DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION FOR TRUST WATER RIGHT

PRIORITY DATE	CLAIM NUMBER	BEGIN TRUST TERM	END TRUST TERM
4/17/1895	160822	January 1, 2015	PERMANENT

WATER RIGHT OWNER
CASCADE WATER ALLIANCE
520 112TH AVENUE NE SUITE 400
BELLEVUE WA 98004

Purpose and Quantity

Trust water right for the purpose of instream flow, with quantities allocated to primary and second reaches in the following manner.

	Primary Reach		Secondary Reach	
Period	**Flow (cfs)**	**Acre-feet**	**Flow (cfs)**	**Acre-feet**
01/01 -12/31	988	684,571	0	0
ANNUAL TOTAL		**684,571**		**0.00**

"Primary reach" means that portion of a water body that benefits from both the former consumptive use and former return flow waters of a water right. "Secondary reach" means that portion of a water body that benefits only from the former consumptive portion of a water right.

Trust Water Right Place of Use

WATERBODY	TRIBUTARY TO	COUNTY	WATER RESOURCE INVENTORY AREA
White River	Puyallup River	Pierce	10-Puyallup-White

REACH	WATERBODY	RIVER MI	TWN	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Begin Primary Reach	White River	24.3	19 N	6 E	02			
End Primary Reach	White River	3.6	19 N	5 E				

Latitude/Longitude Coordinates may approximate reach segments. Datum: NAD83/WGS84

Trust Water Right Provisions

The Trust Water Right is subject to the provisions of a Trust Water Right Agreement to be entered between Cascade Water Alliance and the Washington State Department of Ecology.

PORTION OF RIGHT NOT CONVEYED INTO TRUST
RECORD A – LAKE TAPPS OPERATION

PRIORITY DATE	CLAIM NUMBER
4/17/1895	160822

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
CASCADE WATER ALLIANCE 520 112TH AVENUE NE SUITE 400 BELLEVUE WA 98004	

Total Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
1,000	CFS	246,710

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE ADDITIVE	WITHDRAWAL OR DIVERSION RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Hydroelectric plant; recreational reservoir levels; winter reservoir levels to maintain reservoir; protect and enhance fish and wildlife; maintenance of water quality for recreational purposes in the reservoir and to meet other regulatory requirements	1,000		CFS	246,710		01/01 - 12/31

Source Location

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWN	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
WHITE RIVER			19 N	06 E	02	NE		

Datum: NAD83/WGS84

Approximate Location of Diversion: 200 feet East and 200 feet South from the North quarter corner of Section 2.

Place of Use (See Attached Map)

Existing impounding structure of Lake Tapps Reservoir in Sections 4, 5, 8, 9, 10, 14, 15, 16, 17, 21, 22, 23, 27 and 28, Township 19 N, Range 5 E.W.M.

Proposed Works

See Project Description in Report of Examination for CS2-160822CL.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Completed	Completed	Completed

Provisions

See Report of Examination for CS2-160822CL.

PORTION OF RIGHT NOT CONVEYED INTO TRUST
RECORD B – FISH HATCHERY OPERATION

DEPARTMENT OF ECOLOGY

RECEIVED THIS DAY

CERTIFICATE OF CHANGE TO WATER RIGHT CLAIM

[X] Surface Water (issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)

APR 27 3 01 PM '94

BY THE DIVISION OF RECORDS & ELECTIONS KING COUNTY

[ ] Ground Water (issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
First date claim used*	160822		WRC No. 160822

NAME
Puget Sound Power & Light Company

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
P.O. Box 97034	Bellevue	Washington	98009-9734

* *The priority date for the vested right changed in this certificate is the first date of appropriation under Water Right Claim No. 160822*

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
White River

TRIBUTARY OF (IF SURFACE WATERS)
Puyallup River

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR
12		N/A non-consumptive Reuse

QUANTITY, TYPE OF USE, PERIOD OF USE

Fish Hatchery Operation - Continuously

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL

600 feet north and 800 feet west from the SE corner of Section 35, Township 20 North, Range 6 East, W.M.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
SW¼ SE¼ SE¼	35	20	6E	10	King

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

S½ SE¼ of Section 35, Township 20 North, Range 6 East, W.M. in King County, Washington.

