



State of Washington
 Department of Ecology
 Office Of Columbia River
 Report of Examination for Lake Roosevelt
 Incremental Storage Releases Water Permit

File No. G2-29914 WR Doc ID 2223187
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PRIORITY DATE May 2, 2000	APPLICATION NUMBER G2-29914
MAILING ADDRESS Skamania County PO Box 790 Stevenson, WA 98648-0790	SITE ADDRESS (IF DIFFERENT) 50102 State Highway 14 Home Valley (Stevenson), WA 98648-0790

Quantity Authorized for Withdrawal or Diversion		
WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
80	gpm	28

Purpose						
PURPOSE	WITHDRAWAL RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Irrigation of 15 acres	80		gpm	28		04/15 - 10/15

Source Location			
COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Skamania	Groundwater		29-Wind-White Salmon

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well	03083400010000		03N	08E.W.M.	34	N½	45.71030	-121.77670
Well	03083400010000		03N	08E.W.M.	34	N½	Not yet drilled	
Datum: NAD83								

Place of Use (See Attached Map and Attached)
PARCELS (NOT LISTED FOR SERVICE AREAS) 03083400010000

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE
 The following property situated in Skamania County in T03N/R08E.W.M. described as follows:
 Commencing at the SW corner of Section 26, T03N/R08E.W.M. thence North 89° West 1348 feet and South 0° East 74 feet to the TRUE POINT OF BEGINNING. Thence South 64°51'10" East 1334 feet; Thence South 25°56'29" West 458 feet; Thence South 75°54'5" West 127 feet; Thence North 77°0'19" West 42 feet; Thence South 75°10'25" West 55 feet; Thence North 84°17'22" West 79 feet; Thence North 76°27'51" West 87 feet; Thence North 30°57'50" West 55 feet; Thence North 29°3'17" West 65 feet; Thence North 21°15'2" West 61 feet; Thence North 79°22'49" West 77 feet; Thence South 72°38'46" West 53 feet; Thence North 75°27'56" West 44 feet; Thence North 85°36'5" West 61 feet; Thence North 16°23'22" East

28 feet; Thence North 4°45'49" East 38 feet; Thence North 47°36'9" West 49 feet; Thence North 67°57'50" West 71 feet; Thence South 58°23'33" West 24 feet; Thence South 62°44'41" West 58 feet; Thence South 62°26'50" West 41 feet; Thence North 72°45'31" West 48 feet; Thence North 42°30'38" West 77 feet; Thence North 73°44'23" West 39 feet; Thence North 1°40'25" East 663 feet, more or less, to the True Point of Beginning (excluding roads).

Proposed Works

Water is to be pumped from an existing well into three above ground storage tanks with a total capacity of 25,500 gallons. The water will be applied to three adjacent fields, picnic areas, and landscaped areas, totaling 15 acres by an existing automated irrigation system. A second well will be drilled, if needed.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
March 1, 2013	January 1, 2018	May 1, 2019

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal in gallons per minute (gpm)

Provisions

Water Service Contract

Use of water under this permit or certificate is contingent upon the applicant's compliance with a water service contract with Ecology for recovery of costs associated with the Lake Roosevelt Incremental Storage Releases Program. Failure to comply with the terms of the water service contract will result in cancellation of the permit or revocation of the certificate.

Wells, Well Logs and Well Construction Standards

All wells constructed in the state shall meet the construction requirements of Chapter 173-160 WAC titled "Minimum Standards for the Construction and Maintenance of Wells" and Chapter 18.104 RCW titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.

All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. All water measuring reports submitted to Ecology must reference this tag number.

Installation and maintenance of an access port as described in Chapter 173-160- 291(3) WAC is required.

Measurements, Monitoring, Metering and Reporting

An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact

the Southwest Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Southwest Regional Office for forms to submit your water use data.

Easement and Right-of-Way

The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001 (2).

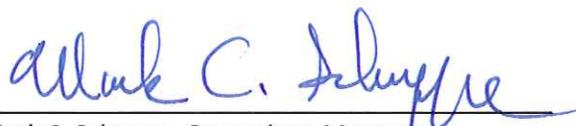
To appeal, you must do the followings within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Yakima, Washington, this 12th day of December 2012.



Mark C. Schuppe, Operations Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

INVESTIGATOR'S REPORT
 Application for Water Right -- Skamania County
 Water Right Control Number G2-29914
 Farida Leek, Department of Ecology

BACKGROUND

Description and Purpose of Proposed Application

On May 2, 2000, the Washington State Department of Ecology (Ecology) accepted Water Right Application Number G2-29914 submitted by Skamania County. Attributes of the application are presented below in Table 1.

