



## State of Washington Application for a Water Right Permit

SURFACE WATER     GROUND WATER  
 Permanent     Temporary     Short Term

For Ecology Use  
 (Date Stamp)  
**RECEIVED**  
 JUN 11 2009  
 DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE  
 '09 JUN -9 A11:45

*Follow the attached instructions. Attach additional sheets as necessary.*

DEPT. OF ECOLOGY  
FISCAL & BUDGET

A NON-REFUNDABLE **MINIMUM** FEE OF \$50.00 PAYABLE TO  
THE DEPARTMENT OF ECOLOGY MUST ACCOMPANY THIS APPLICATION.

### Section 1. APPLICANT

Applicant/Business Name: The Confederated Tribes and Bands of the Yakama Nation	Phone No: (504) 865-6262	Other No:
Address: P.O. Box 151		
City: Toppenish	State: WA	Zip: 98498- 98948-0151
Email Address (optional):		

Contact Name (if different from above): Harbor Consulting Engineers, John R. Hutchins, P.E., S.E.	Phone No: (206) 709-2397	Other No:
Relationship to Applicant: Authorized Representative		
Address: 3006 Fuhrman Ave. East		
City: Seattle	State: Washington	Zip: 98102 - 3810
Email Address (optional): jrhutchins@harborengineers.com		

### Section 2. STATEMENT OF INTENT

Briefly describe the purpose of your proposed project: To improve the effectiveness of the existing fish passage and handling facility at Lyle Falls No. 5 to support Yakama Nation efforts to enhance recovery and production of salmonid fish stocks and associated ecosystems in the Klickitat River subbasin.

\_\_\_\_\_

\_\_\_\_\_

Anticipated length of time to complete your project: Approximately 217 days.

**Water Use** List all purposes for which water will be applied to a beneficial use and list quantity required for each.

Purpose(s) of Use	Rate (check one box only)		Acre-Feet per Year (AF/YR) (If known)	Period of Use (Continuously or Seasonal)
	<input checked="" type="checkbox"/> Cubic Feet per Second (CFS)	<input type="checkbox"/> Gallons per Minute (GPM)		
Operation of fish ladder (a nonconsumptive use)	250 CFS Current Authorized	350 CFS Additional	115,835 based on av. annual flow	Continuous
	600 CFS Total			
<b>TOTAL:</b>	<b>350 CFS Additional</b>	<b>This Application</b>	115,835 based on av. annual flow	

For Ecology Use	APPLICATION NO: <u>54-35252</u>	SEPA: Exempt/Not Exempt
	Fee Paid: _____ Check No: _____	ECY Coding: 001-001-WR1-0285-000011
Date Returned _____	By _____	Priority Date _____
	By _____	WRIA: <u>30-Klickitat</u>

**Short Term/Temporary Water Use**

Is this a request for a short term project (less than four months and non-recurring)?  YES  NO

Is this request for a temporary permit?  YES  NO

If yes to either question above, indicate the dates that the water will be needed:

FROM: \_\_\_/\_\_\_/\_\_\_ TO: \_\_\_/\_\_\_/\_\_\_

**Section 3. POINT OF DIVERSION OR WITHDRAWAL**

Complete A or B, and C below

<p><b>A.) If Surface Water Source</b></p> <p><input type="checkbox"/> Spring <input type="checkbox"/> Creek <input checked="" type="checkbox"/> River <input type="checkbox"/> Lake  <input type="checkbox"/> Other: _____</p> <p>Source Name: <u>Klickitat River</u></p> <p>Tributary to: <u>Columbia River</u></p> <p>Number of proposed diversion points: <u>One</u></p> <p>Do you have an existing diversion? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p><b>B.) If Ground Water Source</b></p> <p><input type="checkbox"/> Well(s) <input type="checkbox"/> Other: _____</p> <p>Well diameter &amp; depth: _____</p> <p>Number of proposed points of withdrawal: _____</p> <p>Do you have an existing well? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If available, attach Water Well Report and pump test.</p> <p>Well Tag ID No. _____</p>
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**C.) Point of Diversion/Withdrawal – Legal Description**

