File NR S4-31623
WR Doc ID 2086559

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

PRIORITY DATE
February 3, 1993

APPLICATION NUMBER
S4-31623

MAILING ADDRESS
BRIAN R & LINDA M SLADE
7865 RUSS RD
MALAGA WA 98828

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Withdrawal or Diversion

DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.14	CFS	10.0

Purpose

PURPOSE	DIVERSION RATE ADDITIVE	DIVERSION RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Multiple domestic	0.14		CFS	10.0		01/01 - 12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
CHELAN	COLUMBIA RIVER		40-ALKALI-SQUILCHUCK

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
COLUMBIA RIVER			21N	22E	29	SE NE	47.28369	-120.09233

Datum: NAD83/WGS84

Place of Use (See Attached Map and Attached)

PARCELS (NOT LISTED FOR SERVICE AREAS)

212229535219; 212229535217; 212229535223; 212229535220; 212229535215; 212229535200; 212229535201.

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Certain property in the County of Chelan, Township 21 North/ Range 22 East described as follows. Commencing at the NE Corner of Section 29, T21N/R22E, thence South 2577 feet; thence West 418 feet to the True Point of Beginning. THENCE:

South 88°59'34" West 308 feet; Thence
North 1°12'55" East 1018 feet; Thence
South 83°17'6" East 48 feet; Thence

South 46°5'56" East 96 feet; Thence
South 88°3'47" East 356 feet; Thence
South 0°6'42" East 286 feet; Thence
South 0°10'57" West 81 feet; Thence
South 24°41'27" West 65 feet; Thence
South 25°19'28" West 114 feet; Thence
South 24°1'30" West 95 feet; Thence
South 25°21'51" West 88 feet; Thence
South 8°30'1" West 236 feet TO THE TRUE POINT OF BEGINNING.

Proposed Works

Transmission mains and distribution system with four points of diversion will be installed. Each diversion point with 1" or 1.5" pipes from 1 HP to 2 HP submersible pumps would supply water to two households. Diversion pumps would be controlled by Grundfos water pumps or similar on-demand system.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
August 1, 2012	December 1, 2017	May 1, 2018

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 (gpm or cfs)

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.

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.

Department of Health Requirements

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of

the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at DOH/Division of Environmental Health, 16201 E. Indiana Avenue, Suite 1500, Spokane Valley, WA 99216, phone:(509) 329-2100.

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/.

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 change 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 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 **Pollution Control Hearings Board** 1111 Israel RD SW Ste 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Yakima, Washington, this 13th day of December 2011.

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 -- Slade
Water Right Control Number S4-31623
Farida Leek, Department of Ecology

BACKGROUND

Description and Purpose of Proposed Application

On February 3, 1993, the Washington State Department of Ecology (Ecology) accepted Water Right Application Number S4-31623 submitted by Russell J. Kopak, Jr. This application was later assigned to Brian R. and Linda M. Slade on December 17, 2008 due to sale of property. Attributes of the application are presented below in Table 1.

On August 11, 2011, the applicant was notified of 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). On August 16, 2011 Mr. Slade indicated his intent to receive water under the Program.

Lands covered by the proposed place of use and upon which the proposed points of diversion are located are owned by Brian R. Slade and his six other neighbors, parcel numbers 212229535219; 212229535217; 212229535223; 212229535220; 212229535215; 212229535200; 212229535201.

The proposed water use is associated with a residential development consisting of seven homes. All homes will be provided water from the Columbia River through distribution and transmission mains connected to submersible pumps.

Table 1 Application Summary

Name	Brian and Linda Slade
Priority Date	February 3, 1993
Instantaneous Rate	0.5 cfs
Annual Quantity	N/A
Purpose(s) of Use	Multiple Domestic and Irrigation
Period of Use	Year round
Place(s) of Use	Lot 1 A-D, Block 7, Dill's Orchard Tracts, Chelan County, WA

Table 2 Proposed Source of Diversion

Source Name	Parcels	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
COLUMBIA RIVER	212229535219–201	N/A	21N	22E.W.M.	29	SE NE	47.28369	-120.09233

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 this application was published in the Wenatchee World on May 9 and May 16, 1993.

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 November 18, 2011, Ecology received a comment document from WDFW regarding this application. The following are drawn from the information obtained:

"...WDFW supports Ecology's intent to issue Municipal and Industrial water right permits to qualifying applicants pursuant to the annual Lake Roosevelt Incremental Storage Releases of 25,000 Acre-Feet. 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.