On August 19, 2010, in order to expedite Ecology's review of the application, Skamania County applied to Ecology's Southwest Regional Office for the Cost Reimbursement Program. Under this program, Amali Consulting LLC, on behalf of Skamania County, had prepared a technical information package including data and information on hydrogeology, water availability, water use and groundwater quality.

In September, 2011, Ecology's Central Regional Office started conversations with Skamania County about the availability of mitigation water for this application, developed by the Office of Columbia River as part of the Lake Roosevelt Incremental Storage Releases Program (Program). Skamania County agreed to continue with application processing under the Program.

Lands covered by the proposed place of use and upon which the proposed points of withdrawal are located are owned by the U.S. Army Corps of Engineers (USACE) Portland District. Skamania County leases the park lands from USACE.

The proposed water use is associated with irrigation of Home Valley Park. Home Valley Park falls within the boundaries of Home Valley Water District (HVWD). Skamania County purchases potable water for park users from HVWD.

The park is set within sight of the Columbia River in a fairly dense grove of deciduous and evergreen vegetation. It offers 24 RV camping or tent camping sites, a play structure, horse shoe pits, ball fields, picnic shelters and other recreation facilities.

Table 1. Application Summary

Name	Skamania County
Priority Date	May 2, 2000
Instantaneous Rate	80 gallons per minute (gpm)
Annual Quantity	32 acre-feet/year
Purpose(s) of Use	Irrigation of 15 acres
Period of Use	May 15 through September 15
Place(s) of Use	Section 34, T. 03 N., R. 08 E.W.M., Skamania County

Table 2. Proposed Sources of Withdrawal

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well	03083400010000		03N	08E.W.M.	34	N½	45.71030	-121.77670
Well	03083400010000		03N	08E.W.M.	34	N½	(Proposed -	Not Drilled)

Datum: NAD83

Legal Requirements for Approval of Appropriation of Water

Chapters 90.03 and 90.44 RCW authorize the appropriation of public water for beneficial use and describe the process for obtaining water rights. Laws governing the water right permitting process are contained in RCW 90.03.250 through 90.03.340 and RCW 90.44.050. In accordance with RCW 90.03.290, determinations must be made on the following four criteria in order for an application for a water right to be approved:

- Water must be available
- There must be no impairment of existing rights
- The water use must be beneficial
- The water use must not be detrimental to the public interest

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used.

Notice of the application was published in the Skamania County Pioneer during the weeks of July 4 and July 11, 2012. The legal notice was re-published on July 25 and August 1, 2012, due to an error regarding the description of the place of use. Ecology received the Affidavit of Publication on September 19, 2012. No comments or protests were received during the 30-day comment period after the first and second publications.

Consultation with the Washington Department of Fish and Wildlife

Ecology must give notice to the Washington Department of Fish and Wildlife (WDFW) of applications to divert, withdraw or store water (RCW 77.57.020).

On June 28, 2012, Ecology received a comment document from WDFW regarding this application. The following are drawn from the information obtained:

...WDFW asks that, in addition to requiring metering of new withdrawals, Ecology consider imposing water conservation standards and monitoring for any new municipal, industrial, or drought-interruption-mitigation permits written through the program.

The requested withdrawal will be mitigated by water made available from the Lake Roosevelt Incremental Storage Releases Program. This water right may impact the lower reaches of two tributaries to the Columbia River in addition to the Columbia River itself. The WRIA 29a watershed plan provided for groundwater reserves in certain areas to allow for growth, while acknowledging limited water supplies. While the placement of the wells low in the system is likely to be in hydraulic continuity only with the Columbia River, we defer to Ecology on determining actual groundwater impacts. WDFW will not oppose the issuance of these applications.

Consultation under WAC 173-563-020

Under WAC 173-563-020(4), consultation is required before issuance of new Columbia River water right permits:

The instream flows established and implemented by this chapter for instream and out-of-stream uses, and the average weekly flows applied by this chapter to out-of-stream uses do not apply to any

application for water from the main stem Columbia River on which a decision is made by the department of ecology on or after July 27, 1997. Any water right application considered for approval or denial after that date will be evaluated for possible impacts on fish and existing water rights. The department will consult with appropriate local, state, and federal agencies and Indian tribes in making this evaluation. Any permit which is then approved for the use of such waters will be, if deemed necessary, subjected to instream flow protection or mitigation conditions determined on a case-by-case basis through the evaluation conducted with the agencies and tribes.

On December 14, 2009, Ecology contacted local, state, and federal agencies and Indian tribes requesting consultation and comments on issuing new municipal and industrial permits from the Columbia River mitigated by 13,527 acre-feet of water under the Program. On November 5, 2010, Ecology consulted with local, state, and federal agencies and Indian tribes again to update the quantity of water released to 37,500 acre-feet of water released for municipal/industrial uses and associated instream releases.

