File NR G4-31813
WR Doc ID 2086678

DEPARTMENT OF ECOLOGY
State of Washington

State of Washington Department of Ecology Office Of Columbia River Report of Examination for Lake Roosevelt Incremental Storage Releases Water Permit G4-31813

PRIORITY DATE	APPLICATION NUMBER
7/30/1993	G4-31813

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
GBI Holding Inc 1407 Walla Walla Ave PO Box 598 Wenatchee, WA 98807-0598	Plat of Town of Columbia River as recorded in Book "A" of Town Plats, Page 271, Records of Douglas County, WA.

Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
400	gpm	242.3

Purpose

	WITHDRAWAL RATE		ANNUAL QUANTITY (AF/YR)			PERIOD OF USE
PURPOSE	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	(mm/dd)
Municipal		400	GPM	242.3		01/01 - 12/31 04/01 – 10/31

For the year round domestic use of water for 25 homes (9.8 ac-ft) and associated 75 acres of non-agricultural irrigation (232.5 ac-ft) from April 1 to October 31.

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Douglas	Groundwater		44-Moses Coulee

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well	51000000000	BCF-066	21N	22E.W.M	09	SW NE	47.32965	-120.07912

Datum: NAD 83

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

51000000000

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Generally, all of the Plat of Columbia River lying west of the right-of-way for State Route 28. Specifically, the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the Place of Use of this water right.

Proposed Works

An 8-inch well drilled to a depth of 252 feet and associated distribution system to supply water for domestic and non-agricultural irrigation purposes.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
October 1, 2014	December 29, 2016	December 28, 2018

Measurement of Water Use

How often must water use be measured?	Bi-weekly (every two weeks)
How often must water use data be reported to Ecology?	Annually (Jan 31) of the following year
What volume should be reported?	Total Annual Volume in acre-feet
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

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.

Wells, Well Logs and Well Construction Standards

All wells constructed in the state shall meet the construction requirements of Chapter 173-160 WAC titled "Minimum Standards for the Construction and Maintenance of Wells" and Chapter 18.104 RCW titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.

All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. All water measuring reports submitted to Ecology must reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

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", Chapter 173-173 WAC, 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, (509) 329-2100.

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	**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 30th day of December 2014.

Mark C. Schuppe

Mark Schuppe, Operations Manager
Office of Columbia River

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 -- GBI Holding Co
Water Right Control Number G4-31813
Thomas Perkow, Department of Ecology

BACKGROUND

Description and Purpose of Proposed Application

The Washington State Department of Ecology (Ecology) accepted Water Right Application Number G4-31813 submitted by H.P. Montgomery Trust on July 30, 1993. The application was later assigned to GBI Holding Co. in 2010. The proposed water use is associated with the construction of 25 homes and associated non-agricultural irrigation. Lands covered by the proposed place of use and point of withdrawal are owned by the applicant, GBI Holding Co. Attributes of the application are presented below in Table 1.

In early 2010, 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). In April, 2010, the applicant indicated intent to receive water under the Program.

After an initial investigation and field visit, a Preliminary Permit was issued to GBI Holding Co. on November 4, 2011, granting permission to drill a well and take water level measurements. In March, 2012, Tumwater Drilling & Pump Inc. of Leavenworth, WA, drilled and completed a well under the Preliminary Permit. Data collected were submitted to Ecology.

Table 1: Application Summary

Name	GBI Holding Co
Priority Date	7/30/1993
Instantaneous Rate	2000 gallons per minute (gpm)
Annual Quantity	No value entered
Purpose(s) of Use	Domestic, Irrigation
Period of Use	Year around
Place(s) of Use	All of the Plat of the Town of Columbia River as recorded in Book "A" of Town Plats, Page 271, records of Douglas County, WA, lying west of SR 28.

Table 2: Proposed Source of Withdrawal

Source Name	Parcel	Well Tag	TWP	RNG	SEC	QQ Q	Latitude	Longitude
Well	51000000000	BCF-066	21N	22E.W.M.	09	SW NE	47.32965	-120.07912

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 originally published in The Wenatchee World during the weeks of the 4th of November and the 11th of November, 1993. Another notice was published during the weeks of 29th of September and 6th of October, 2011, to account for a revised point of withdrawal (well) location.

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 April 30, 2013, a copy of the application and a brief description of modifications was sent electronically to WDFW.

Consultation under WAC 173-563-020

Under WAC 173-563-020(4), consultation is required before issuance of new Columbia River water right 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 (ac-ft) 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 ac-ft 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 ac-ft of water for new municipal, multiple domestic, 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 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.

GBI's request for a new water right is not subject to a SEPA threshold determination even though it is part of a larger proposal that may be subject to SEPA for other reasons. The larger proposal is not sufficiently defined to fully disclose the environmental impacts that may result from project implementation. Although the SEPA rules stress that the SEPA process be integrated with agency activities at the earliest possible time, SEPA review should not occur until the principal features of a proposal and its environmental impacts can be reasonably identified. During a phone conversation on March 25, 2013, Curtis Liliquist from Douglas County Planning stated that there are no county permits for the project that require SEPA.

INVESTIGATION

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 Reclamation's 1938 storage right (Reservoir Certificate Number 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 Number S3-30556 was issued on December 1, 2008, to Reclamation, authorizing a maximum of 305 cfs, 37,500 ac-ft 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 11793.

On December 21, 2010, Ecology issued Superseding Certificate of Trust Water Right S3-30556, accepting 305 cfs, 37,500 ac-ft 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 ac-ft of new state water rights issued under the Program's municipal and industrial water right permitting; the remaining 12,500 ac-ft 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.

