



File NR S4-33091
WR Doc ID 5684618

State of Washington
Department of Ecology
Office of Columbia River
SECONDARY USE WATER RIGHT PERMIT

PRIORITY DATE
May 16, 1938

WATER RIGHT NUMBER
G4-33091P

MAILING ADDRESS
US Bureau of Reclamation
US Department of Interior
1150 North Curtis Road, Suite 100
Boise, ID 83706-1234

SITE ADDRESS (IF DIFFERENT)
US Bureau of Reclamation
Columbia Basin Project
Adams, Franklin, Grant and Lincoln Counties

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
2,700	CFS	164,000

Purpose

PURPOSE	WITHDRAWAL RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Irrigation	2,700	0	CFS	164,000	0	01/01 - 12/31*

REMARKS

Delivery of Columbia River water under this secondary use permit will replace groundwater supplied to 70,000 acres of irrigated agricultural lands within the Odessa Subarea of the Columbia Basin Project.

*The period of use for refilling Banks Lake is limited to October 1 through March 31; the period of use for water deliveries from Banks Lake to Columbia Basin Project lands for irrigation within the Odessa Subarea is limited to March 1 through October 31.

ADDITIVE	IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
	NON-ADDITIVE		WATER SYSTEM ID	CONNECTIONS
70,000	0		n/a	n/a

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
GRANT	Columbia River – Franklin D. Roosevelt Reservoir	Pacific Ocean	42 – Grand Coulee

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Grand Coulee Dam	Gov't Lots 3 & 4		28N.	30E.W.M.	1	SW¼		

Place of Use (See Attached Map)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

70,000 acres capable of being served by the Columbia Basin Project distribution system and associated facilities within Adams, Franklin, Grant and Lincoln Counties AND within the boundaries of the Odessa Groundwater Subarea defined under WAC 173-128A.

FILE COPY

Proposed Works

Delivery of Columbia River water under this secondary use permit will replace groundwater supplied to 70,000 acres of irrigated agricultural lands within the Odessa Subarea of the Columbia Basin Project. Water delivered to the Odessa Groundwater Subarea will be routed to the area using existing Columbia Basin Project distribution system and associated facilities. Some alteration of existing infrastructure, including East Low Canal and wasteway facilities, along with the upgrading of and/or the addition of new siphons will occur. Some alteration of existing infrastructure and construction of new canals and/or laterals will be required to deliver water to individual farms in the Odessa Subarea. Irrigators may also have to alter and/or construct conveyance systems on their land to deliver water from the canals to their individual farms.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
April 1, 2014	April 1, 2024	November 1, 2034

Measurement of Water Use

How often must water use be measured?	Daily
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume in Acre-feet
What rate should be reported?	Annual Peak Rate of Withdrawal (cfs)

Provisions

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

General

For regulation purposes, the effective priority date of this secondary use authorization shall be the same as the existing reservoir (storage) right, Certificate No. 11793, May 16, 1938.

The total combined withdrawal under S4-33091, S3-01622, S3-28586P and S3-30486 shall not exceed 17,593 cfs and 3,307,973 acre-feet per year and no more than 720,000 acres shall be irrigated.

In accordance with RCW 90.44.510, when water authorized under this permit is applied to Columbia Basin Project lands with existing state-issued groundwater rights, Ecology shall issue superseding state-issued groundwater rights. The superseding state-issued groundwater right(s) shall designate the portion of the water right(s) being replaced by federal Columbia Basin Project water under this permit as a standby/reserve water right(s). The secondary use authorization under this permit is **not** intended to be additive to those previously existing state-issued groundwater rights. As water service contracts are recommended for approval of water service that will be provided under this permit, Ecology will issue superseding state-issued standby/reserve groundwater rights.

Department of Fish and Wildlife Requirement(s)

The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. See: <http://wdfw.wa.gov/about/contact/>.

2013 Biological Opinion (Bi-Op) Requirement(s)

The diversion of water under this secondary use authorization shall comply with requirements of the Biological Opinion that has been issued for this project under the federal Endangered Species Act (ESA). Parameters related to the timing and rate of refilling Banks Lake are needed to avoid adverse affects to ESA listed salmon and steelhead as explained in the National Oceanic Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) Biological Opinion (2013); titled *Endangered Species Act Section 7(a) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the U.S. Bureau of Reclamation's Odessa Subarea Modified Partial Groundwater Replacement Project (NWR-2012-9371)*.

The timing and parameters for refilling Banks Lake are as follows:

- Fall Diversion (October). In average water years, up 2,700 cfs and 164,000 acre-feet can be pumped from Lake Roosevelt from October 1 through October 31.
- Winter Diversion (November through March). If the full 164,000 acre-feet diversion from Lake Roosevelt to refill Banks Lake is not satisfied by November 1, additional diversion of up to 21,000 acre-feet per month could occur from November through March if chum salmon flow targets are met below Bonneville Dam. If chum salmon flow targets are NOT met, Reclamation will limit additional diversions to 6,000 acre-feet per month from November through March. When diversions are proposed during this winter period under either scenario, Reclamation will coordinate with NMFS prior to any diversion during the November through March period.
- Spring/Summer Diversion. NO additional diversions shall occur from Lake Roosevelt to refill Banks Lake from April through September to meet the 164,000 acre-feet of deliveries from Banks Lake to CBP lands within the Odessa Subarea.

Reclamation shall provide annual notice to Ecology of the timing and extent of water diversions under this secondary use permit. Reclamation shall: (1) no later than September 1, provide the timing and extent of all projected water diversions under this permit through the following June 30; and (2) no less than ten days prior to the commencement of water diversions, provide notice of the date(s) that Reclamation intends to commence diversions under this permit and the projected duration and extent of such diversions. In addition, if the full quantity of water is not diverted during the month of October, then, by November 1, Reclamation shall provide a projection of the time(s) when it will make further diversion(s) of water.