FILED for Record at Request of
Name Puget Sound Power & Light
Address P.O. Box 97034
Bellevue, Wa. 98009-9734

CERTIFICATE OF CHANGE TO WATER RIGHT CLAIM

RECORD B – FISH HATCHERY OPERATION (Continued)

PROVISIONS

This Certificate of Change to Water Rigth Claim No. 160822 documents the specific changes as noted:

1. Addition of a point of diversion
2. Reuse of the water for fish propagation
3. Addition of the place of use to include the fish hatchery and wetlands.

Surface water intake structure on the north bank of the White River sized for 12 cfs. Water from the river will be screened through a static sieve and then piped to the hatchery. Overflow from the screen will be routed to an optional clarifier and then to the discharge point located at the existing fish ladder and trap point. Pipelines from the intake structure to the hatchery facilities will be placed upon the existing ground surface.

If the hatchery produces in excess of 20,000 lbs. of fish, or uses over 5,000 lbs. of food per month, the applicant shall notify the Water Quality Program. Department of Ecology, and proceed to obtain an NPDES permit.

The applicant will develop and submit to the Department for approval a sediment management plan for those sediments removed by the static sieve associated with the surface water intake structure. *

The Washington State Department of Fisheries will be consulted as to the design and construction of the intake structure screen.

The permittee shall obtain an HPA from the appropriate agency prior to initiating work on the surface water intake structure.

*A sediment management plan is not required as outlined in letters dated May 7, 1992, and June 1, 1994, to the Washington State Department of Ecology (copies attached).

Bonnie Lindner
Hydropower Regulation
Puget Power
June 3, 1994

9404220362

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in RCW 90.03.380, 90.03.390, and 90.44.020.

This certificate of water right is specifically subject to relinquishment for nonuse of water as provided in RCW 90.14.180.

Given under my hand and the seal of this office at Bellevue, Washington,

this 15th day of April, 1994.

Department of Ecology

ENGINEERING DATA
OK

by Stephen J. Hirschey
Stephen J. Hirschey, Section Supervisor, Water Resources

FOR COUNTY USE ONLY

CERTIFICATE OF CHANGE TO WATER RIGHT CLAIM -2- No. WRC 160822

Findings of Facts and Decisions

Upon reviewing the investigator's report, I find all facts relevant and material to the subject application have been thoroughly investigated. Furthermore, I find the change of water right as recommended will not be detrimental to existing rights or detrimental to the public interest.

Therefore, I ORDER the requested change of place and purpose of use under Trust Water Right Application No. CS2-160822CL@3, be approved subject to existing rights and the provisions specified in the Trust Water Right Agreement.

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	**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 10th day of July 2014.

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

This report concerns Trust Water Donation application CS2-160822CL@3 filed by Cascade Water Alliance ("Cascade") on December 12, 2012. The application proposes to permanently donate a portion of Surface Water Claim 160822 to the Washington State Trust Water Right Program ("TWRP"). Cascade applied to donate an instantaneous quantity ("Qi") of 988 cfs and an annual quantity ("Qa") of 684,571 acre-feet per year to permanent trust.

Surface Water Claim 160822 ("Claim") originated from hydropower operations of the White River Hydroelectric Project by predecessors to Puget Sound Energy ("Puget") starting in 1895. Over time, the claim has been changed to include fish hatchery operation and support the multiple beneficial purposes in addition to hydropower generation provided by diversion of water into Lake Tapps including, but not limited to recreation, reservoir maintenance, fish passage, flow augmentation, and water quality. In two separate actions in 2009, Puget transferred the portion of the Claim allocated to fish hatchery operation to the Muckleshoot Indian Tribe, and the remainder of the Claim to the Cascade.

In 2010, Ecology approved three new water rights and a change to the claim as part of the Lake Tapps Reservoir Water Rights and Supply Project, which includes continued operation of Lake Tapps and its development as a new regional water supply. As a component of those authorizations, Cascade committed to donating a portion of the Claim to the permanent trust (Condition 19 of CS2-160822CL). Application CS2-160822CL@3 represents the fulfillment of that condition.

With Cascade's donation of a portion of the Claim to the permanent trust, the Claim has been divided into three portions: A) the operation of Lake Tapps, B) the fish hatchery operation and C) the permanent donation. In this ROE, these portions are discussed as Records A, B and C, as shown in Table 1.

