

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

PRIORITY DATE 9/15/2011	APPLICATION NUMBER S3-30648
MAILING ADDRESS National Park Service - Mr. Jon Edwards Lake Roosevelt National Recreation Area 1008 Crest Drive Coulee Dam, WA 99116	SITE ADDRESS (IF DIFFERENT) Rickey Point Vacation Cabin Area Stevens County

Quantity Authorized for Diversion

DIVERSION RATE 0.35	UNITS CFS	ANNUAL QUANTITY (AF/YR) 11.5
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There are 14 pumps: each pump shall divert a maximum of .025 cfs and .72 acre-feet per year for irrigation. The 3 lots using water for domestic supply shall individually divert a maximum of 0.5 acre-feet per year.

Purpose

PURPOSE	DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Non-agricultural Irrigation*	0.35		CFS	10		5/15 - 9/15
Domestic supply for 3 homes				1.5		Continuous
Fire Protection						As needed

*Irrigation is for 3.6 acres of lawn and garden on 14 lots.

Source Location

COUNTY Stevens	WATERBODY Columbia River	TRIBUTARY TO Pacific Ocean	WATER RESOURCE INVENTORY AREA 58-Middle Lake Roosevelt
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SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
COLUMBIA RIVER	Lot 28	35N	37E.W.M.	10	NW¼NE¼	48.55333°	-118.13278°
COLUMBIA RIVER	Lot 30	35N	37E.W.M.	10	NW¼NE¼	48.55306°	-118.13278°
COLUMBIA RIVER	Lot 32	35N	37E.W.M.	10	NW¼NE¼	48.55278°	-118.13278°
COLUMBIA RIVER	Lot 34	35N	37E.W.M.	10	NW¼NE¼	48.55250°	-118.13306°
COLUMBIA RIVER	Lot 36	35N	37E.W.M.	10	NW¼NE¼	48.55222°	-118.13333°
COLUMBIA RIVER	Lot 38	35N	37E.W.M.	10	NW¼NE¼	48.55167°	-118.13528°
COLUMBIA RIVER	Lot 40	35N	37E.W.M.	10	NW¼NE¼	48.55139°	-118.13556°
COLUMBIA RIVER	Lot 42	35N	37E.W.M.	10	NW¼NE¼	48.55083°	-118.13583°

COLUMBIA RIVER	Lot 44	35N	37E.W.M.	10	NW¼NE¼	48.55056°	-118.13639°
COLUMBIA RIVER	Lot 46	35N	37E.W.M.	10	NW¼NE¼	48.55028°	-118.13694°
COLUMBIA RIVER	Lot 48	35N	37E.W.M.	10	NW¼NE¼	48.55000°	-118.13694°
COLUMBIA RIVER	Lot 50	35N	37E.W.M.	10	NW¼NE¼	48.54944°	-118.13722°
COLUMBIA RIVER	Lot 52	35N	37E.W.M.	10	NW¼NE¼	48.54889°	-118.13750°
COLUMBIA RIVER	Lot 54	35N	37E.W.M.	10	NW¼NE¼	48.54833°	-118.13778°

Datum: NAD83/WGS84

Place of Use (See Attached Map and Attached)

PARCELS (NOT LISTED FOR SERVICE AREAS)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Multiple lots within the Rickey Point Vacation Cabin Area within the NE¼ Section 10, T. 35 N., R. 37 E.W.M.

Proposed Works

Fourteen (14) surface water pumps providing water to 14 lots.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
NA	Complete	In use

Measurement of Water Use

How often must water use be measured?	Monthly
How often must water use data be reported to Ecology?	Upon Request by Ecology
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 Release Project. 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.

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 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.

General

This water right authorization is less any water diverted or withdrawn under existing claims.

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).

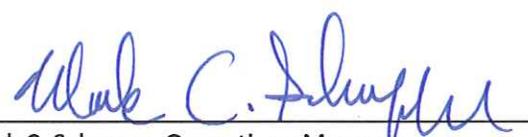
To appeal you must do the following within 30 days of the date of receipt of the Order.