From these consultations, Ecology received written responses from the WDFW, Bonneville Power Administration, U.S. Fish and Wildlife Service, Confederated Tribes of the Colville Reservation, the Confederated Tribes of the Umatilla Indian Reservation, and the United States Forest Service. Ecology also had several meetings with stakeholders, including the Columbia River Policy Advisory Group (PAG) where it received oral comments.

Copies of the written comments received are available in the file and PAG meeting notes are available on-line at: http://www.ecy.wa.gov/programs/wr/cwp/cr_pag.html. The comments generally identified that the Program was adequate mitigation for up to 25,000 acre-feet of water for new municipal, multiple domestic and industrial permits.

State Environmental Policy Act (SEPA)

Pursuant to the State Environmental Policy Act (SEPA) (Chapter 43.21C RCW) and the SEPA Rules (Chapter 197-11 WAC), the Program was addressed in the Final Programmatic Environmental Impact Statement (FPEIS) for the Columbia River Management Plan. A Final Supplemental Environmental Impact Statement (FSEIS) was released on August 29, 2008 and an Addendum to the FSEIS was released on December 29, 2009; both documents address the Program in detail. On June 12, 2009, the United States Bureau of Reclamation (Reclamation) issued an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the project under the National Environmental Policy Act (NEPA).

The above described SEPA Documents are available online:

FPEIS - <http://www.ecy.wa.gov/programs/wr/cwp/eis.html>

FSEIS & FSEIS Addendum - http://www.ecy.wa.gov/programs/wr/cwp/cr_lkroos.html

EA & FONSI - http://www.ecy.wa.gov/programs/wr/cwp/cr_lkroos_envirostudies.html.

Project specific SEPA compliance

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- It is a surface water right application for more than 1 cubic foot per second (cfs). If the project is for agricultural irrigation, the threshold is increased to 50 cfs, so long as the project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gpm;
- It is an application combined with other water right applications for the same project and exceeds the amounts above;

- It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- It is part of a series of exempt actions that, considered together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

A site visit was conducted by Ecology employees Farida Leek, and Ron Dixon on May 16, 2012. Mr. Scott Pineo, Director of Skamania County General Services Department and Mr. Said Amali, Amali Consulting, LLC were present during the site visit and discussion of the project.

The 64 acre park is located six miles east of the City of Stevenson, Washington, on Highway 14, south of the railroad tracks and east of the High Cascade Lumber Mill.

The proposed water use is for irrigation. The areas to be irrigated include a total of approximately 15 acres contained within three adjacent ball fields, picnic areas, play areas and landscaped areas.

An inactive well currently exists on the park ground. It was completed on April 7, 1977 under groundwater permit G2-24494P. This permit had been originally issued to the USACE Portland District for park development and irrigation. It was assigned to Skamania County on February 19, 1991. The permit was cancelled on June 11, 1993 due to non-completion of the development requirements.

Mr. Amali described Skamania County's plans for this project as follows:

Water is to be pumped from an existing well into three above ground storage tanks with a total capacity of 25,500 gallons. The existing well has not been used for many years and its condition and yield are uncertain. Therefore, a new well may be completed to replace the existing well and installed near or elsewhere on the park ground. The wells will be connected to the existing automated subterranean irrigation system to provide water to the fields.

The cost recovery mechanism under the Program was discussed with the applicant during the site visit. The State will recover its cost of developing the water supply at a rate of \$35 an acre-foot per year. Payment shall be due to Ecology by November 1st of each year for the subsequent year's water use.

Water Availability

For water to be available for appropriation, it must be both physically and legally available.

Legal Availability

The Program involves releases of water stored in Lake Roosevelt under Reclamation's 1938 storage right (Reservoir Certificate Number 11793) to provide municipal, domestic and industrial water supply; provide water to replace some groundwater in the Odessa Subarea; enhance stream flows in the Columbia River to benefit fish; and provide drought relief for interruptible water right holders.

Surface Water Permit Number S3-30556 was issued on December 1, 2008 to the USBR, authorizing a maximum of 305 cfs, 37,500 acre-feet per year for instream purposes in Lake Roosevelt and below Grand Coulee Dam with a priority date of May 16, 1938. Surface Water Permit Number S3-30556 is

considered the “secondary” water use permit authorizing use of water stored under Reservoir Certificate Number 11793.

