

CHRISTINE O. GREGOIRE  
Director



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

March 16, 1992

Clark Public Utilities  
Post Office Box 8900  
Vancouver, Washington 98668-8900

Re: Ground Water Permit No. G2-27736

Dear Sir or Madame:

Your application has been approved and a permit will be issued in accordance with the enclosed Report of Examination upon payment of the statutory fee of \$20.00. Please make your check payable to the Department of Ecology.

This letter and enclosed Report of Examination constitutes our determination and order. Chapter 43.21B RCW provides that any person who feels aggrieved by such an order may submit an appeal to the Pollution Control Hearings Board of Washington, with a copy to the Director of the Department of Ecology, within 30 days from receipt of this order. Procedures for requesting a hearing may be obtained from this department.

Please send your permit fee within 30 days from the date of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Gale Blomstrom".

Gale Blomstrom  
Water Resources Supervisor

GB:ds  
Enclosure

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**CLARK COUNTY  
STAFF REPORT**

**DEPARTMENT/DIVISION:** Public Services/Administration

**DATE:** February 25, 1992

**REQUEST:** Approve Memorandum of Understanding

**CHECK ONE:**      Consent      Routine      Public Hearing

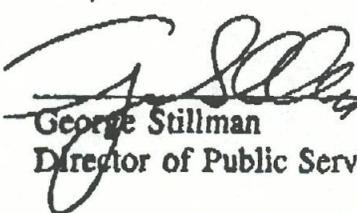
**BACKGROUND:** Clark Public Utilities has been involved in an ongoing discussion with the Washington State Department of Ecology regarding water resources in the Salmon Creek Basin. One of the difficulties in concluding those discussions is a lack of a coordinated plan for the basin addressing topics such as the availability of surface and ground water, water rights, future demands for water and means for meeting those demands. Some of the information needed to address these issues is available from various jurisdictions but has never been consolidated into one document. Other information will require the development of new data.

The parties to this agreement are Clark County, Clark Public Utilities, the Washington State Department of Ecology and the Washington State Department of Health. Under this memorandum of understanding, the parties agree that:

- CPU will evaluate and pursue development of water resources and be guided by the study findings as they become available.
- CPU and Ecology will jointly study the potential siting of new water wells in the Salmon Creek Basin during the study period. The study will determine the most appropriate development sites.
- CPU will base their projected water supply needs on our present Growth Management Program including the Comprehensive Land Use Plan, the CPU Water System Plan and CPU Water Conservation Plan.

**ACTION REQUESTED/BUDGET IMPLICATIONS:** It is requested that the Board of County Commissioners approve the attached memorandum of understanding. This memorandum of understanding commits the county to participate in the study. It is difficult at this time to estimate budget implications until an assessment of existing data is made. It is not expected that budget implications would be significant other than personnel time needed to staff the committee.

**DISTRIBUTION:** Please return the signed copies of the agreement to the Department of Public Services for distribution.

  
George Stillman  
Director of Public Services

GS:pb  
Attachment

APPROVED: 3-4-92  
CLARK COUNTY, WASHINGTON  
BOARD OF COMMISSIONERS

SR 62-92



STATE OF WASHINGTON

## DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

January 16, 1992

Mr. Bruce Bosch, General Manager  
Clark County Public Utilities District  
P.O. Box C-005  
Vancouver, Washington 98668

RE: Memorandum of Understanding for Development of a Salmon Creek  
Water Resource Management Plan

Dear Mr. <sup>Bruce</sup>Bosch:

Enclosed are three signed copies of a Memorandum of Understanding (MOU) between the Department of Ecology (Ecology), Clark County (County), and Clark Public Utilities (CPU). The MOU provides for the immediate issuance of water right permits for use by CPU in meeting existing and projected municipal water supply needs in the CPU service area. The permits will be issued subject to the findings of the jointly developed Water Resource Management Plan and the MOU.

I have instructed Ecology staff to prepare findings immediately on CPU, pending permit applications based on this MOU. Ecology will issue the findings by January 24, 1992. This amount of time is required to complete document preparation. Permits will then be issued as soon thereafter as CPU submits the statutory permit fees.

With respect to pending permit applications under appeal by CPU: Ecology and CPU shall stipulate to a dismissal of those appeals. In return, Ecology will reissue the three permits that involve water rights in the Salmon Creek Basin with only the conditions specified in the MOU.

Regarding the permit involving a water right outside the Salmon Creek Basin: The permit will be issued conditioned upon CPU enacting an aggressive conservation program for those residents served by the subject well. The conservation plan, which will be submitted to the State for approval, will provide for restricted water use and possible curtailment if a drought event occurs in the basin. The permit will specify a quantity of an average of 450 gallons-per-day, per household, and will not be subject to flow measurements in Lacamas Creek.