Table 1. Components of Claim

Record	Brief Description	Instantaneous Flow (Qi) in cfs	Annual Quantity (Qa) in acre-feet/year
A	Lake Tapps Operation	1,000	246,710
B	Fish Hatchery Operation	12	0
C	Permanent Donation	988	684,571

Coincident with the application for the permanent donation, Cascade also submitted an application to for a temporary donation of a portion of Record A to the TWRP. Both the temporary and permanent donations are addressed in the Trust Water Right Agreement between Cascade Water Alliance and Ecology. For clarity, a brief description of the intent of the temporary donation is provided in the following paragraph. Other than this description, this ROE does not address or affect the temporary donation. The temporary donation is subject to its own decision process and separate donation documents will be issued.

The amount of water needed to operate Lake Tapps Reservoir varies from year to year with changes in hydrologic conditions, and over time as the water supply project is developed. With its application for the temporary trust donation, Cascade has retained the quantity of water is has determined is necessary to operate the lake in an "average" year and offered to donate the remainder of Record A to the TWRP to benefit instream flows in the "Reservation Reach" of the White River. The quantities of the temporary trust donation are 0 cfs (Qi) and 154,571 afy (Qa). This water would be available for diversion into Lake

Tapps Reservoir by Cascade (with notice to Ecology per the Trust Water Right Agreement) in adverse conditions, such as drier than average years, a change in Cascade's water supply contracts, or increases in the water demand forecasts for Cascade's members. Once the need to divert temporary trust water is over, the water would again be managed in the TWRP for instream flows. This process is self-executing in that no further applications, either to divert trust water or return trust water to use for instream flows, are required. Cascade would document any diversion of temporary trust water in its annual compliance reports to Ecology, required as Condition 10 of the ROE for CS2-160822CL. The temporary donation will terminate on December 31, 2034.

LEGAL REQUIREMENTS

Chapters 90.42.040 and 90.42.080 RCW establish the Trust Water Right Program ("TWRP") and describe the process for accepting donations into the TWRP. Ecology POL-1220 provides guidance on the process for evaluating and accepting donations into the TWRP.

Permanent donations to the TWRP for the purpose of instream flows are subject to the following requirements:

- Public notice of the donation is required, and may be provided by posting information on Ecology's website with notification by email to "all appropriate state agencies, potentially affected local governments, and federally recognized tribal governments, and other interested parties." [RCW 90.42.040(5)(c)]
- An evaluation of the amount of water eligible to be donated is required. For most water rights, the amount of water available to be donated is based on the extent to which the water right was exercised in the five years prior to the donation. However, for hydropower water rights such as the Claim - which are exempt from relinquishment for nonuse under RCW 90.14.140(2)(a) - the amount of water eligible to be donated is based on the historical beneficial use [RCW 90.42.080(11)]. The total of the donated portion and the portion remaining with the water right holder must not exceed the historical beneficial use.
- An extent and validity analysis on the portion of the water right that will remain with the water right holder is not required [RCW 90.42.040(9)]
- An impairment analysis is not required prior to accepting a donation [RCW 90.42.020(1)(b)]
- An evaluation of public interest considerations is not required prior to accepting a donation [RCW 90.42.080(1)(b)]
- Compliance with SEPA is required, as the donation involves a surface water right over 1 cfs.

Public Notice

Public notice will be provided by posting of a draft Report of Examination on the Department of Ecology Trust Water Right Program website for public comment and by notification of the posting of the draft by email.

State Environmental Policy Act (SEPA)

Cascade assumed lead agency status for the environmental review of the Lake Tapps Reservoir Water Rights and Supply Project, which includes the permanent trust donation.

On June 30, 2008, Cascade published a Determination of Significance and Request for Comments on Scope of Environmental Impact Statement and Environmental Checklist (Cascade 2008). Cascade published a Draft Environmental Impact Statement ("DEIS") on January 29, 2010 (Cascade 2010a). Comments were accepted on the DEIS until May 21, 2010. The Final Environmental Impact Statement ("FEIS") was published on June 16, 2010 (Cascade 2010b).

The FEIS reviewed potential impacts to earth, surface water quantity and quality, groundwater, plants and wildlife, fisheries, recreation and aesthetics, shoreline use and land use, as well as the impacts of climate change on the proposal. The FEIS concluded that the Project would have no significant adverse impacts.