Any permitted quantity resulting from the subject application would be mitigated by the available 25,000 ac-ft of instream flow under the Program at the ratio of 1 to 1.

Physical Availability

Municipal, domestic, and industrial water uses associated with the Program will divert or 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 diversions and 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 Program.

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.

A licensed Ecology staff Hydrogeologist, Ron Dixon, produced and stamped a separate technical memorandum which discusses the hydrogeologic analysis for this application. The hydrogeologic interpretations provided below are extracted from this memorandum.

Due to the hydrogeologic uncertainties and the lack of site specific data available for the project area, Ecology issued a Preliminary Permit on November 4th, 2011 which allowed the applicant to drill a test production well and collect the hydrogeologic information necessary to determine whether or not the new point or points of withdrawal (wells) will satisfy the requirements and objective of the Program as described above. From these and other data, the Hydrogeologist determined that the groundwater in the relatively shallow basalt aquifers that the well draws water from is hydraulically connected to the Columbia River. Modeling of aquifer responses to pumping under the proposed withdrawals under this application plus two other applications resulted in some drawdown but not in complete dewatering of the aquifer.

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 (Chapter 173-563 WAC), 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 (Chapter 173-563 WAC).

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 ac-ft 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 ac-ft 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

[1] Although the priority date of this application is July 30, 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.

be curtailed during low-flow years. These junior users total approximately 379 interruptibles who are curtailed based on a forecast methodology outlined in Chapter 173-563 WAC. 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.

Water Rights in the Vicinity

There are no other water rights appurtenant to the Place of Use (POU). As described in Table 3 below, there are two other new water right applications and one active water right change application that overlap with the POU. Both new water right applications are owned by the applicant; both propose water use from the same existing well as the subject application. The water right change application also proposes to withdraw water from this well. The closest existing well in the area is approximately 4,000 feet to the proposed point of withdrawal. The licensed staff Hydrogeologist mentioned above determined that any drawdown which may occur from pumping at the proposed withdrawals from the three applications is not expected to interfere with the existing well.

Table 3: Other Water Applications

File Number	Applicant	Document	Type	Priority Date	Purpose	QI/GPM	QA (AC-FT/YR)
G4-32225	GBI Holding Co.	New application	Ground water	10/31/1994	Mining	2000	Not entered
G4-35323	GBI Holding Co.	New application	Ground water	05/21/2010	Municipal	425	161
CG4-GWC7601-A@1	John Goroch	Change application	Ground water	6/30/2005	Municipal	725	280

Beneficial Use

The use of water for domestic and irrigation purposes are defined in statute as beneficial uses (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.

Currently, GBI Holding Co holds three other water right applications in this area (G4-32225, G4-35323, CG4-GWC7601-A@1). Applications do not authorize the use of any water; however, these applications are all currently being processed. Authorizations that may issue for these applications would be additive to one another. The subject application, submitted 20 years ago, proposes a maximum withdrawal rate of 2,000 gpm for the construction of 25 homes and 200 acres of irrigation. No total annual quantity was entered on the application. Over time, the scope of the project has changed. While 25 homes are still being contemplated, the POU has been reduced, and now 75 acres are being considered for irrigation (non-agricultural). As such, the applicant estimates that a total annual quantity of 242.3 ac-ft and a maximum 400 gpm withdrawal rate would be sufficient to cover both the irrigation and domestic uses.

These values are based on estimates supplied by the applicant of 3.1 ac-ft for annual irrigation of 75 acres (for a total of 232.5 ac-ft) and 0.39 ac-ft per home (0.39 ac-ft per home per year equals 350 gpd per home or 9.8 ac-ft for 25 homes each year).

For the non-agricultural irrigation, the Washington Irrigation Guide for the Wenatchee area estimates 2.5 ac-ft per acre for pasture/turf under a 100% efficient system. With a 70% efficient system, 3.25 ac-ft per acre are calculated.

For the domestic use, the Washington Department of Health (DOH) in their Water System Design Manual (2009) estimates that 350 gpd/home is a "reasonable level of a Maximum Daily Residential Demand for internal uses". The 350 gpd/home does not include outside irrigation. Discussion with the applicant, the absence of metering data, the homes having not yet been built (and water not yet applied to beneficial use), led to use of the 350 gpd/home estimate for this report. Any associated permit that may issue will likely also use the 350gpd/home estimate. Actual water use may vary and will be determined at time of Proof Examination.

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 by 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 Program's 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 90.90.020(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, 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 domestic and irrigation purposes, as the associated construction and operation activities generate increased economic opportunities.
- The use of water for 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.

Ecology's Office of Columbia River has addressed these concerns in the FSEIS and the Addendum to the FSEIS[2] (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 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 ac-ft each year and an additional 17,000 ac-ft 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).

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

Under the Program, water is allocated to supply domestic, municipal, and industrial 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 uses of water for domestic use and associated non-agricultural irrigation are considered to be beneficial.

Water Availability

Water is physically and legally available for the proposed uses.

Impairment

The proposed uses of water are not expected to impair any existing water rights.

Public Interest

The proposed uses 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 and a permit be issued 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:

400 gpm
242.3 ac-ft per year
For the purposes of 75 acres of non-agricultural irrigation (232.5 ac-ft) during the irrigation season and continuous domestic use (9.8 ac-ft) for up to 25 homes.

Point of Withdrawal

SW¼, NE¼, Section 9, Township 21 North, Range 22 E.W.M.

Place of Use

All of the Plat of the Town of Columbia River as recorded in Book "A" of Town Plats, Page 271, records of Douglas County, WA, lying west of the right-of-way for State Route 28.

12/30/13

Report Writer *Date*

If you need this document in a format for the visually impaired, call the Water Resources Program at (509) 575-2490. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call (877)-833-6341.