Parcel No.	¼	¼	Section	Township	Range	County
0312250000400	NW	SW	25	3N	12E	Klickitat
Lot(s)	Block(s)		Subdivision			
-	-		-			

If known, enter the distances in feet from the point of diversion or withdrawal to the nearest section corner:  
75 Feet ( North/ South) and 72 feet ( East/ West)  
 from the (NW SW NE SE  W 1/4 ) corner of Section 25-T.3N-R.12E, WM.  
 See attached Additional Information, Location Map and Site Plan

Parcel No.	¼	¼	Section	Township	Range	County
Lot(s)	Block(s)		Subdivision			

If known, enter the distances in feet from the point of diversion or withdrawal to the nearest section corner:  
 \_\_\_\_\_ feet ( North/ South) and \_\_\_\_\_ feet ( East/ West)  
 from the (NW SW NE SE  \_\_\_\_\_ ) corner of Section \_\_\_\_\_

NOTE: If more than two points of diversion/withdrawal attach additional information on a separate sheet of paper.

Do you own the land on which the proposed point of diversion/withdrawal is located?  YES  NO  
 If no, do you have legal authority to make this application for use of another's land?  YES  NO  
 Provide the owner name(s), address, and phone number: Washington Dept. of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2200

**Section 4. PLACE OF USE**

Attach a copy of the legal description of the property (on which the water will be used) taken from a real estate contract, property deed or title insurance policy, or copy it carefully in the space below.

Parcel 0312250000400: SW ¼ of NE ¼; Strip in NE ¼ of NW ¼; S ½ of NW ¼; Tax Lot 3, 4, 2 in Sec. 25-3N-12E, WM.  
 Parcel 0312260000500: Tax Lot 1; Strip in Tax Lot 2; SE ¼ of SW ¼ in Sec. 26-3N-12E, WM.

Descriptions from Klickitat County Assessor's Office

For Ecology Use	APPLICATION NO: _____ SEPA: Exempt/Not Exempt
	Fee Paid: _____ Check No: _____ ECY Coding: 001-001-WR1-0285-000011
Date Returned _____	By _____ Priority Date _____ By _____ WRIA: _____

¼	¼	Section	Twp.	Range	County	Parcel No.
					Klickitat	

Do you own all the lands on which the proposed place of use is located?  YES  NO.

If no, do you have legal authority to make this application for use of another's land?  YES  NO

Provide owner name(s), address, and phone number: Washington Dept. of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2200

Are there any other water rights or claims associated with this property or water system?  YES  NO

If yes, provide the water right and/or claim numbers: Certificate of Surface Water Right, 8/25/52, Volume 10, Page 4802; Permit to Appropriate Public Waters of the State of Washington, 6/12/47, Book No. 20 of Permits, Page 6505. See attached copies.

**Attach a map of your project showing the point of diversion/withdrawal and place of use. If platted property, be sure to include a complete copy of the plat map.**

### Section 5. WATER SYSTEM DESCRIPTION

Describe your proposed water system (include type and size of devices used to divert or withdraw water from source): See attached Additional Information sheet.

### Section 6. DOMESTIC WATER SUPPLY SYSTEM INFORMATION (N.A.)

Complete A or B, and C below

A.) Domestic Water Systems only	B.) Municipal Water Systems only <i>(defined under RCW 90.03.015)</i>
Projected number of connections to be served: _____	Present population to be served water: _____
Type of connections: _____ <i>(e.g., home, recreational cabin)</i>	Estimate future population to be served: _____ (20 year projection)

#### C.) Water System Planning

Do you have a Water System Plan approved by the Washington State Department of Health, Drinking Water Division?  YES  NO

If yes, date plan was approved \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Water System Number: \_\_\_\_\_

Name of water system: \_\_\_\_\_

Are you within the service area of an existing water system?  YES  NO

If yes, explain why you are unable to connect to the system: \_\_\_\_\_

**Section 7. IRRIGATION/STOCKWATER/OTHER FARM USES (N.A.)**

**Irrigation**

Total number of acres requested to be irrigated under this application = \_\_\_\_\_ ACRES

NOTE: Outline the area to be irrigated on your attached map.