The FEIS included an evaluation of donation of a portion of the Claim to permanent trust in the Proposed Action; however, the FEIS did not identify the specific quantities of the donation. On February 28, 2014, Cascade published an addendum to the FEIS providing the specific quantities of the permanent donation as additional detail and reiterating the prior finding of no significant adverse impacts.

BACKGROUND

Lake Tapps Reservoir was historically used for the White River Hydroelectric Project and more recently has been maintained for recreation and other purposes. Under the authority of Claim No. 160822, water is diverted from the White River near the City of Buckley, conveyed to the reservoir through a flowline consisting of a series of channels and settling basins, and used to generate hydropower. Generally, 20 to 30 cfs of the water is diverted from the flowline through a fish screen that prevents fish migrating downstream from entering Lake Tapps Reservoir. Water (and fish) diverted at the fish screen are returned to the White River several miles downstream of the diversion dam. All other water, except for small amounts of leakage and evaporation, is ultimately discharged through the powerhouse and tailrace canal of the hydropower project and returns to the lower White River at river mile (RM) 3.6.

Other than the Cascade water rights noted in this discussion, no other water rights from the Lake Tapps source appear in Ecology records. Additional detail about the existing diversion infrastructure is presented in the Investigator's Report for S2-29920(A).

Cascade is in the process of developing the Lake Tapps Regional Water Rights and Supply Project, a new regional municipal water supply from Lake Tapps. In 2010, three new water rights and a change to the Claim were authorized to support the new municipal water supply. As a component of that project, Cascade committed to donating a portion of the Claim to the permanent trust.

Cost Reimbursement

This application has been processed by Aspect Consulting, LLC under work assignment ASP019 of Cost Reimbursement Contract No. C1000185 with the Washington State Department of Ecology.

INVESTIGATION

The investigation for this application included, but was not limited to research and/or review of: Washington State Water Code, SEPA requirements, Reports of Examination for the related water rights of the Lake Tapps Water Rights and Supply Project (CS2-160822CL, S2-29920, S2-29934, and R2-29935), and records of other water rights.

History of Water Use

Cascade owns and operates Lake Tapps Reservoir, located on the south side of the White River in Pierce County, Washington, between River Miles ("RM") 24.3 and 3.6. The project site is located within the Puyallup-White River Watershed, Water Resource Inventory Area (WRIA) 10.

Prior to Cascade's ownership, Puget historically diverted water from the White River and impounded it in Lake Tapps Reservoir for hydropower production. The water right for hydropower is evidenced by claims filed in 1895 and 1901. In 1974 Puget filed Claim No. 160822 with the State under chapter 90.14 RCW confirming Puget's interest to protect and use the water right for 2,000 cfs and 1,440,000 acre-feet/year.

Puget's water right for the Hydro Project is based upon claims dating back to 1895. Under the claims, Puget diverted up to 2,000 cfs from the White River for non-consumptive hydropower production. Pacific Coast Power Company, a predecessor to Puget, bought up or condemned the existing riparian rights on the White River in the early 1900s. Pierce County Superior Court Decree condemned the property rights of the riparian owners and required that 30 cfs be left in the channel. *Pacific Coast Power Co. v. Quilquilion,* Pierce County Superior Court No. 28120 (April 13, 1910).

Historical use of the Puget Claim was evaluated by examining streamflow records from U.S. Geological Survey ("USGS") Gage 12099000 – White River Canal near Buckley. These gaging records indicate that as early as October 23, 1918, daily average flows in the flume leading from the White River diversion dam to Lake Tapps had reached 1,930 cfs. Daily average diversions first reached 2,000 cfs on November 19, 1924. The fourth and final turbine generator was added to the White River powerhouse in 1924, which enabled the full 2,000 cfs to be released from Lake Tapps and used for generation at the powerhouse. On June 22, 1925, peak generation at the powerhouse reached 64,000 kilowatt, which corresponds to a generation flow of 2,000 cfs based on existing head and machine characteristics at the time. Starting in 1929, Puget paid the annual water power tax based on the 2,000 cfs water right claim and documented usage. Cascade has continued to pay the annual water power license fee under Chapter. 90.16 RCW since acquiring Lake Tapps in 2009.