Ecology and CPU will continue to jointly evaluate and implement appropriate management programs in the basin for new well development. No conditions other than those specified above and in the MOU will be contained in that permit.

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Mr. Bruce Bosch  
January 16, 1992  
Page 2

Both the MOU and this letter of understanding have been signed with the intent of eliminating the need for pending legislation and other adversarial action on these issues. Both CPU and Ecology feel we have met the communicated intent of a cooperative program.

I would now ask you to please coordinate with Clark County officials to obtain the necessary signatures and return a copy to me. Ecology will proceed with the joint program upon receipt of the signed agreement.

Sincerely,

*Terry Husseman*

Christine O. Gregoire  
Director

Enclosure(s)

cc: Richard Cyr, CPU  
George Stillman, Clark County  
Bob Wubbena, EES  
Terry Husseman, DOE  
Hedia Adelman, DOE  
Gary Hanson, DOE  
Gale Blomstrom, DOE

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January 15, 1992

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**DEPARTMENT OF ECOLOGY  
AND  
CLARK COUNTY  
AND  
CLARK PUBLIC UTILITY**

- I. The parties agree to jointly develop a Water Resource Plan (WRP) for the Salmon Creek Basin, located in North Clark County. The WRP will be developed under the general direction of a North Clark County Water Resource Forum, and the following Study Team composed of one representative from each agency:

Clark County Government (County),

Clark Public Utilities (CPU),

Department of Ecology (Ecology),

Department of Health (Health).

- II. The objective of the WRP is:

Through a cooperative process, develop a management plan for ground and surface water in the Salmon Creek Basin. The WRP study process and recommended plan will be used by the Department of Ecology as the technical and management criteria for all water allocation decisions in the Salmon Creek Basin to protect base or minimum instream flows and to develop options to manage and enhance instream values.

- III. The WRP will be designed to answer the following questions:

- A. How much surface and groundwater is available in the study area for both instream and out-of-stream use?
- B. What legal water rights exist to the available water resources and what is the status of those rights?
- C. What are the existing and projected instream and out-of-stream needs and demands?

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- D. What are the alternative methods to meet the projected needs and what are the agreed upon impacts on senior water rights and/or instream flows within Salmon Creek Basin
- E. What is the relationship between the water reservation for municipal and industrial use (Chapter 173-592 WAC) and other legal water rights?
- F. Based on the findings of the WRP, is a revision of Chapter 173-592 WAC and the draft Groundwater Management Plan required?

#### IV. Pending Applications

Following signing of this MOU, Ecology agrees to issue permits upon application by CPU, subject to this MOU and Chapter 173-592 WAC. The conditions on the permits will be limited to:

- A. Standard relevant permit conditions, including senior water rights and well construction, and
- B. Reference to the aquifer and Salmon Creek Basin Water Resource Management Plan developed under the guidance of this MOU.

It is further understood:

- C. If the studies completed as a part of this MOU confirm that no unacceptable impairment of senior rights (including instream flow rights) occurs from a specific well or in aggregate and that waters are available, then Certificate of Rights will be issued.
- D. If the study findings from the WRP are not conclusive or impairments of senior rights are identified, Permits will be modified to incorporate new conditions developed through the WRP and may include one or more of the following:
  - 1. Issuance of Certificates with provisions developed by WRP.
  - 2. Cancellation of permits associated with selected wells where unacceptable conditions exist.
  - 3. Development of an alternative source of supply plan or mitigation plan as defined by the WRP consistent with a time schedule that reflects implementability and public interest as verified and confirmed through SEPA. All water rights established since August 1986, relating to non-public water systems, are junior to the water rights established under Chapter 173-592 WAC.

**V. The parties agree that:**

- A.** CPU will continue to evaluate and pursue development of water resources, both inside and outside the Salmon Creek Basin, prior to completion of the WRP and be guided by study findings as they become available. If impairments to existing senior rights are documented, CPU will mitigate or adjust its operation in accordance with the objectives of the MOU.
- B.** CPU and Ecology will jointly review the potential siting of new production wells in Salmon Creek during the study period. The Study Team will help determine the most appropriate development sites in the Salmon Creek Basin. CPU and Ecology agree that new wells developed in the Salmon Creek Basin prior to completion of the WRP will be required to be consistent with this MOU.
- C.** CPU will base their projected water supply needs on the Clark County Growth Management Program, Comprehensive Land Use Plan, the CPU Water System Plan and the CPU Water Conservation Plan.