On December 21, 2010, Ecology issued Superseding Certificate of Trust Water Right S3-30556, accepting 305 cfs, 37,500 acre-feet per year to the Washington State Trust Water Right Program (TWRP) for the purpose of instream flow. Under Superseding Certificate of Trust Water Right S3-30556, water is held in the TWRP to mitigate the impacts of 25,000 acre-feet of new state water rights issued under the Program’s municipal, domestic and industrial water right permitting; the remaining 12,500 acre-feet is reserved exclusively for instream flows. In June 2011, Ecology provided notice under RCW 90.42.040(5) that it would modify Superseding Certificate of Trust Water Right S3-30556 to allow for mitigation of domestic uses as well as municipal and industrial uses. No comments from this notification were received, and Ecology issued a second Superseding Certificate of Trust Water Right S3-30556 on August 17, 2011.

Physical Availability

Municipal, domestic, and industrial water uses associated with the Program will divert or withdraw water from the Columbia River or tributary groundwater on a continuous, year-round basis. In the preferred Alternative 1C, identified in the SEIS, mitigation releases from Lake Roosevelt will occur during time periods that will provide the greatest benefit to fish populations. These releases will occur during the months in which increased flow in the Columbia River will benefit fish the most, generally during April through September. The exact quantities and timing of the mitigation releases will be determined annually by the Fish Flow Releases Advisory Group (FFRAG). The membership of the FFRAG agrees that mitigation releases should be scheduled to help restore normative flows in the Columbia River. Since flows in October through March are higher than normative, mitigation for diversions and withdrawals under the Program during this time period are not seen as critical by FFRAG, leaving water available for release during the critical April through September period. This strategy was also supported in the consultations for the project.

The subject application is being investigated under the mitigation framework established under the Program. In order to mitigate the impacts of any new appropriation of water on the Columbia River, hydrologic evidence must indicate that impacts on the Columbia River associated with the proposed water use would be successfully mitigated by the Lake Roosevelt mitigation releases. Additionally, it must be possible to manage the impacts on the Columbia River of proposed pumping in a manner that avoids carry-over of impacts across mitigation cycles.

A licensed Ecology staff Hydrogeologist, Ron Dixon, produced and stamped a separate technical memorandum which discusses the hydrogeologic analysis for this application. The hydrogeologic interpretations provided below are extracted from this memorandum:

Of the two wells proposed for use under Application G2-29914, one is an existing 51.7 foot deep well located approximately 700 feet from the Columbia River on a low relief bench in Section 34 of Township 3 North, Range 8 East. During a site visit on May 16th, 2012 the applicant indicated that the second well proposed under Application G2-29914, if needed, would be located on the same bench in close proximity to the existing well. The elevation of the bench varies from 80 feet above mean seal level (amsl) to approximately 120 feet amsl. Survey information provided by the applicant indicates that the elevation of the existing well is 113.63 feet amsl (Amali, 2012). Surficial geologic maps indicate that the well is drilled into alluvium consisting of poorly sorted and stratified clay, silt, sand, and gravel (Korosec, 1987). The well log on file with Ecology indicates that the well was drilled through 51 feet of silt and sand before encountering a “tuff

breccia rock.” The well is cased to 44.8 feet below ground surface (bgs) and screened from 43.1 to 50.9 feet bgs. Static water level (SWL) measurements were taken in the 51.7 foot deep well by the applicant on April 27th and June 15th, 2010. The SWLs in the well equate to elevations of 90.1 and 90.6 feet amsl respectively. By comparison, a surveyed elevation of the Columbia River was reported to be 79.4 feet amsl on April 27th, 2010. Approximately 9 miles downstream at river mile 146.1 Bonneville Dam raises the elevation of the Columbia River creating a reservoir known as Lake Bonneville. Lake Bonneville extends upstream to the base of The Dalles Dam at river mile 191.5. Normal full pool elevation for Lake Bonneville is reported as 76.5 feet amsl and normal low pool elevation is reported as 71.5 feet amsl (University of Washington, 2012).

An evaluation of possible pumping interference with nearby wells as a result of the permitting action was accomplished using the Theis non-equilibrium equation, corrected for unconfined aquifers, and the parameters listed below. Estimates of distances to the nearest possible non-applicant well were based on an evaluation of structures as shown on 2011 aerial photos of the area. Results for the Home Valley Park site indicate that pumping the authorized maximum instantaneous quantity of 80 gallons per minute (gpm) from the well would exhaust the authorized annual quantity in approximately 79 days and potentially draw the water table down around 1 feet to 9 feet at a distance of 400 feet. If the wells are pumped in cycles or if they are pumped at less than the maximum instantaneous quantity, the predicted effects would be reduced. Therefore, any drawdown which may occur as a result of the permitting action is not expected to interfere with the ability of nearby well owners to fully utilize their well(s).

