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

PRIORITY DATE	APPLICATION NUMBER
1/5/1995	G3-29776

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
Eddie Smith 1348 Sunland Road Quincy, WA 98848	

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
150	GPM	22.5

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Municipal	150		GPM	22.5		01/01 - 12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
GRANT	GROUNDWATER		41-LOWER CRAB

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
WELL	150008001		18N	22E.W.M.	12	SE¼SW¼	47.06°	-120.01925° Datum: WGS84

Place of Use (See Attached Map and Attached)

PARCELS (NOT LISTED FOR SERVICE AREAS)

150008001

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

A portion of the SE¼SW¼ Section 12, T. 18 N., R. 22 E.W.M., more particularly described as follows. Beginning 2905 feet west of the SE corner of Section 12, Township 18 North, Range 22 East, W.M., on the south section line; thence N. 2° E., 1360 feet; thence west parallel with the south section line 940 feet; thence S. 21°42' E. to the south section; and thence eastward to the POB (Grant County parcel number 150008001).

Proposed Works

A well, about 100 feet deep with a 6-inch casing and a 7.5 HP pump, serving a residential water system.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
November 1, 2015	November 1, 2016	November 1, 2020

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

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.

Wells, Well Logs and Well Construction Standards

All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 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. If you are required to submit water measuring reports, 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", WAC 173-173, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Central Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Central Regional Office for forms to submit your water use data.

Department of Health Requirements

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at DOH/Division of Environmental Health, 16201 E. Indiana Avenue, Suite 1500, Spokane Valley, WA 99216, (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.

A Beginning of Construction form shall not be submitted until the following steps have been completed: a preliminary plat has been approved by the Grant County planning department; a road has been constructed and power has been extended to the project area; and well construction has started. The Development Schedule requires the Beginning of Construction form be submitted by November 1, 2015.

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 23rd day of July 2012.

Mark C. 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 -- Smith
Water Right Control Number G3-29776
Eastern Region Office, Department of Ecology

BACKGROUND

Description and Purpose of Proposed Application

On January 5th, 1995, the Washington State Department of Ecology (Ecology) accepted Water Right Application Number G3-29776 submitted by Eddie Smith. Attributes of the application are presented below in Table 1.

On February 26th, 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). On March 25, 2010, the applicant indicated his intent to receive water under the program.

Lands covered by the proposed place of use are owned by Eddie and Shirley Smith, parcel number 413000003358. The point of withdrawal is located on the same land.

The proposed water use is associated with a project to develop 30 home sites.

Table 1 Application Summary

Name	**Smith**
Priority Date	1/5/1995
Instantaneous Quantity	150 gpm
Annual Quantity	30 af/yr
Purpose(s) of Use	Municipal Supply of 30 lots
Period of Use	Continuous
Place(s) of Use	SE¼SW¼ Section 12, T. 18 N., R. 22 E.W.M.

Table 2 Proposed Sources of Withdrawal or Diversion

Source Name	Parcel	WellTag	Twn	Rng	Sec	QQ Q	Latitude	Longitude
WELL	150008001		18N	22E	12	SE¼SW¼	47.06000°*	-120.01925°

*Well latitude and longitude will be verified during the Proof Exam.

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 *Quincy Valley Post-Register* during the weeks of August 18th and 25th, 2011. No letters of protest or concern were received following this notification.

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 by the Department of Ecology. Grant County as the lead agency for SEPA, provided the following perspective relative to Mr. Smith's project.

> Grant County understands that DOE has a water right application pending for Mr. Eddie Smith for a development he intends to pursue near the Sunland Estates area. Grant County also understands that the water right Mr. Smith is seeking would fall under the SEPA exemption found in WAC 197-11-800(4). Because Mr. Smith does not have a land use application pending with Grant County, and he cannot submit a subdivision application without providing evidence of the "factual existence of" and "legal access to" water for his development, Grant County has no objection to DOE processing Mr. Smith's water right application at this time. By processing Mr. Smith's water right application, Grant County is in no way precluded from applying SEPA to his subdivision application in the future and requiring any mitigation measures that might be deemed necessary.

INVESTIGATION

Ecology employees Leigh Bedell, Dan Tolleson, and Jeff MacLennan met with Mr. Eddie Smith on July 18, 2011 to discuss his water right application G3-29776 and make a site visit of the project. Mr. Smith plans to develop 30 lots under this application along with eight lots under water right permit G3-29235 on a 20.1-acre parcel.