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 Yakima, Washington, this *9th* day of *May* 2012.


 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 -- National Park Service
 Water Right Control Number S3-30648
 Eastern Regional Office, Department of Ecology

BACKGROUND

Description and Purpose of Proposed Application

On September 15, 2011, the Washington State Department of Ecology (Ecology) accepted Water Right Application Number S3-30648 submitted by the National Park Service. Attributes of the application are presented below in Table 1. 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 Release Program (Program).

Lands covered by the proposed place of use are owned by the National Park Service and leased to 14 individuals or organizations. The lands upon which the proposed points of diversion are located are owned by the National Park Service. The water use is associated with a vacation cabin development. The water is currently being put to use.

Table 1 Application Summary

Name	National Park Service
Priority Date	9/15/2011
Instantaneous Quantity	0.35 Cubic feet per second
Annual Quantity	9 Acre-feet per year*
Purpose(s) of Use	Irrigation, Fire Protection, Domestic
Period of Use	Seasonal 120 Days
Place(s) of Use	Rickey Point Vacation Cabin Site, Section 10, T.35 N., R. 37 E.W.M.

*Proposed annual quantity was not included in the public notice, therefore a higher annual quantity may be considered without a change in priority date.

Table 2 Proposed Sources of Withdrawal or Diversion

Source Name	Parcel	TwN	Rng	Sec	QQ Q
COLUMBIA RIVER	Lot 28	35N	37E.W.M.	10	NW¼NE¼
COLUMBIA RIVER	Lot 30	35N	37E.W.M.	10	NW¼NE¼
COLUMBIA RIVER	Lot 32	35N	37E.W.M.	10	NW¼NE¼
COLUMBIA RIVER	Lot 34	35N	37E.W.M.	10	NW¼NE¼
COLUMBIA RIVER	Lot 36	35N	37E.W.M.	10	NW¼NE¼
COLUMBIA RIVER	Lot 38	35N	37E.W.M.	10	NW¼NE¼
COLUMBIA RIVER	Lot 40	35N	37E.W.M.	10	NW¼NE¼
COLUMBIA RIVER	Lot 42	35N	37E.W.M.	10	NW¼NE¼
COLUMBIA RIVER	Lot 44	35N	37E.W.M.	10	NW¼NE¼
COLUMBIA RIVER	Lot 46	35N	37E.W.M.	10	NW¼NE¼
COLUMBIA RIVER	Lot 48	35N	37E.W.M.	10	NW¼NE¼
COLUMBIA RIVER	Lot 50	35N	37E.W.M.	10	NW¼NE¼
COLUMBIA RIVER	Lot 52	35N	37E.W.M.	10	NW¼NE¼

COLUMBIA RIVER	Lot 54	35N	37E.W.M.	10	NW¼NE¼
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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 describes 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 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 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 *Statesman-Examiner* during the weeks of November 23 and November 30, 2011. No protests or letters of concern were received.

Consultation with the Department of Fish and Wildlife

Ecology must give notice to the Department of Fish and Wildlife of applications to divert, withdraw or store water (RCW 77.57.020). On December 19, 2011, Ecology received a comment document from the Washington State Department of Fish and Wildlife (WDFW) regarding this application. WDFW reviewed the application for impacts to stream flows that support Washington fish populations. WDFW supports Ecology's intent to issue municipal and industrial water right permits to qualifying applicants under the Program since these diversions will be fully mitigated by water made available from the Program.

WDFW expressed some concern regarding issuance of a water right permit. Their concerns are as follows:

The total number of diversion points (pumps) is very high considering geographical concentrations in the lake. If this were an application for a new use, WDFW would likely wish to initiate an informal consultation to work with the applicant on a more fish-friendly design prior to issuing Hydraulic Project Approvals. However, we understand that, in fact, the pumps are already in place. We can find no records that Hydraulic Project Approvals were issued for any of these pumps, and are concerned that they might also be non-compliant in relation to fish screening requirements.

Because of these concerns, WDFW asks Ecology to remind applicants that intakes must be screened in accordance with RCW 77.57.010, RCW 77.57.040, and RCW 77.57.070.