Aquifer Parameter	Unit	Home Valley Park
Hydraulic Conductivity (K)	*gpd/ft. ²	100 to 1,000
Specific Yield (S)	unitless	0.05 to 0.15
Saturated Thickness (b)	ft.	25 to 30
Closest non-applicant well	ft.	400

*gpd/ft² – gallons per day per square foot

Groundwater flows from areas of high hydraulic head (high groundwater elevation) to areas of low hydraulic head (low groundwater elevations). In general, groundwater discharges to surface water bodies, such as the Columbia River, when the groundwater head is higher than the surface water head, and surface water bodies recharge groundwater when the surface water head is higher than the groundwater head.

Surficial geologic maps of the area show no hydrogeologic barriers between the Columbia River and the proposed well sites (WDNR, 2012). Recharge to the shallow unconsolidated sedimentary aquifers occurring adjacent to the Columbia River is from precipitation, upgradient surface water runoff, irrigation return flows, and surface water exchange with the Columbia River when the river elevation is above that of the groundwater. Discharge from the shallow unconsolidated sedimentary aquifers occurring adjacent to the Columbia River is to the Columbia River when the groundwater elevation is higher than the elevation of the river and possibly to underlying consolidated bedrock units.

Based on the analysis above it appears that the groundwater elevation in the unconsolidated sediments at the proposed site under application G2-29914 was slightly above that of the Columbia River when measured in 2010. As a result, pumping groundwater from the existing well or a proposed well that is completed in the unconsolidated sedimentary aquifer would intercept groundwater that is discharging towards the Columbia River. Given the close

proximity of the existing well, and any proposed well, to the Columbia River, it appears that withdrawals of groundwater at this site would satisfy the Program's allocation requirements.

For the reasons stated above it is recommended that the authorizations, if approved, be provisioned in such a manner as to limit the depth of the wells to the shallow unconsolidated sedimentary aquifers occurring adjacent to the Columbia River.

Impairment Considerations

Columbia River Water Rights

An investigation of a water right application includes an analysis of whether the proposed water use will impair other existing water rights. The impairment analysis involves identifying how the proposed water use may impact the current water rights regime.

In considering impacts to existing water right holders and the instream flow rule, an analysis must consider actual river operation, particularly in drought years when water availability issues are most acute. In the context of this application, there are four classes of water uses that must be considered:

- Water right holders with priority dates senior to May 16, 1938.¹
- Uninterruptible water rights with priority dates junior to May 16, 1938.
- Interruptible water rights with priority dates junior to May 16, 1938.
- The June 24, 1980 Instream Flow Rule (WAC 173-563).

A detailed analysis of the current water rights regime on the Columbia River was issued in the Report of Examination (ROE) for S3-30556.

Under the Program, 37,500 acre-feet per year of mitigation water is held in the TWRP for instream purposes under Superseding Trust Water Certificate S3-30556 with a priority date of May 16, 1938, 25,000 acre-feet of which may be used for mitigation of new out-of-stream uses. Under the State's priority system, the mitigation water is senior to all water rights issued after May 16, 1938. The mitigation water rights are specifically exempted from the Columbia River Instream Flow Rule (WAC 173-563-020(5)). Additionally, the mitigation water is protected under the TWRP from diversion by junior water right holders who may be curtailed during low-flow years. These junior users total approximately 379 interruptibles who are curtailed based on a forecast methodology outlined in Chapter 173-563 WAC. Although junior to the mitigation that is available for this application, no conflict is expected between the applicant's diversions or withdrawals and interruptible water users because of the mitigation provided by the Program.

Water Rights in the Vicinity

As described in the "Water Rights Appurtenant to the Place of Use" table, there is one other water right document overlapping the applicant's place of use. It is not directly related to the subject application to supply water to the park. The closest point of withdrawal for other state issued water rights is approximately 394 feet north to the proposed point of withdrawal. As a result and based on the hydrogeologic analysis presented above, no impairment to existing wells is expected.

Table 3. Water Rights Appurtenant to the Place of Use

¹ Although the priority date of this application is May 2, 2000, based on the date of filing with Ecology, the application is backed by mitigation with a priority date of May 16, 1938, which is how it will be managed if regulation of Columbia River water rights is required.

File Number	Applicant	Document	Priority Date	Purpose	Qi, cfs	Qa (Ac-ft/yr)
S2-100047CL	Deane B. Berry	Claim	Jan 01, 1890	Domestic and commercial	0.3	220

Beneficial Use

The use of water for irrigation purposes is defined in statute as a beneficial use (RCW 90.54.020(1)). Beneficial use encompasses two principal elements of a water right:

1. Beneficial use refers to the purpose for which water may be used.
2. Beneficial use determines the measure of a water right. The owner of a water right is entitled to the amount of water necessary for the purpose to which it has been used.

To determine the amount of water necessary for a beneficial use, courts have developed the principle of "reasonable use". Reasonable use of water is determined by analysis of the factors of water duty and waste.