The legal description for this application's place of use (POU) is two separate parcels. It is the same legal description as that given for Water Right Permit G3-29235. Water Right Permit G3-29235 was issued for 19 lots. Mr. Smith has an approved plat for 11 of the 19 lots in the SW¼NW¼ of Section 12. This is the northerly parcel of the two parcels making up the POU. The location for the well installed under G3-

29235 is also in the northerly parcel. He plans to locate the remaining eight lots in the S½SW¼ of section 12, the southerly parcel. Preliminary platting for those eight lots has not yet been accomplished. The northerly parcel has been completely platted leaving only the southerly parcel for further development under water right application G3-29776. For this reason, the POU for this application will be reduced to the southerly parcel.

Access to the southerly parcel may become a significant issue. It will require a right-of-way easement across the federally owned land separating the two parcels or constructing a 1.6-mile road across privately owned land. Mr. Smith says he has contacted the private land owner and believes he can obtain such an easement.

The southerly parcel is 20.1 acres. Portions of this parcel are very steep with significant rock outcroppings. Mr. Smith claims that while development of this property may appear difficult, his previous experience leads him to believe he will be successful. Due to the poor economy, however, he has been slow to complete the project under G3-29235. Because of this, it was emphasized that he must show progress in the development of G3-29776. It was emphasized to Mr. Smith that he must have at a minimum an approved preliminary plat, an access road, and taken the initial steps toward drilling a well within three years of permit issuance.

The potential costs associated with the issuance of a permit were presented to Mr. Smith. Because of these costs, he was not sure at that time how many of the 30 lots under G3-29776 he wanted to develop. During a subsequent telephone conversation on August 1, 2011, and later on May 1, 2012, he said he would develop the full 30 lots. The total number of proposed lots in the southerly parcel under G3-29235 and G3-29776 is currently 38 lots.

It was explained that the water provided by this program for lots developed under G3-29776 must be from a well drilled into the unconsolidated gravels in direct continuity with the Columbia River. Mr. Smith has the option of providing water to the eight lots proposed for the southerly parcel under G3-29235 from the same well as that used for G3-29776 or the well installed on the northerly parcel under G3-29235. Mr. Smith pointed out a potential location for a well in the southerly parcel that appeared to meet program requirements.

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 maximum of 305 cubic feet per second, 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 cubic feet per second, 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 associated 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.

John Covert, a licensed Ecology staff hydrogeologist provided the following hydrogeologic analysis for this application. Based on existing well logs and topographic maps, the well drilled in the SW¼NW¼ of section 12 under water right permit G3-29235P cannot be used for this project. The static water level for this well is calculated to be at an elevation of 598 feet. Normal pool elevation for the Columbia River at this location is 570 feet. Because the water level in the well is 28 feet above the pool elevation, it is unlikely it is in direct continuity with the river. Consequently, the existing well does not qualify for this program. The applicant proposed drilling a second well at a location in the SE¼SW¼ of section 12. The land surface elevation at the proposed location is 650 feet (65 feet lower than the existing well and 100 feet closer to the Columbia River). It is possible a well at this location could tap into water that can be successfully mitigated by releases from Lake Roosevelt during a single mitigation release cycle, avoiding carry-over of impacts across mitigation cycles. A well at the proposed location would need to display a depth to water of approximately 80 feet to be in bank storage with the Columbia River.

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.

Local Non-Columbia River Water Rights

As described in Table 4 Other Rights Appurtenant to the Place of Use, there is one other water right in the area and it is a groundwater permit owned by the applicant. The closest point of withdrawal is the applicant's source for G3-29235, approximately 3500 feet northwest from the proposed point of withdrawal.

Table 4 Other Water Rights Appurtenant to the Place of Use

Water Right Number	Holder	Priority Date	Type	Qi (gpm)	Qa (af)	Purpose	Comment
G3-29235	Smith	6/29/1992	Permit	95	19	DM	Still in development

Besides the applicant's water right permit, there are four water right certificates and two claims nearby.

[1] Although the priority date of this application is January 5, 1995 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.

