In 1952, water from Lake Roosevelt behind Grand Coulee Dam began irrigating farms within the Columbia Basin Project. For 74 years, the excess water has filled lakes, ponds, and creeks that sustain mainly incredible waterfowl habitat. Situated within the Columbia Basin Project are Federal, state, and county wildlife and waterfowl designated areas - Ancient Lakes, Potholes Reservoir, the Desert Habitat Management Area, Columbia National Wildlife Refuge, and the Columbia Basin Wildlife Area, to name a few. Ecology's first responsibility is to the wildlife and waterfowl in these areas and throughout the Basin, not to Reclamation and its claim for more irrigated land for farmers. In essence, the "recaptured water" is already being used for another purpose - habitat. Wildlife and waterfowl habitat does not equate to "recaptured water". It is also being used to maintain or refill the area's aquifers, many of which have been pumped to levels that cannot be recharged through natural means.

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