Currently, Skamania County does not have any claims or state issued water rights associated with this property. Through this application the County requested authorization to withdraw water at a maximum rate of 80 gpm and 32 acre-feet per year for irrigation of Home Valley Park.

The water requirements for the proposed project can be estimated using the Washington Irrigation Guide (WIG, 1997). From the several different crop types analyzed by the WIG, pasture/turf most closely matches the type of irrigation proposed. The WIG (Vancouver station) states that Pasture/Turf requires 16.29 inches (1.4 feet) of water. The range of application efficiency for Pop-Up Impact sprinklers is 60–85%. Assuming a 75% efficiency equates to 1.87 feet (1.4 feet/0.75). The water duty for the 15 acres would be **28.0 acre-feet** (15 acre X 1.87 feet).

The application identified the irrigation season as May 15 through September 15, however the WIG indicates that pasture/turf can make use of irrigation water in April and October. Considering a period of water use from April 15 through October 15, and commensurate with this annual quantity (Qa), a total instantaneous withdrawal rate (Qi) of **80.0 gpm** is a reasonable rate of withdrawal. This equates to 5.3 gpm per acre.

Public Interest Considerations

Analysis of whether this application meets the requirements of RCW 90.03.290, that the proposed use of water will not be detrimental to the public welfare, involves investigation of how the approval of the proposed use of water will affect the range of values that are encompassed by the public interest.

Several sections of statute list the legislative policies that guide the consideration of the public interest during the allocation of water, including sections of the 1971 Water Resources Act (Chapter 90.54 RCW) and Chapter 90.90 RCW titled "Columbia River Basin Water Supply".

An analysis of the public interest considerations for the Program is contained in the Report of Examination for Application Number S3-30556, the "secondary use" permit for the Lake Roosevelt releases.

The public interests associated with the Program municipal, domestic and industrial permitting are specifically cited in several sections of Chapter 90.90 RCW.

- RCW 90.90.005(1) states "The legislature finds that a key priority of water resource management in the Columbia river basin is the development of new water supplies that includes

storage and conservation in order to meet the economic and community development needs of people and the instream flow needs of fish”.

- RCW 90.90.005(2) directs Ecology to “aggressively pursue the development of water supplies to benefit both instream and out-of-stream uses”.
- RCW 90.90.020(3)(b) instructs Ecology to focus on “Sources of water supply for pending water right applications”.
- RCW 90.90.020(3)(d) instructs Ecology to focus on “New municipal, domestic industrial, and irrigation water needs within the Columbia river basin”.
- RCW 90.90.060(3) states that Lake Roosevelt releases “will bolster the state economy and will meet the following critical needs” including “new water supplies for municipalities with pending water right applications”.

The Program’s municipal, domestic and industrial permitting achieves the statutorily mandated public interest requirements by allowing new state water rights to be issued while mitigating the impacts to fish.

If the subject application is approved, the public welfare may be affected in several ways:

- The use of water for park irrigation purposes is not expected to affect local cultural, recreational, or environmental resources.
- The adaptive management strategy for mitigation releases will ensure releases occur at times that are most beneficial for Endangered Species Act-listed salmon and steelhead species in the Columbia River, thus assuring effective mitigation for this appropriation of water.

Consideration of Protests and Comments

On September 22, 1997, The Center for Environmental Law & Policy (CELP) submitted written comment to Ecology requesting that Ecology “either deny or continue in hold status all applications for new water rights from the Columbia River, its tributaries and from any ground water source in continuity with them.” Major concerns cited by CELP include impacts to Endangered Species Act listed fish stocks, water availability, and reduced revenue from hydropower facilities as a result of increased diversions. CELP asserted that issuance of new water rights would violate the four statutory criteria for issuance of a water right because water is not available, and issuance of new rights would lead to impairment of existing rights and would not be in the public interest.

The Office of Columbia River has addressed these concerns in the FSEIS and the Addendum to the FSEIS² (Addendum). Under the Program, issuance of new water rights for pending applications is mitigated by existing water rights held by Reclamation for water releases from Grand Coulee Dam. Ecology has placed this water into the TWRP to supply water for out-of-stream and in-stream purposes as outlined in the FSEIS.

This Program will have a beneficial impact on ESA-listed fish by providing additional instream flow in the quantities of 37,500 acre-feet each year and an additional 17,000 acre-feet per year during drought years. Water will be released from Lake Roosevelt to maximize fish benefits on a schedule as agreed upon each year by the FFRAG (FSEIS 2.3.2.3 and FSEIS 2.3.3.2.). The timing of the releases would be

² http://www.ecy.wa.gov/programs/wr/cwp/images/pdf/lkroos_seis_adden.pdf

constrained by the instantaneous flow limit of Reclamation's secondary water use permit as described in FSEIS section 2.3.

