



State of Washington
**PERMIT FOR
SHORT-TERM USE OF WATER**

PRIORITY DATE
10/11/2011

WATER RIGHT NUMBER
S2-30583

MAILING ADDRESS
CONDON-JOHNSON & ASSOCIATES
9012 SOUTH 208TH ST
KENT WA 98031

SITE ADDRESS (IF DIFFERENT)
391 N STANDSTILL DRIVE SOUTH
HOODSPORT WA

Quantity Authorized for Withdrawal or Diversion

| WITHDRAWAL OR DIVERSION RATE | UNITS | ANNUAL QUANTITY (AF/YR) |
|------------------------------|-------|-------------------------|
| 0.2 | CFS | 0.8 |

Purpose

| PURPOSE | WITHDRAWAL OR DIVERSION RATE | | UNITS | ANNUAL QUANTITY (AF/YR) | | PERIOD OF USE (mm/dd) |
|--|------------------------------|--------------|-------|-------------------------|--------------|--------------------------|
| | ADDITIVE | NON-ADDITIVE | | ADDITIVE | NON-ADDITIVE | |
| Construction/soil mixing and batch plant wash down | 0.2 | | CFS | 0.8 | | 11/15/2011 - 02/15/2012 |

REMARKS

Short-term use only
Permit expires 02/15/2012

Source Location

| COUNTY | WATERBODY | TRIBUTARY TO | WATER RESOURCE INVENTORY AREA |
|--------|--------------|---|-------------------------------|
| MASON | LAKE CUSHMAN | LAKE KOKANEE/NORTH FORK SKOKOMISH RIVER | 16-SKOKOMISH-DOSEWALLIPS |

| SOURCE FACILITY/DEVICE | PARCEL | TWP | RNG | SEC | QQ Q | LATITUDE | LONGITUDE |
|------------------------|--------------|-----|-----|-----|------|-----------|-------------|
| LAKE CUSHMAN | 422050060000 | 22N | 04W | 05 | SWSW | 47.417983 | -123.226304 |

Datum: NAD83/WGS84

PERMIT FOR SHORT-TERM USE OF WATER

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

422050060000, 422080061000

Proposed Works

A 15 HP submersible pump in a screened intake box pumping approximately 600-800 feet to a storage tank, then to soil mixing equipment.

Measurement of Water Use

| | |
|---|--------------------------------------|
| How often must water use be measured? | Weekly |
| How often must water use data be reported to Ecology? | Upon Request by Ecology |
| What volume should be recorded? | Total Volume |
| What rate should be recorded? | Peak Rate of Withdrawal (gpm or cfs) |

Provisions

This permit will be revoked for failure to comply with the following provisions:

Measurements, Monitoring, Metering and Reporting

An approved measuring device shall 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 for the duration of this project.

WAC 173-173 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.

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. <http://wdfw.wa.gov/about/contact/>

Water Quality

This permit is issued subject to compliance with all applicable water quality standards.

Construction must be managed to prevent sediment, sediment-laden water, oil, grease and other harmful materials from entering waters of the State.

Easement and Right-of-Way

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.

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.

Other requirements

This permit is subject to compliance with all other federal, state and local requirements. Failure to obtain necessary permits or authorizations or failure to comply with the conditions therein shall result in revocation of this Short-term Permit.

I ORDER approval of Short-term Application No.S2-30583, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearing 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 following 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 Olympia, Washington, this *4th* day of *November* 2011.

Michael J. Gallagher

Michael J. Gallagher / Section 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 Short-term Permit -- Condon Johnson & Associates, Inc.

Water Right Control Number S2-30583

Marie Peter, Department of Ecology

BACKGROUND

On October 11, 2011, Eric Dybevik of Condon-Johnson and Associates, Inc. filed an application for short-term use of water under Application No. S2-30583. The applicant, working for Tacoma Power, proposes to divert surface water from Lake Cushman, tributary to Lake Kokanee and North Fork Skokomish River, for use during construction to extend the existing core wall near Tacoma Power's Cushman Dam No. 1 spillway. The project site is located in Mason County within Water Resources Inventory Area 16 (WRIA 16)—the Skokomish-Dosewallips Watershed.

There are two dams associated with Tacoma Power's Lake Cushman Hydroelectric Project (Federal Energy Regulatory Commission (FERC) Project No. 460). The upper dam, Cushman Dam No. 1, is on Lake Cushman. The lower dam, Cushman Dam No. 2, is on Lake Kokanee. FERC issued a new license for this project on July 30, 1998. The license was appealed and settled resulting in an Amended License with new conditions such as the regulated release of flows below Cushman Dam No. 2 to the North Fork Skokomish River.