Claim number 160822 indicates that the annual quantity of water claimed is 1,440,000 acre-feet per year. This volume could only be diverted if the diversion dam operated continuously at a constant rate of 2,000 cfs. Canal gage records shown in Table 2 indicate that the maximum annual quantity diverted by Puget was 931,281 acre-feet (equivalent to an average diversion of 1286.4 cfs) from January 1 to December 31, 1959.

Table 2. Historical Diversions from the White River under Claim No. 160822

Year	Mean Annual Flow in cfs	Annual Volume in af	Data Source
1914	587	425,280	USGS Water Supply Paper 1316, p 125.
1915	583	422,300	
1916	620	449,800	
1917	638	462,200	
1918	578	418,100	
1919	733	530,900	
1920	783	568,500	
1921	696	504,100	
1922	588	425,700	
1923	698	505,300	
1924	811	588,600	
1925	873	631,680	
1926	854	618,460	
1927	803	581,210	
1928	873	633,880	
1929	849	614,290	
1930	764	552,820	
1931	779	563,990	
1932	886	643,160	
1933	880	636,810	
1934	850	615,530	
1935	885	640,990	
1936	769	558,460	
1937	904	654,540	
1938	927	671,430	
...			
1958	352	254,707	USGS Records - Tacoma Field Office
1959	**1,286**	**931,281**	
1960	1,121	813,884	
1961	1,189	860,471	
1962	927	671,137	
1963	849	614,335	
1964	891	646,931	
1965	837	605,939	
1966	1,077	779,685	
1967	1,052	761,508	

Year	Mean Annual Flow in cfs	Annual Volume in af	Data Source
1968	1,090	791,157	USGS Records - Tacoma Field Office
1969	960	694,990	
1970	1,007	728,793	
1971	764	553,317	
1972	686	497,778	
1973	921	336,151	USGS Website - White River Canal at Buckley 12099000
1974	1,045	381,386	
1975	957	349,400	
1976	885	324,006	
1977	921	336,236	
1978	881	321,696	
1979	906	330,744	
1980	951	347,968	
1981	773	282,097	
1982	873	318,504	
1983	968	353,140	
1984	808	295,582	
1985	843	307,838	
1986	819	299,084	
1987	735	268,104	
1988	766	280,222	
1989	717	261,673	
1990	813	296,582	
1991	997	363,994	
1992	822	300,712	
1993	892	325,541	
1994	1,037	378,393	
1995	1,168	426,304	
1996	862	315,350	
1997	1,084	395,829	
1998	971	354,307	
1999	1,138	415,239	
2000	968	354,185	
2001	735	268,125	
2002	913	333,228	
2003	648	236,640	

Note: Maximum historical diversion shown in **BOLD**.

Previous Change Applications

Two prior change applications to the Claim have been approved by Ecology: 1) a 1990 change supporting operation of a fish hatchery, and 2) a 2010 change confirming use of water to support Lake Tapps for recreational and other purposes.

Change for Fish Hatchery Operation. On September 2, 1990, Puget filed an Application for Change with Ecology to add "fish hatchery operation" as an additional purpose of use, and to designate a second point of diversion to the Puget Claim. A subsequent Report of Examination was issued on April 14, 1992 and a Certificate of Change was issued on April 15, 1994 authorizing a diversion of up to 12 cfs. The 12 cfs for hatchery purposes is "nonconsumptive, re-use" of water and the hatchery intake is located approximately 2,200 feet upstream of Puget's original diversion point. Water from the hatchery is discharged back into the White River immediately below the diversion dam. Any of the 12 cfs that may be diverted to the hatchery is not available for diversion into the intake, flowline, and Lake Tapps.

In addition to surface water, the hatchery uses wells operated under the authority of Ground Water Certificate G1-25214, which are non-additive with the 12 cfs portion of Claim 160822 allocated for fish hatchery operation.

In a Deed and Easement Agreement dated October 14, 2009, Puget conveyed to the Muckleshoot Indian Tribe the rights associated with the hatchery operation, including: (1) Ground Water Certificate G1-25214 and (2) the 12 cfs portion of the Claim authorized for fish hatchery operations pursuant to the certificate of change. The conveyed portion of the Puget Claim is described in the Certificate of Change to Water Right Claim dated April 15, 1994.