Program water will be released from storage in Lake Roosevelt in addition to water that is currently released. The Program is designed so no diminishment of water available to other appropriators throughout the Columbia River system will occur. Program water will only be used to supply water to surface water users or groundwater users who are capable of directly capturing water released from Lake Roosevelt or those groundwater users who can demonstrate that their withdrawals, if pumping ceased, would be fully attenuated within a single mitigation cycle (Addendum section II).

Under the Program, water is allocated to supply industrial and domestic/municipal development. As described in the public interest section, the project will generate new jobs, revenue and other economic benefits to individuals and communities throughout the Columbia River Basin, while providing mitigation for fisheries.

Conclusions

Beneficial Use

The proposed use of water for irrigation is considered to be a beneficial use.

Water Availability

The analysis provided above demonstrates that water is physically and legally available for the proposed use of water.

Impairment

The proposed beneficial use of water will not impair any existing water rights.

Public Interest

The proposed use of water would not be detrimental to the public welfare.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

80 gpm

28 acre-feet per year

Irrigation of 15 acres

Point of Withdrawal

N ½, Section 34, Township 03 North, Range 08 E.W.M.

Place of Use

The following property situated in Skamania County in T03N/R08E.W.M. described as follows:
Commencing at the SW corner of Section 26, T03N/R08E.W.M. thence North 89° West 1348 feet and South 0° East 74 feet to the TRUE POINT OF BEGINNING. Thence South 64°51'10" East 1334 feet; Thence South 25°56'29" West 458 feet; Thence South 75°54'5" West 127 feet; Thence North 77°0'19" West 42 feet; Thence South 75°10'25" West 55 feet; Thence North 84°17'22" West 79 feet; Thence North 76°27'51" West 87 feet; Thence North 30°57'50" West 55 feet; Thence North 29°3'17" West 65 feet; Thence North 21°15'2" West 61 feet; Thence North 79°22'49" West 77 feet; Thence South 72°38'46" West 53 feet; Thence North 75°27'56" West 44 feet; Thence North 85°36'5" West 61 feet; Thence North 16°23'22" East 28 feet; Thence North 4°45'49" East 38 feet; Thence North 47°36'9" West 49 feet; Thence North 67°57'50" West 71 feet; Thence South 58°23'33" West 24 feet; Thence South 62°44'41" West 58 feet; Thence South 62°26'50" West 41 feet; Thence North 72°45'31" West 48 feet; Thence North 42°30'38" West 77 feet; Thence North 73°44'23" West 39 feet; Thence North 1°40'25" East 663 feet, more or less, to the True Point of Beginning (excluding roads).