Attributes of Proposal

Table 1 Application Summary

| | |
|---------------------------|--|
| Name | Condon-Johnson & Associates, Inc. |
| Instantaneous Rate | 0.2 cfs (90 gpm) |
| Annual Quantity | 0.8 Acre-feet/yr (250,000 gallons) |
| Purpose(s) of Use | Construction/soil mixing and batch plant wash down |
| Period of Use | 11/15/2011 – 02/15/2012 |
| Place(s) of Use | Parcel Nos. 422050060000, 422080061000 |

Table 2 Proposed Sources of Withdrawal or Diversion

| Source Name | Parcel | Twp | Rng | Sec | QQ Q | Latitude | Longitude |
|--------------|--------------|-----|-----|-----|------|-----------|-------------|
| Lake Cushman | 422050060000 | 22N | 04W | 05 | SWSW | 47.417983 | -123.226304 |

Legal Requirements for Approval of a Permit for Appropriation of Water

RCW 90.03 authorizes the appropriation of public water for beneficial use and describes the process for obtaining a water right. Laws governing the surface water right permitting process are contained in

RCW 90.03.250 through 90.03.340. In accordance with RCW 90.03.290, determinations must be made on the following four criteria in order for an application for water rights 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 in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. However, under Department of Ecology *Policy No. 1037 Permits for Short-term Water Use*, the Regional Section Supervisor may waive this requirement. Because the November 15, 2011 starting date for this project does not allow sufficient time for advertisement and there are no major concerns associated with this proposal, public notice was not required for this project.

Consultation with the Department of Fish and Wildlife

The Department must give notice to the Department of Fish and Wildlife (WDFW) of applications to divert, withdraw or store water (RCW 77.57.020). I contacted WDFW regarding this proposal on October 27, 2011. Gloria Rogers, WDFW habitat biologist for Region 6, indicated that WDFW has no concerns regarding this project and that a Hydraulic Project Approval (HPA) was being issued. She informed Ecology that the pump intake had been properly screened.

State Environmental Policy Act (SEPA)

Tacoma Power initially determined this project to be categorically exempt from SEPA under WAC 197-11-800(3) and (23). However, to ensure compliance, Tacoma Power filed a SEPA Environmental Checklist and as lead agency, issued a Determination of Non-Significance (DNS) on October 21, 2011 (Lead Agency File No. SEP 2011-40000171743). The SEPA DNS was advertised in the *Shelton Mason County Journal* on October 27, 2011.

INVESTIGATION

When the Cushman No. 1 Dam spillway was constructed, Tacoma Power built a "core wall" in the embankment to prevent internal erosion. However, water has begun to flow around the core wall and is leaking through the soils in the existing embankment. Construction is required to ensure continued safe operation of the Cushman hydropower project.

Under this application, Tacoma Power proposes to use water for a construction project to extend the core wall on the west side of the Cushman No. 1 Dam spillway approximately 273 feet horizontally, into the surrounding hillside. Construction activities will be confined to Tacoma Power's existing hydropower project reservoir area and will not alter or change the function of the spillway or embankment. The Cushman Dam No. 1 core wall extension project is being conducted under the review and approval of the Federal Energy Regulatory Commission (FERC).

Water from Cushman Dam No. 1 discharges to Lake Kokanee. The Cushman Dam No. 1 spillway drains to Lake Kokanee via a tributary stream, Deer Meadow Creek. From Lake Kokanee, Tacoma Power

directs a substantial portion of the flow through penstocks to the Cushman No. 2 Powerhouse where it enters Hood Canal. Additional water is released below Cushman Dam No. 2 to the Lower North Fork Skokomish River. The Lower North Fork flows to its confluence with the South Fork at River Mile 5.3 and discharges to Annas Bay on Hood Canal.

Under the Amended FERC License, Tacoma Power is required to release 115,835 acre-feet per year as instantaneous flows from the Cushman Project to the Lower North Fork Skokomish River in accordance with a prescribed release schedule and in consultation with the Fisheries and Habitat Committee.

Proposed Use and Basis of Water Demand

The reservoir water level will be maintained at an approximate elevation of 695 feet throughout the duration of the project. The point of diversion will be located several hundred feet north-northwest of the Cushman No. 1 Dam spillway. Soil mixing will occur at a site approximately 200 feet southwest of the spillway.