Reclamation shall monitor and report to Ecology and NMFS the timing and extent of water withdrawals from the Columbia River attributable to this secondary use permit. Reclamation shall monitor the daily flows out of Grand Coulee Dam, the net amount of water pumped from the Columbia River to Lake Roosevelt and the elevation of Banks Lake. Each year Reclamation shall provide a written annual record of last complete water year's diversion from Lake Roosevelt.

Reclamation shall also comply with all other requirements that are specified in the 2013 NOAA/NMFS Biological Opinion, or in any modified or new version of this biological opinion for this project that may be issued in the future.

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.

Proof of Appropriation

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions. The water right holder may obtain the services of a certified water rights examiner (CWRE) to carry out proof of appropriation.

Upon Proof of Appropriation of this permit, specific legal descriptions as to the place of use shall be required in order to address the previously issued groundwater rights, and the total diversionary uses associated with this permit shall be reduced to the actual quantities that are put to beneficial use.

This Permit Subject to Cancellation

This permit shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or to give notice to the Department of Ecology on forms provided by the Department documenting such compliance.

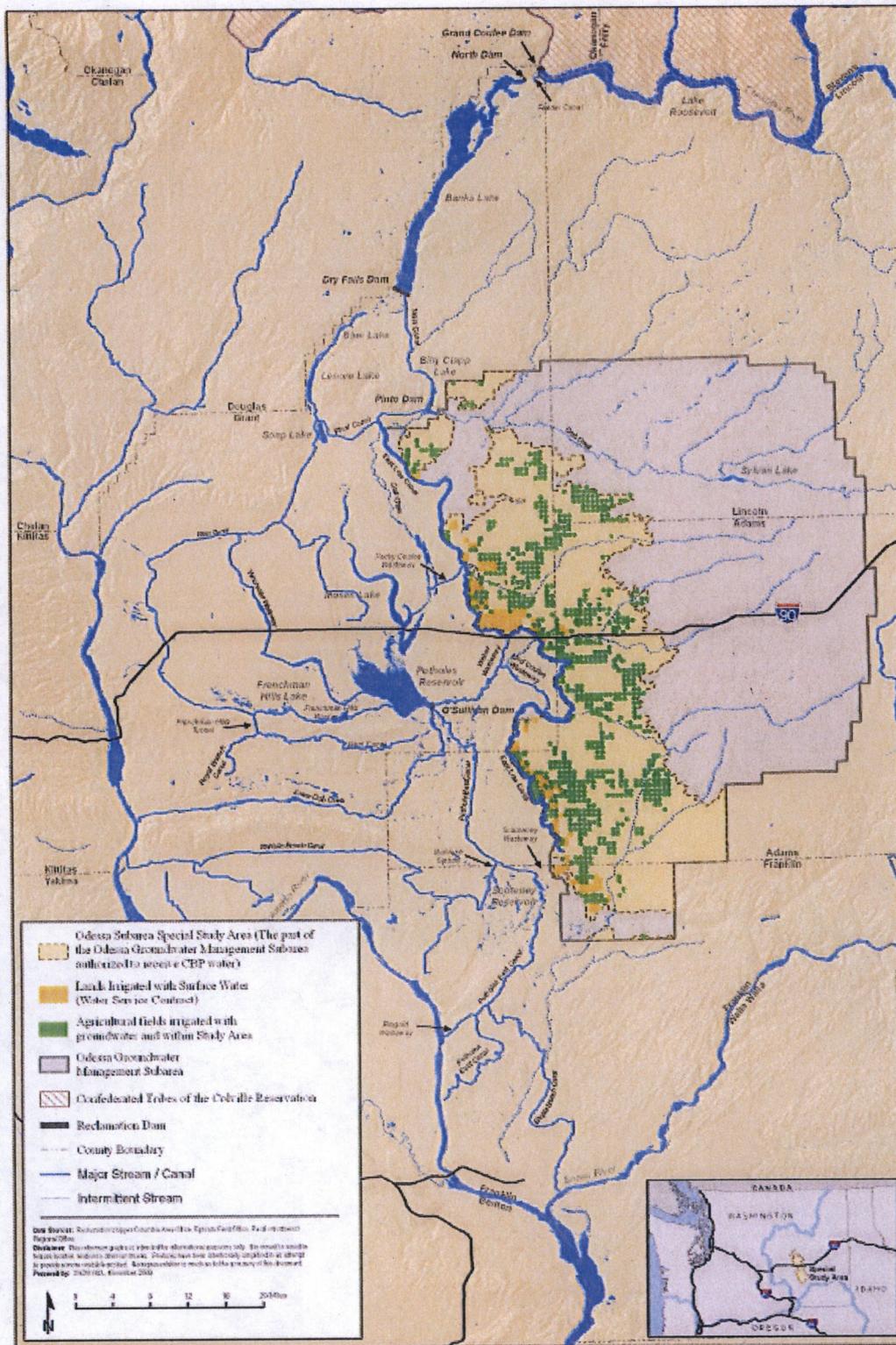
Given under my hand and the seal of this office at Yakima, Washington this 2nd day of June, 2014.

Department of Ecology

OK TPH

by [Signature]
Derek I. Sandison, Director
Office of Columbia River

Figure 1 – US Bureau of Reclamation Map¹; Odessa Subarea Special Study Area, Columbia Basin, Washington



¹ Odessa Subarea Special Study Final EIS; Figure 2 Location Map – August 2012