Approval of the permanent Trust Water donation does not affect the 12 cfs hatchery diversion or Ground Water Certificate G1-25214.

Change for Lake Tapps Operations. On November 22, 2005, Puget submitted an application (CS2-160822CL) for a change to the Claim to add additional purposes of use to conform the claim document to the historical uses of water over the past century and to continue to allow diversions for continuing recreation, reservoir maintenance, and water quality in the lake. On December 18, 2009, Puget conveyed its interest in the Claim and the change application to Cascade through an asset purchase agreement.

Ecology authorized the additional purposes of use in a Report of Examination issued on September 15, 2010. Much of this Investigator's Report is based on that Report of Examination.

Quantity Eligible for Donation

For a hydropower water right, the amount of water eligible to be donated is based on the historical beneficial use. The total quantity of the donated portion and the portion remaining with the water right holder is not allowed to exceed the historical beneficial use [RCW 90.42.080(11)].

The quantities of the proposed donation and the portions of the Claim remaining with the water right holders are shown in Table 3. Diversion records, described above, document that the peak historical beneficial use of an instantaneous quantity of 2,000 cfs and an annual quantity of 931,281 acre feet per

year. As shown in Table 3, the total quantity of the donation and portions of the Claim remaining with the water right holders is equal to the historical beneficial use. This confirms that the quantities listed in the application for the permanent donation (Qi of 988 cfs and Qa of 684,571 afy) are eligible for donation.

Table 3. Verification of Quantity Eligible for Donation

	Instantaneous Flow (Qi) in cfs	Annual Quantity (Qa) in acre-feet/year
Components of Claim		
Lake Tapps Operation (A)	1,000	246,710
Hatchery Operation (B)	12	0
Permanent Donation (C)	988	684,571
Total	2,000	931,281
Historical Beneficial Use of Claim	2,000	931,281

TENTATIVE DETERMINATIONS AND CONCLUSIONS

The following conclusions summarize the results of the investigation described above:

- Cascade has complied with SEPA for the permanent donation by publishing an FEIS that included the donation in 2010 and an addendum providing additional detail about the quantities of the donation in 2014.
- Public notice requirements will be met by publication of the draft ROE on the Ecology website for public comment, and notification of publication of the draft ROE by email to the required parties.
- The quantities proposed for permanent donation to the TWRP are an instantaneous quantity (Qi) of 988 cfs and an annual quantity (Qa) of 684,571 acre-feet per year. The foregoing quantities are eligible for the TWRP.
- The total of the donated portion and the portions remaining with Cascade and the Muckleshoot Indian Tribe do not exceed the historical beneficial use of the Claim, which Ecology has tentatively determined to be 2,000 cfs instantaneous quantity (Qi) and 931,281 acre feet per year annual quantity (Qa).

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the donation of an instantaneous quantity (Qi) of 988 cfs and an annual quantity of 684,571 afy from Claim No. 160822 be accepted into the Trust Water Right Program, subject to the provisions of the Trust Water Right Agreement. I recommend that the Trust Water Right be tracked as record 160822(C) and have the following Purpose of Use and Place of Use:

Purpose of Use

Instream flows for fish and wildlife maintenance and enhancement, and recreational purposes, and preservation of environmental and aesthetic values as authorized under RCW 90.54.020 and RCW 90.42.040

Place of Use

White River between the diversion dam at river mile (RM) 23.4 and the confluence with the tailrace canal at RM 3.6.

Report by: _____ 7/14/2014

Owen Reese, PE
Aspect Consulting, LLC

Date

If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6300. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

REFERENCES

Cascade (Cascade Water Alliance). 2008. *Determination of Significance and Request for Comments on Scope of Environmental Impact Statement and Environmental Checklist*. June 30, 2008. http://www.cascadewater.org/PDFs/Lk_Tapps_ChkList_DS_June_2008.pdf.

Cascade (Cascade Water Alliance). 2010a. *DRAFT Environmental Impact Statement,* Lake Tapps Reservoir Water Rights and Supply Project. January 29, 2010.

Cascade (Cascade Water Alliance). 2010b. Final Environmental Impact Statement, Lake Tapps Reservoir Water Rights and Supply Project. June 16, 2010.