

Litigation; Leavenworth v Ecology

The City of Leavenworth's (City) surface water certificate authorizes an instantaneous quantity (Qi) of diversion of 1.5-cfs from Icicle Creek. According to the City, the certificate does not list a specific time limit or maximum annual quantity (Qa) and contends that the Qa should be 1,085 acre-feet per year which is based upon year-round, continuous diversion. The Department of Ecology states the City has previously agreed to limit annual Qa to 275 acre-feet per year based upon a prior settlement before the PCHB. The City filed a declaratory judgment action in Chelan County Superior Court seeking a determination of maximum annual Qa. In 2012, the court ruled in favor of Ecology, which the City appealed to the Court of Appeals.