This application also is subject to WDFW screening criteria. Intake(s) must be screened in accordance with RCW 77.57.010, RCW 77.57.040, and RCW 77.57.070; and Hydraulic Project Approvals under chapter 77.55 may be needed for work in state waters.
WDFW has determined that issuing these permits will not result in lowering stream flow below the level necessary to adequately support fish in this location".

Consultation under WAC 173-563-020

Under WAC 173-563-020(4), consultation is required before issuance of new Columbia River 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 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 and industrial permits and associated instream releases.

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 gallons per minute (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, Eiko Urmos-Berry and Tom Perkow on September 27, 2010. Mr. Brian Slade and Mr. Stan Anderson were present during the site visit and discussion of the project.

The applicant's place of use is located approximately 16 miles south of Wenatchee, on the west side of the Columbia River, in Chelan County.

It was determined that the proposed water use is associated with a residential development consisting of seven homes, instead of eight as originally proposed. The seven lots are between 1.09 to 2.45 acres in extent, encompassing approximately 10 acres. Water for the lots will be obtained from four points of diversion. The property on which the applicant has requested the points of diversion is not owned by the applicant. As such, the applicant will likely need to obtain an easement to access the property abutting the Columbia River.

Mr. Slade described their plans for this project as follows:

> Water will be appropriated from the Columbia River at four points of diversion. Each point of diversion will be equipped with a 1 HP–2 HP submersible pump. Water will be conveyed through 1"or 1.5" pipes to two residences for each point of diversion. Diversions would be controlled by Grundfos water pumps or similar on-demand system.

At present, of the seven lots, two have permanent houses. It is anticipated one lot to be built on within a year or so, the other lots within three to five years.

There are four existing wells; each well is shared by two residences for household use under the groundwater permit exemption (RCW 90.44.050). During further discussions Mr. Slade mentioned that his well and the other three wells are not capable of producing enough water for household and lawn irrigation for future development. Therefore, through the current application, he requested authorization to divert a maximum rate of 0.5 cfs, and 12.25 acre- feet per year from the Columbia River.

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 legally and physically available.

Legal Availability

The Program involves releases of water stored in Lake Roosevelt under the U.S. Bureau of Reclamation's (USBR) 1938 storage right (Reservoir Certificate No. 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 No. S3-30556 was issued on December 1, 2008 to the USBR, authorizing a maximum of 305 cubic feet per second (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 No.

S3-30556 is considered the "secondary" water use permit authorizing use of water stored under Reservoir Certificate No. 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 and 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 is 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.

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 379 interruptibles who are curtailed based on a forecast methodology outlined in WAC 173-563. 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.

Appurtenant Water Rights

As described in the "Water Rights Appurtenant to the Place of Use" table, there is one other water right document overlapping the applicants 'place of use. Water Right Permit Number S4-30791, issued to Dianna Kopak, authorizes a diversion from the Columbia River. The closest point of withdrawal is approximately 190 feet north-west to the proposed point of diversion. There is another point of diversion, near the proposed point of diversion, under a surface water certificate owned by J.L. Burge. This water right is not associated with the proposed place of use.

Table 3 Other Water Rights Appurtenant to the Place of Use

File Number	Applicant	Document	Priority Date	Purpose	Qi/Units	Qa (Ac-ft/yr)
S4-30791	Dianna Kopak	Permit	06/05/1991	Single Domestic and Irrigation	0.02 cfs	1.0

Beneficial Use

The use of water for multiple domestic and 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.

[1] Although the priority date of this application is February 3, 1993, 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.

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, Mr. Slade does not hold any water rights in this area. Through the current application he requested authorization to divert water at a maximum rate of 0.5 cfs and 12.25 acre-feet per year from the Columbia River for household use, and associated lawn and garden irrigation.

A pumping rate of 10 gallons per minute, or 0.02 cfs, per connection is a reasonable instantaneous rate of diversion for a small development. At seven home sites this project would need **0.14 cfs** for the instantaneous rate.

From the "Water System Design Manual " (Department of Health, 2009), the single valued level for average annual household demands (non-irrigation) which apply statewide independent of rainfall, is about 200 gallons per day (gpd) per Equivalent Residential Unit (ERU). Logic dictates that this demand may be consistent on an average annual basis, but cannot be expected to be uniform on a day to day basis.

Residential households would be expected to experience peak demand days for household uses associated with a number of factors. However, on average, the anticipated indoor use over the course of a year is 200 gpd per ERU.

Assuming this is the case, design requirements for one residence demand would be:
200 gpd *365 days= 73,000 gal/year= 0.22 acre-feet per year. At seven home sites, this project would need **1.54 acre-feet per year** of water.