Farida Leek

Farida Leek

12/12/12

Date

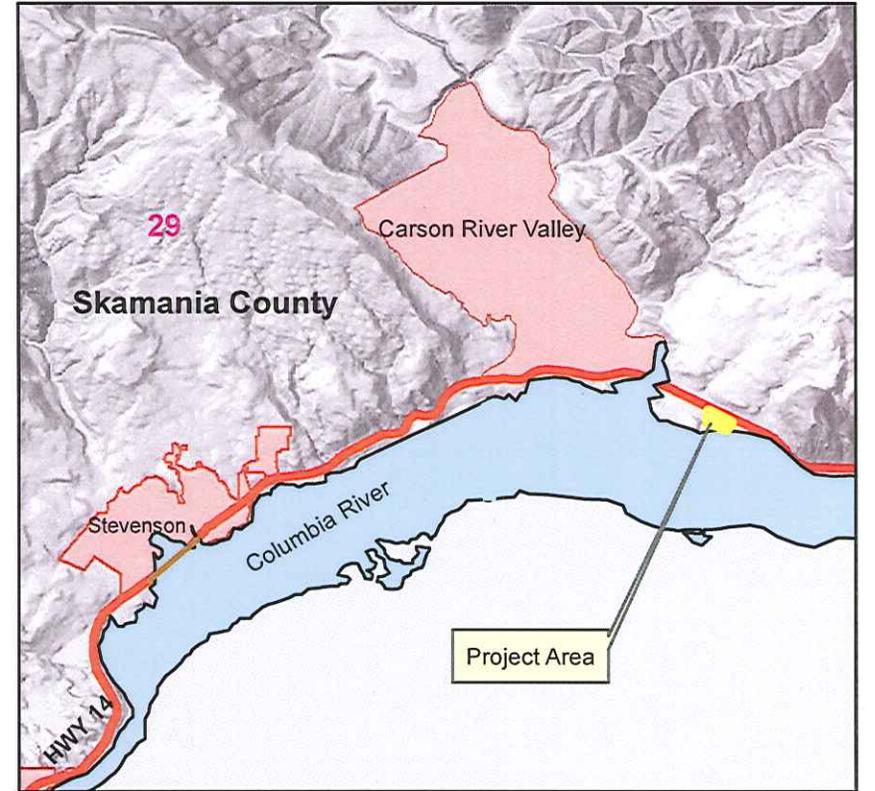
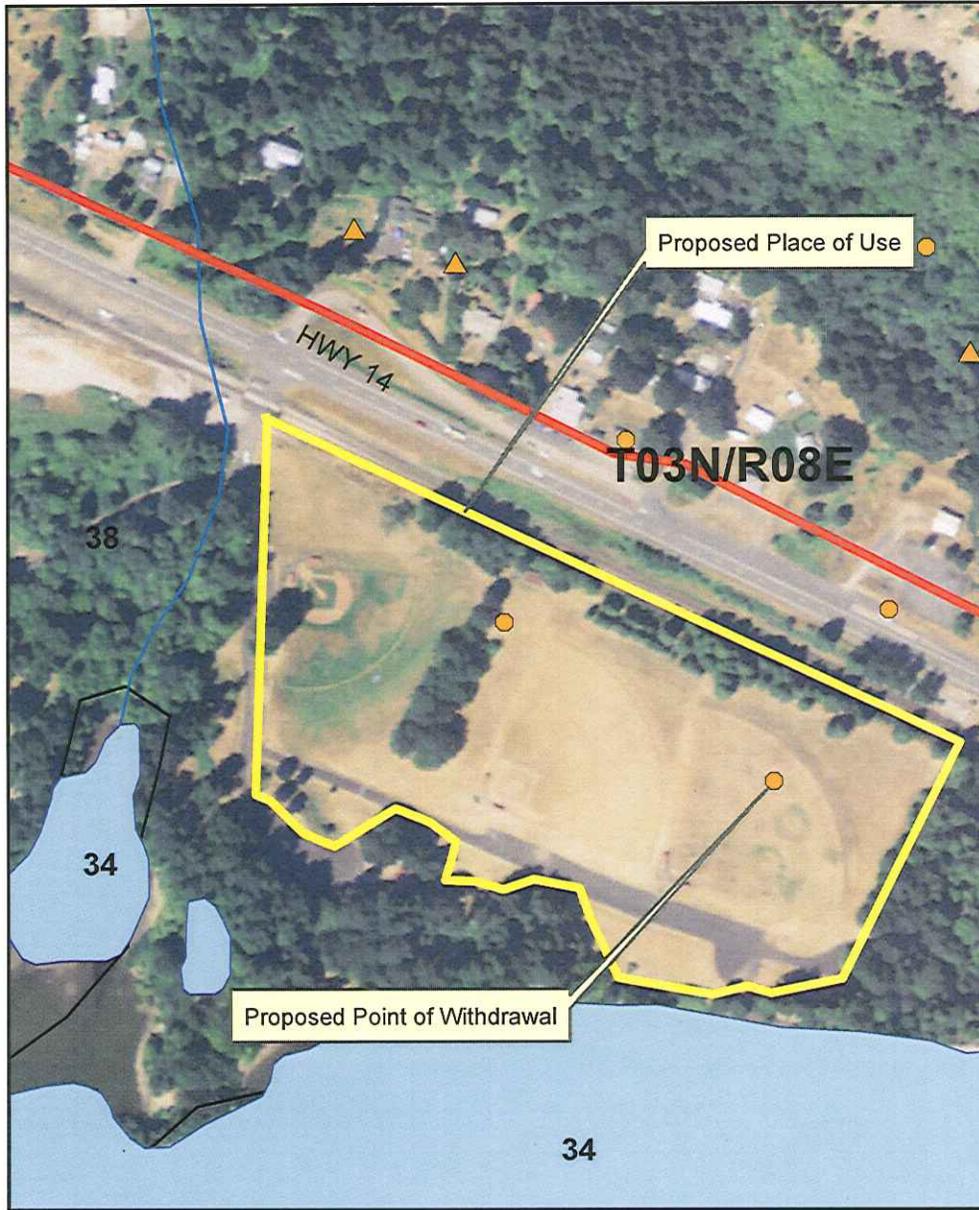
by Mark C. Schaper

If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.



Skamania County Water Right Application No. G2-29914

Section 34 of T. 03N. R. 08E.W. M. WRIA 29 Skamania County



Legend

- | | |
|------------|-------------------------|
| WRIA | Major Roads |
| City Place | Well |
| Township | Surface Water Diversion |
| Section | Place of Use Boundary |

0 125 250 500 750 Feet

0 0.5 1 2 3 Miles