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 released 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 new municipal, domestic and industrial permits.

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 feet per second. If the project is for agricultural irrigation, the threshold is increased to 50 cubic feet per second, so long as the project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gallons per minute;
- It is an application combined with other water right applications for the same project, 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. Also, there is no new project associated with this application. Should a new project be initiated, it will fall to the lead agency to determine if a SEPA review is necessary.

INVESTIGATION

On November 10, 2011, Ecology employees Leigh Bedell and Jeff MacLennan met with Eric Weatherman, a representative for the Rickey Point Vacation Cabin Area. The majority of the residents were not home as the site visit was made during the off-peak season. During the site visit, GPS points were recorded for locations where each water supply line came out of the Columbia River. Rough measurements were also taken of the area irrigated on each of the 14 lots making up this development. From these measurements, it is estimated the home owners are irrigating a total of about 3.6 acres of lawn and garden.

Water Availability

For water to be available for appropriation, it must be both physically and legally available.

Legal Availability

The Program involves releases of water stored in Lake Roosevelt under the U.S. Bureau of Reclamation's 1938 storage right (Reservoir Certificate Number R3-11793) to provide municipal, domestic and industrial water supply, provide water to replace some ground water 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 Number S3-30556 was issued on September 25, 2008 to the U.S. Bureau of Reclamation, 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 Number S3-30556 is considered the "secondary" water use permit authorizing use of water stored under Reservoir Certificate Number R3-11793.

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 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 associate with the Program will divert/withdraw water from the Columbia River or tributary 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 withdrawals under the Program during this time period are 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 current 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 approximately 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 and interruptible water users because of the mitigation provided by Lake Roosevelt.

¹ Although the priority date of this application is September 15, 2011, 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.

Other water rights in the vicinity

There are several water right claims appurtenant to the place of use (See Table 3). Use of water under this authorization is non-additive to any underlying claim. However, if any of the claims are found to be invalid, this right will remain a primary right to the property.

Table 3 Appurtenant Claims

Number	Name	Lot	Use
S3-120465CL	Edward Bailey	30	Domestic
S3-095460CL	Clarence Buddrius	32	Domestic
S3-080595CL	Ray Price	34	Domestic, Irrigation
S3-080596CL	Lewis Lundy	36	Domestic, Irrigation
G3-127363CL	Ethel Houck	38	Domestic, Irrigation
S3-110502CL	Clifford Elliot	44	Domestic
S3-044916CL	Dean McIntosh	50	Domestic
G3-070059CL	Frank Slagle	52	Domestic
S3-120964CL	Ethel Dubes	54	Domestic

Beneficial Use

The use of water for multiple domestic and non-agricultural 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.

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. An annual quantity estimate was calculated using the Washington State Irrigation Guide. Assuming 80% system efficiency for irrigation of pasture/turf, this would calculate to 33.25 inches or 2.77 acre-feet per acre of irrigation. Therefore, a total of 10 acre-feet per year (3.6 acres x 2.77 acre-feet per acre) for the seasonal irrigation of 3.6 acres of lawn is a reasonable annual quantity of water. There are also 3 domestic connections that will each require up to 0.5 acre-feet per year adding 1.5 acre-feet per year to the annual water quantity. No quantity will be set for fire protection purposes. The permittee may use these pumps for fire-fighting purposes to extinguish a fire should one exist.

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 analysis 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 entitled "Columbia River Basin Water Supply".

An analysis of the public interest considerations for the Program is contained in the Report of Examination for Application No. S3-30556, the "secondary use" permit for the Lake Roosevelt releases.

The public interests associated with the Program municipal 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 90.90.020(3)(b) instructs Ecology to focus on “Sources of water supply for pending water right applications”.
- RCW 90.90.020(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 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 non- agricultural 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

There were no letters of protest or concern generated by the applicant’s legal notification.

Conclusions

Beneficial Use

The proposed uses of water multiple domestic and non-agricultural irrigation are considered to be beneficial uses. Therefore this application meets the first criterion of RCW 90.03.290 that the requested water be put to beneficial use.