**VI. The objective will be to complete the WRP by December 1993. The WRP work plan will be developed jointly by the Study Team. The work plan will be funded by the Study Team participants with CPU and the County primarily responsible for funding out-of-stream and resource development studies. The State is primarily responsible for funding instream evaluation and enhancement studies. See Attachment A. The work plan will include:**

- A.** Quantification of water rights and relative priorities (not adjudication).
- B.** Establishment of water availability in the Study Area for both surface and groundwater.
- C.** Identification of existing and future instream and out-of-stream needs.
- D.** Evaluation of impacts of various allocation options on both surface and groundwater resources.
- E.** A Water Resource Management Plan for the Salmon Creek Basin that is generally consistent with the philosophy of the Chelan Agreement.

**VII. Study Process****A. North Clark County Water Resource Forum Members**

The Water Resource Forum will be formed by local government to serve as the primary focus of the public policy and program review by those

directly impacted by the proposed Salmon Creek Water Resource Management Plan. The Forum members are advisory to the Study Team and the signators of this MOU.

1. Local Government Representatives
2. State Government Representatives
3. Interest Groups Representatives
  - Environmental
  - Business
  - Agriculture
  - Fisheries/Recreation

**B. Study Team Members**

The following Study Team will guide the study and be responsible for providing State and local government policy and program input into the plan development.

- Clark County, Co-Lead Agency.
- Clark Public Utilities, Co-Lead Agency
- Department of Ecology
- Department of Health

**C. Technical Peer Group Reviewers**

The Technical Peer Group will be responsible for validating the technical study procedures and data with in the context of the WRP objectives and schedule. One member will be selected by CPU, one by the Department of Ecology and the third will be selected by the two.

**D. Citizen involvement process will be established**

Clark CPU and Clark County will establish the Water Resource Forum and coordinate public involvement.

**E. Facilitator**

A Facilitator will be used only if the Study Team is unable to reach a consensus on the WRP recommendation.

- F. If during the study process a senior right is impaired by CPU pumping. CPU will consult with the Study Team and will take appropriate steps to mitigate.
- G. Public interest test and legal review.

Existing laws provide the guidance on public interest. The Study Team will incorporate the public interest test in the study process. Compliance with State and local legal requirements will be verified by Study Team legal staff.

**VIII. Time Schedule and Work Plan**

The work plan will be approved by the signators to this agreement by March 1, with future changes to the work plan approved by the designated agency Study Team members. The deliverables are identified in Attachment A. The Study Team will coordinate the work plan with other Local and State study projects consistent with the study objectives. The Study Team will meet on a regular schedule with the objective to complete the WRP by December 31, 1993.

**SIGNED BY:**

*J. Husseman for*  
 Christine Gregoire  
 Director  
 Department of Ecology

1/16/92  
 Date

*[Signature]*  
 Clark County

3-9-92  
 Date

*Bruce Bosch*  
 Bruce Bosch  
 Chief Executive Officer  
 and General Manager  
 Clark Public Utilities

3-10-92  
 Date

*Approved as to form and  
 content by  
 Dept. Asst. Atty., Clark Co*

*S*

**Attachment A****"DELIVERABLES" FROM  
SALMON CREEK RIVER BASIN  
WATER RESOURCE MANAGEMENT PLAN****JANUARY 1992 - DECEMBER 1993**

The joint Department of Ecology (Ecology), Clark County (County), and Clark Public Utilities (CPU) Water Resource Management Plan for the Salmon Creek Basin will be designed to provide the following. The agency with primary responsibility for tasks is listed. All members of the Study Team will assist in developing and implementing the work plan.

1. Installation of stream monitoring stations. - CPU and County
2. The Study Team members will assemble and share all relevant data developed by each participant.
3. Develop and validate groundwater management model for the Basin consistent with equivalent models used to manage groundwater aquifers in other Basins in the State. - CPU and County
4. Identify and verify status of existing water rights in study area. - CPU and Ecology
5. Complete potential yield studies from surface and groundwater aquifers in the Basin. - CPU and County
6. Identify historical and current flows in Salmon Creek. Identify mass monthly water balance in the Basin based on historical and current data. A projection of the water balance under future conditions will also be made. - CPU and County
7. Assess in-stream conditions and options to enhance in-stream values. - Ecology with assistance from CPU
8. Project in-stream and out-of-stream needs for Basin for year 2040. Compare projections with Management options. - CPU, County, and Study Team
9. Prepare Water Resource Management Plan for Salmon Creek Basin. The WRP will provide for implementation of an aggressive conservation plan by CPU. - CPU, County, and Study Team