Using the Washington Irrigation Guide in the Chelan area, a total net irrigation for turf from May to October requires 29.12". Considering one half acre of lawn and garden irrigation for each lot, then three and a half acre of lot will require about **8.5 acre-feet per year** [(29.12''/12'')*3.5 acres].
Combining in-house domestic use with a lawn and garden irrigation, a total water demand for this project would be 10.04 acre-feet per year (1.54+8.5), or, rounding down, **10.0 acre-feet per year**.

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 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 Lake Roosevelt Incremental Releases 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 90.90.20(3)(b) instructs Ecology to focus on "Sources of water supply for pending water right applications".
- RCW 90.90.20(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:

- Economic activity is likely to result from the use of water for commercial/industrial purposes, as the associated construction and operation activities generate increased economic and social opportunities.
- The use of water for multiple domestic and 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 Final Supplemental Environmental Impact Statement for the Lake Roosevelt Incremental Storage Releases Program[2] (FSEIS) and the Addendum to the FSEIS[3] (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

[2] http://www.ecy.wa.gov/programs/wr/cwp/images/pdf/finalseis/seis_final.pdf
[3] http://www.ecy.wa.gov/programs/wr/cwp/images/pdf/lkroos_seis_adden.pdf

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 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 multiple domestic and irrigation is considered to be a beneficial use. Therefore, this application meets the first criterion of RCW 90.03.290 that the requested water be put to 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:

0.14 cfs
10.0 acre-feet per year
Multiple domestic and irrigation purposes

Point of Diversion:
SE¼, NE¼, Section 29, Township 21 North, Range 22 E .W.M.

Place of Use

Certain property in the County of Chelan, Township 21 North/ Range 22 East described as follows. Commencing at the NE Corner of Section 29, T21N/R22E, thence South 2577 feet; thence West 418 feet to the True Point of Beginning. THENCE:

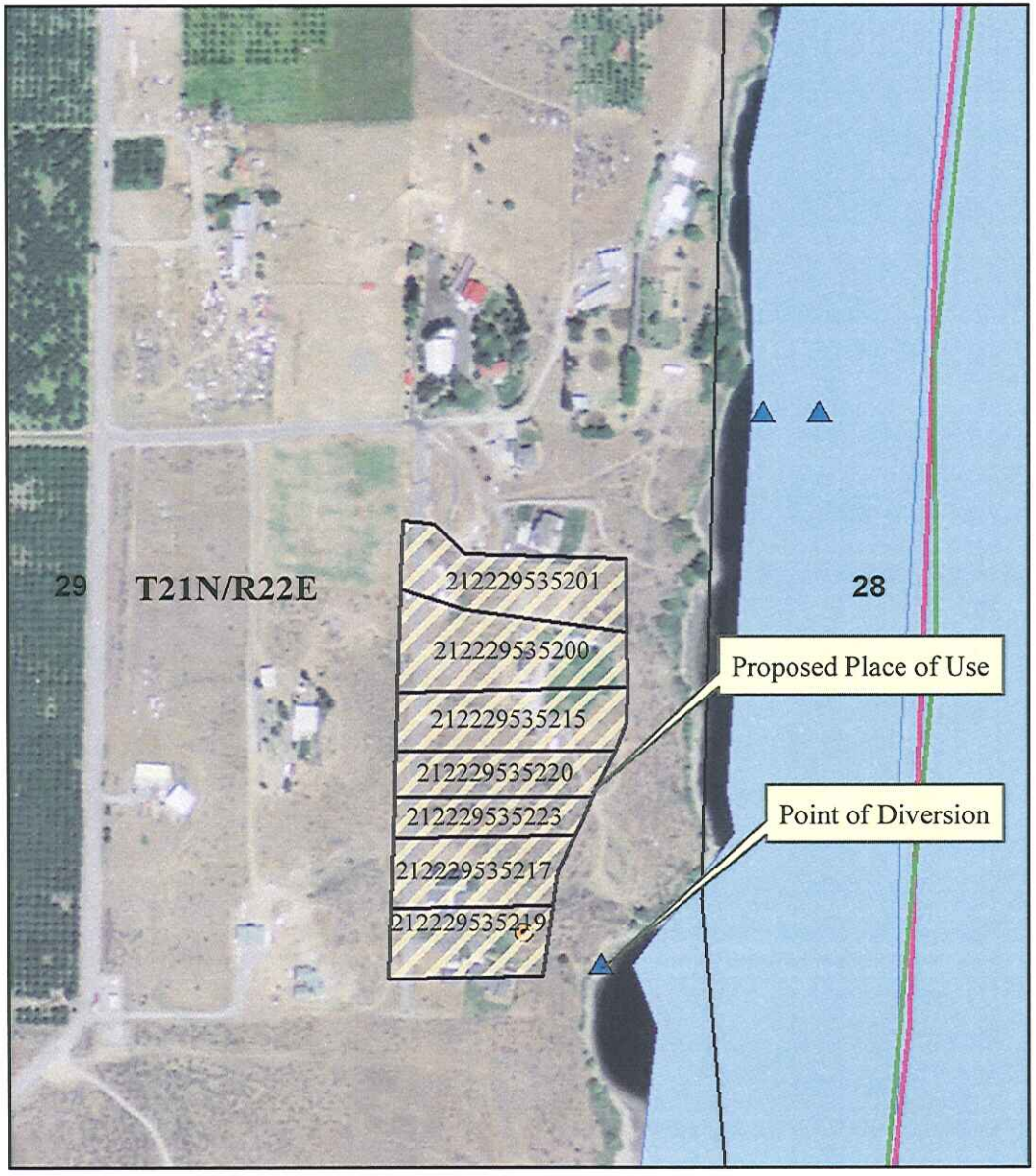
South 88°59'34" West 308 feet; Thence
North 1°12'55" East 1018 feet; Thence
South 83°17'6" East 48 feet; Thence
South 46°5'56" East 96 feet; Thence
South 88°3'47" East 356 feet; Thence
South 0°6'42" East 286 feet; Thence
South 0°10'57" West 81 feet; Thence
South 24°41'27" West 65 feet; Thence
South 25°19'28" West 114 feet; Thence
South 24°1'30" West 95 feet; Thence
South 25°21'51" West 88 feet; Thence
South 8°30'1" West 236 feet TO THE TRUE POINT OF BEGINNING.