Water Availability

Surface water from the Columbia River is available through the mitigation offered by the Lake Roosevelt Incremental Release Program.

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:

0.35 cfs

1.5 acre-feet per year for multiple domestic use on 3 lots

10 acre-feet per year for non-agricultural irrigation of 14 lots

Fire Protection as needed

Points of Diversion

Lot 28: 50 feet south and 1869 feet west from the NE corner of Section 10 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 35 North, Range 37 East W.M.

Lot 30: 134 feet south and 1904 feet west from the NE corner of Section 10 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 35 North, Range 37 East W.M.

Lot 32: 291 feet south and 2131 feet west from the NE corner of Section 10 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 35 North, Range 37 East W.M.

Lot 34: 397 feet south and 2131 feet west from the NE corner of Section 10 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 35 North, Range 37 East W.M.

Lot 36: 444 feet south and 2181 feet west from the NE corner of Section 10 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 35 North, Range 37 East W.M.

Lot 38: 577 feet south and 2446 feet west from the NE corner of Section 10 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 35 North, Range 37 East W.M.

Lot 40: 665 feet south and 2341 feet west from the NE corner of Section 10 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 35 North, Range 37 East W.M.

Lot 42: 852 feet south and 2599 feet west from the NE corner of Section 10 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 35 North, Range 37 East W.M.

Lot 44: 1056 feet south and 2581 feet west from the NE corner of Section 10 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 35 North, Range 37 East W.M.

Lot 46: 1167 feet south and 2669 feet west from the NE corner of Section 10 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 35 North, Range 37 East W.M.

Lot 48: 1302 feet south and 2652 feet west from the NE corner of Section 10 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 35 North, Range 37 East W.M.

Lot 50: 1363 feet south and 2599 feet west from the NE corner of Section 10 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 35 North, Range 37 East W.M.

Lot 52: 1568 feet south and 2642 feet west from the NE corner of Section 10 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 35 North, Range 37 East W.M.

Lot 54: 1707 feet south and 2736 feet west from the NE corner of Section 10 in the NW¼NE¼, Section 10, Township 35 North, Range 37 East W.M.

Place of Use

Multiple lots within the Rickey Point Vacation Cabin Area being within the NE¼ of Section 10, T. 35 N., R. 37 E.W.M.