**Stockwater**

List number and kind of stock: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the proposed project for a dairy farm?  YES  NO

**Other Proposed Farm Uses**

Describe all proposed uses: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Family Farm Water Act (RCW 90.66):**

Calculate the acreage in which you have a controlling interest, including only:

- Acreage irrigated under water rights acquired after December 8, 1977,
- Acreage proposed to be irrigated under this application, and
- Acreage proposed to be irrigated under other pending application(s).

Is the combined acreage under existing rights greater than 6000 acres?  YES  NO

Do you have a controlling interest in a Family Farm Development Permit?  YES  NO

If yes, enter Permit No: \_\_\_\_\_

**Section 8. OTHER WATER USES**

**Hydropower**

Indicate total feet of head \_\_\_\_\_ and proposed capacity in kilowatts: \_\_\_\_\_

Describe works: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Indicate all uses to which power is to be applied: \_\_\_\_\_

FERC License No: \_\_\_\_\_

**Mining/Industrial Use**

Describe use, method of supplying and utilizing water: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Other Use**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Section 9. WATER STORAGE**

Will you be using a dam, dike, or other structure to retain or store water?  YES  NO

Are you proposing to store more than 10 acre-feet of water?  YES  NO

Will the water depth be 10 feet or more?  YES  NO

If you answered yes to any of the above questions, please describe: \_\_\_\_\_

NOTE: If you will be storing 10 acre-feet or more of water and/or if the water depth will be 10 feet or more at the deepest point and some portion of the storage will be above grade, you must also complete an Application for Permit to Construct a Reservoir and a Dam Construction Permit and Application.

**Section 10. DRIVING DIRECTIONS**

Provide detailed driving directions to the project site: From the City of Lyle in Klickitat County, Washington, drive northeasterly on state Highway 142 approximately 1.6 miles. Turn westerly onto the bridge over the Klickitat River to Fisher Hill Road. Continue northeasterly for approximately 1/2 mile to a gated road on the right. This is the site access road. Prior arrangements must be made with the Yakama Nation for site visits.

Site Address: N.A.

**Section 11. REQUIRED SIGNATURES**

I certify that the information provided in this application is true and accurate to the best of my knowledge. I understand that in order to process my application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though the employees of the Department of Ecology may have assisted me in the preparation of the above application, all responsibility for the accuracy of the information rests with me, the applicant.

John R. Hutchins [Signature] 5/20/09  
Print Name Signature Date  
(Authorized Representative)

Joe Stohr [Signature] 6/8/09  
Print Name Signature Date  
(Landowner of Place of Use)

\_\_\_\_\_  
Print Name Signature Date  
(Landowner of Place of Use)

\_\_\_\_\_  
Print Name Signature Date  
(Landowner of Place of Use)

Submit your application to: DEPARTMENT OF ECOLOGY  
CASHIERING SECTION  
PO BOX 47611  
OLYMPIA, WA 98504-7611

Please check the region in which your proposed project is located.  
 Southwest  Northwest  Central  Eastern

Below is a map of the State of Washington, with outlines of the four Ecology regional offices. If you have questions about your application, contact the Water Resources program at the regional office in which your project is located.