12.13.2011

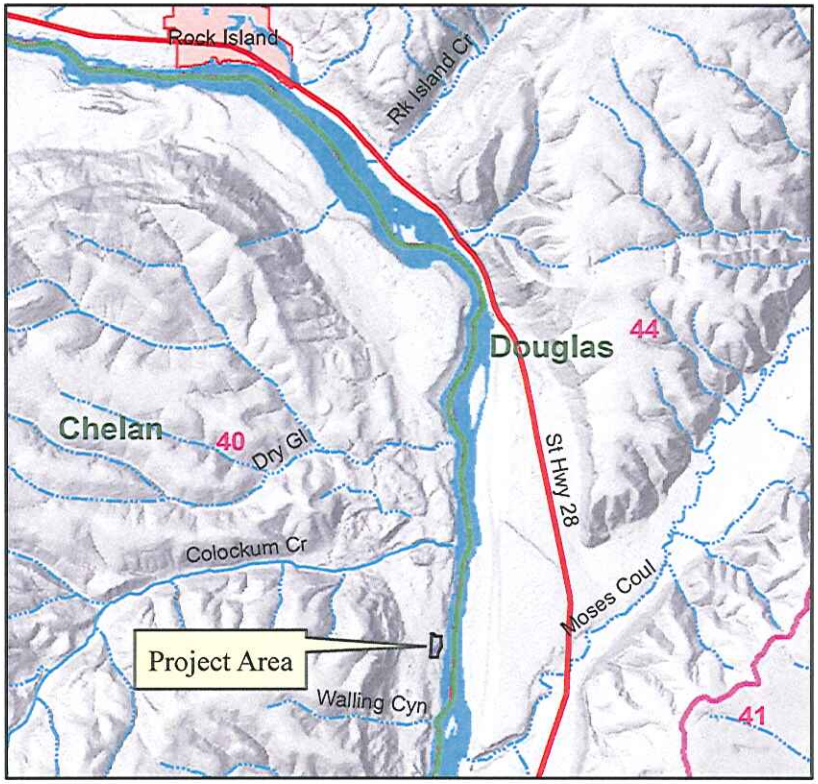
Report Writer *Date*

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.

Brian and Linda Slade Water Right Application No. S4-31623
Sec. 29, T. 21N., R. 22E., W.M. WRIA 40-Chelan County



0 250 500 1,000 Feet



0 0.5 1 2 3 Miles

Legend

- County Boundary
- WRIA Boundary
- City Place
- T21N Township
- 28 Sections
- 2122... Parcels
- Major Rivers
- Intermittent Streams
- Major Roads
- Surface Water Diversion
- Well

Attachment 1