Surface water will be diverted from Lake Cushman using a 15 horsepower electrically powered submersible pump placed in a screened box. Water will be conveyed approximately 600 to 800 feet to a 21,000-gallon capacity storage tank. The tank will be topped off approximately once a day. Water will be delivered from the tank to the soil mixing equipment on demand. In-situ soils will be mixed with bentonite and cement. The mixture will form an impermeable barrier to extend the existing core wall. Water will also be used daily for wash down at the batch plant.

All discharge and excess materials from soil mixing and batch plant wash down will be directed to and retained in a designated "excess soil disposal site" within the construction site. This site drains to Deer Meadow Creek and Lake Kokanee. Construction must be managed to prevent sediment, sediment-laden water, oil, grease and other harmful materials from entering waters of the State.

Water Availability

Tacoma Power's operational records for the Cushman Hydroelectric Project through Water Year 2009 indicate that average annual surface-water flow through Cushman Dam No. 1 is 563,197 acre-feet per year. The minimum recorded flow was 321,959 acre-feet per year. Water is physically available for appropriation from Lake Cushman.

A Watershed Management Plan was adopted by the WRIA 16 Watershed Planning Unit on May 11, 2006. However, minimum in-stream flows and basin closures have not been set by regulation for the North Fork Skokomish River or other WRIA 16 streams. Thus, water is also legally available for appropriation as requested.

Existing Rights

Existing Rights for the Cushman Hydropower Project

Tacoma Power holds the following water rights for the Cushman No. 1 project: Certificate Nos. S2*00353BSCWRIS and R2-*00354CWRIS, and Permits S2-27419, S2-30504 and R2-30508. These water rights allow use of 2,800 cfs for power generation and associated storage of water in Lake Cushman.

Certificates Nos. S2-*02525CWRIS and R2-*03766CWRIS and Permits Nos. S2-27420, S2-30505 and R2-30509 are associated with the Cushman No. 2 project. In addition, S2-30506 is associated with the Cushman No. 2 Powerhouse and Ground Water Right No. G2-30507, for fish propagation at Saltwater Park Hatchery on Hood Canal.

Existing Surface Water Rights Downstream of Lake Cushman

Department of Ecology's Water Right Tracking System shows one surface water right, Permit S2-26759 for 1.33 cfs for stock water and irrigation, and two surface-water claims downstream of the Cushman hydroelectric project. One surface-water claim for domestic supply is recorded for diversion of water from Lake Cushman.

Impairment Considerations

The proposed diversion for this project is limited to a total of 250,000 gallons or 0.8 acre-feet per year over a three-month period. This represents a very small fraction of the total amount of water flowing through Lake Cushman. Because water used for soil mixing and wash down will remain on site, much of the diverted quantity will percolate back through the soils and return to the surface-water system. The proposed appropriation will also occur during a time of year when the North Fork Skokomish River typically experiences high flows.

Flows downstream of Cushman Lake are controlled by Tacoma Power's regulated release of water from Lake Kokanee below Cushman Dam No. 2 to the North Fork Skokomish River, in accordance with the project's Amended FERC License. The proposed short-term diversion from Lake Cushman will not interfere with Tacoma Power's ability to release the required flows. The proposed appropriation of surface water will not impair existing rights or diminish in-stream flows in the Skokomish River. Likewise, groundwater diminishment will not occur as a result of this appropriation.

Beneficial Use

The use of water for construction purposes associated with hydropower generation is a beneficial use under RCW 90.54.020(1).

Public Interest Considerations

Construction activities have the potential to degrade water quality unless adequate planning and prevention measures are in place. Construction must proceed in a manner that ensures compliance with all applicable water quality standards to protect surface-water bodies and in-stream resources.

This project is needed to maintain public safety in conjunction with the existing Cushman No. 1 Dam hydropower project. Provided that applicable discharge and water quality standards are complied with, the proposed appropriation will not be detrimental to the public interest.

Conclusions

- Water is available for short-term use in the amount requested.
- The proposed use is beneficial.
- Existing rights will not be impaired.
- The proposed use will not be detrimental to the public interest.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a short-term permit 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:

- 0.2 cfs (90 gpm)
- 0.8 acre-feet per year (250,000 gallons)
- Construction/soil-mixing and batch plant wash down
- Point of Diversion: SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 05, Township 22 North, Range 04W.W.M.
- Place of Use: Mason County Parcel Nos. 422050060000, 422080061000
- Period of use: November 15, 2011 through February 15, 2012

Marie Pete

Report Writer

11-4-2011

Date

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.