**APPLICATION FOR A WATER RIGHT PERMIT**  
**By the Confederated Tribes and Bands of the Yakama Nation**

**ADDITIONAL INFORMATION**

**Section 5. Water System Description**

The Confederated Tribes and Bands of the Yakama Nation have received funding from Bonneville Power Administration to modify the Lyle Falls Fishway, located at River Mile 2.2 on the Klickitat River in Klickitat County, Washington. The existing fishway was constructed by the Washington Department of Fish and Wildlife (WDFW) between 1952 and 1955 to enable fish to bypass Lyle Falls. The fishway is owned by WDFW and through an agreement dated August 15, 2006, operational responsibility was transferred to the Yakama Nation.

Permission to appropriate water from the Klickitat River was granted to WDFW by a permit issued by the State of Washington on June 12, 1947, and recorded in Book No. 20 of Permits, Page 6505. The permit allows diversion of up to 250 CFS during the entire year to be used for "... operation of fish ladders". A Certificate of Surface Water Right was issued to WDFW on August 25, 1952, recorded in Volume 10, Page 4802, confirming the right to divert up to 250 CFS, again for operation of fish ladders. The point of diversion listed in both documents is the SE ¼ of Section 26 – Township 3 North – Range 12 East, W.M. Copies of these documents are enclosed for your reference.

In the years following the fishway construction, fisheries managers noted that the structure did not function effectively, and in some cases was found to impede passage of fish into the upper river. Bedload accumulation at the upstream ladder exit partially obstructs entering water and the ability of fish to exit easily. Fish enter the existing ladder, then exit into the shallow and swift current of the river, which may cause fallback over Lyle Falls. An attraction flow siphon pipe system was installed on the fishway in 1960 in an attempt to attract more fish to the entrance and encourage their safe passage around the falls. Instead of performing as designed, air accumulated in the system, interrupting siphon action and preventing it from delivering reliable attraction flows. As a result, this attraction flow system never functioned effectively.

In order to correct these deficiencies, improvements to the fishway were designed. These include extending the existing concrete fish ladder approximately 375 feet farther upstream by means of a new fish transportation channel, and constructing a new fishway exit and water supply intake structure. The new structure will serve two purposes: it will provide flow through the newly extended transportation channel and will also provide water to the auxiliary water supply pipe for adult fish attraction and for adult capture. Water passing to the attraction flow pipe will require screening to prevent entrainment of juvenile fish. Water will also be used on a scheduled basis to remove accumulated bedload from the intake, supply piping, transportation channel and fishway facilities. Water use for passage, maintenance and adult fish collection will be nonconsumptive.

To support the intake function, approximately 0.25 CFS will be pumped from the attraction flow system to spray wash the traveling fish screens. Additionally, 2 CFS will be pumped intermittently throughout the operating day to allow fisheries biologists to transport adult fish from the fish ladder adult capture area to the scientific monitoring and evaluation facilities. All water will be returned to the fishway and auxiliary water supply.

The average annual flow through the upgraded fish ladder, with its newly extended fish transportation channel and attraction flow pipe, will be approximately 160 CFS. However, as a result of design requirements necessary to meet federal and state fish passage standards while still making efficient use of the existing fishway structure, the new transportation channel and attraction flow pipe have the hydraulic capacity to accept 600 CFS when the river flow reaches 7,000 CFS. At river flows above 7,000 CFS, the fishway transportation channel and attraction flow pipe become inundated and cannot accept more water. Therefore, 600 CFS is also the maximum instantaneous quantity of water that will be diverted. Because a diversion of 250 CFS is already authorized for the existing facility (see paragraph two, above), the instantaneous quantity of water sought to be diverted under this application is an additional 350 CFS, for a total of 600 CFS.

The location of the existing point of diversion is in the NE ¼ of the SE ¼ of Section 26 – Township 3 North – Range 12 East. As a result of the proposed improvements, the water supply intake/point of diversion will now be located in the NW ¼ of the SW ¼ of Section 25 – Township 3 North - Range 12 East, and this change in location is the subject of a separate Application for Change of Water Right.