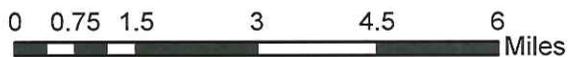
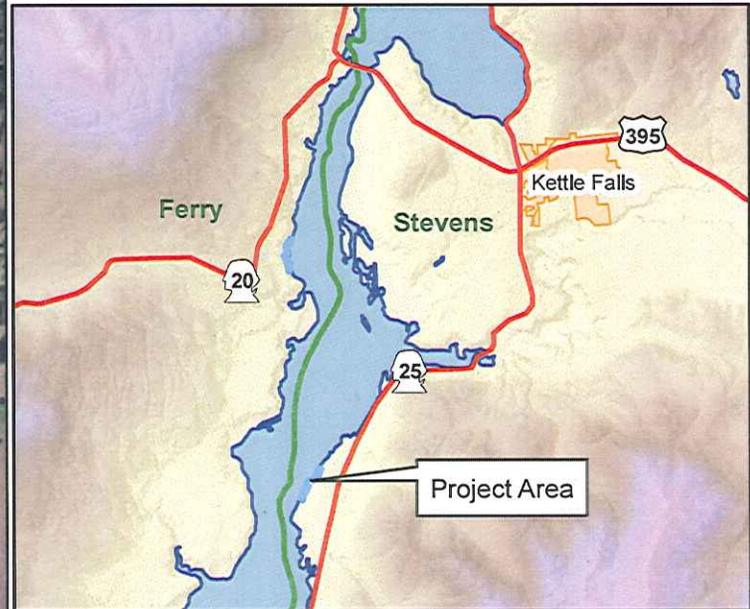
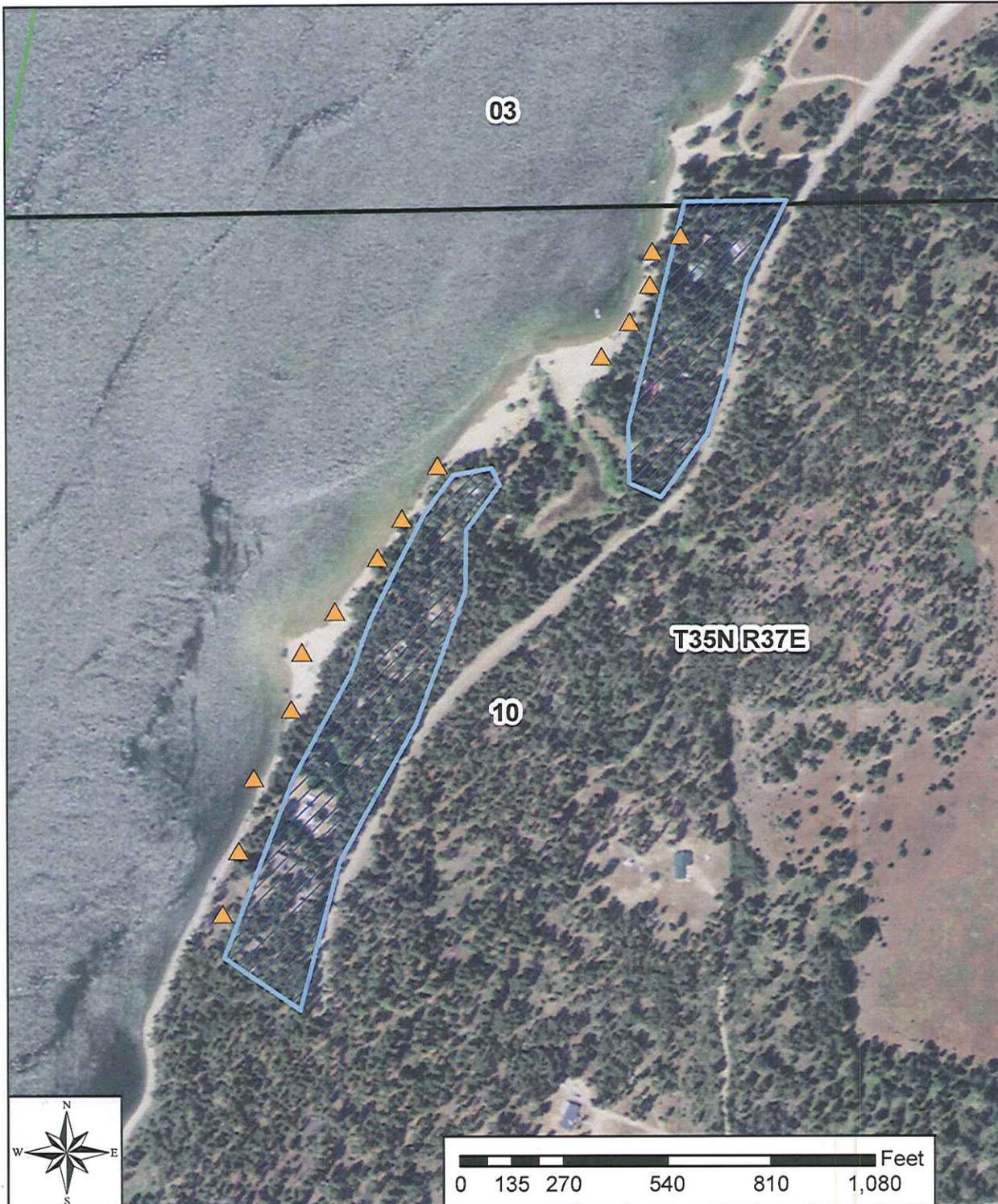


May 9, 2012

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.



-  Authorized Place of Use
-  Authorized Point of Diversion
-  Highway
-  County
-  Section

Comments:
 Map is for reference only. Place of use, points of withdrawal/diversion are as defined on the cover sheet of the Report of Examination.
 Image is 2011 NAIP airphoto.