Table 5 Other Nearby Water Rights

Water Right Number	Holder	Priority Date	Type	Qi (gpm)	Qa (af)	Purpose
G3-28769C	Sunland Estates	4/17/1990	Cert	1000	246	Multiple Domestic
G3-26141C	Sunland Estates	1/1/1979	Cert	700	114	Multiple Domestic
GWC5830-A	Sunland Estates	3/2/1966	Cert	300	114	Multiple Domestic
S3-28130C	Sunland Estates	12/18/1985	Cert	100	12.4	Irrigation
S3-079220	Hayes	Short Form	Claim			Dom./Stockwater
S3-136072	McIntire	5/1/1968	Claim	10	2	Domestic Supply

Sunland Estates is a large development with the potential for 568 connections when completely built out. All of Sunland Estate's wells appear to be in hydrologic continuity with Lake Roosevelt.

Beneficial Use

The use of water for municipal 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. The Water Resources Program within the Department of Ecology laid down general guidelines for determining reasonable use. Under draft Water Resources Program Policy PRO-1070, "Water Quantity Allocation," a single residence in eastern Washington is generally allocated a withdrawal rate of 5 to 10 gpm and an annual quantity of one half to one acre-foot per year; as the number of homes goes up, the instantaneous and annual rates decreases. Using the annual water duty of Sunland Estates, a large development in close proximity to Smith's planned project, the following water duty is determined to be reasonable.

- Sunland Estates' water use is approximately 0.76 acre-feet per unit.
- At 30 units, the annual use would be: (0.76 af/unit) x 30 units ≈ 22.5 acre-feet.
- At 5 gpm per unit, the instantaneous rate becomes: 5 gpm/unit x 30 units = 150 gpm.

Through comparison of local water usage, 150 gpm and 22.5 acre-feet annually, additive, meets the requirement for reasonable use.

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 Lake Roosevelt Incremental Releases 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 municipal supply of 30 lots 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

In regards to this application, there were no letters of protest or concern filed during the period following the public notice.

Conclusions

Beneficial Use

The proposed use of water for municipal supply for 30 lots is considered to be a beneficial use. Therefore this application meets the first criterion of RCW 90.03.290 that the requested water be put to beneficial use.

Water Availability
The analysis provided above demonstrates that water is physically and legally available for the proposed use of water.

Impairment
The proposed beneficial use of water will not impair any existing water rights.

Public Interest
The proposed use of water would not be detrimental to the public welfare.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

150 gpm
22.5 acre-feet per year
Municipal Supply for up to 30 lots

Point of Withdrawal:

A well 960 feet W/750ft. N from the S ¼ corner of Section 12; in the SE¼SW¼ Section12, Township 18 North, Range22 E.W.M.

Place of Use
Grant County Parcel Number 150008001. Beginning 2905 feet west of the SE corner of Section 12, Township 18 North, Range 22 East, W.M., on the south section line; thence N2°E 1360 feet; thence west parallel with the south section line 940 feet; thence S21°42'E to the south section line; and thence eastward to the POB.

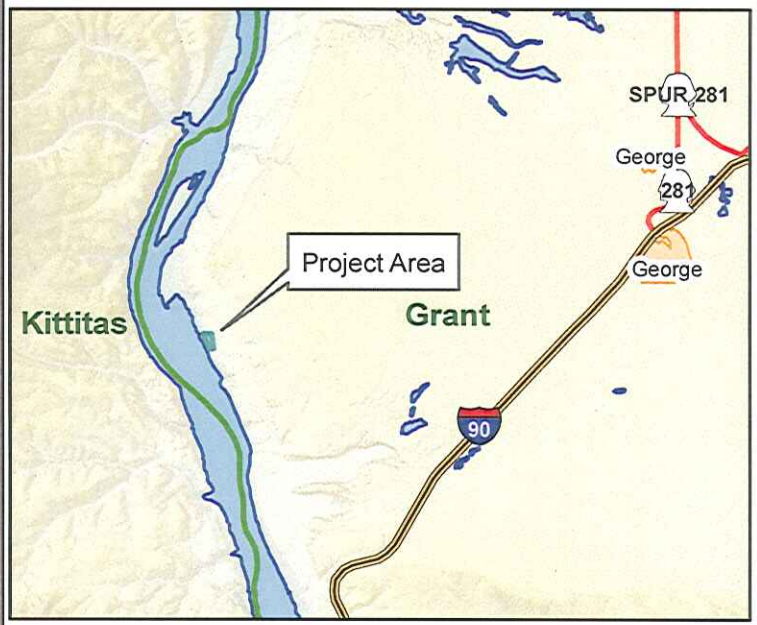
Mac Kennan — July 23, 2012

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.

Mr. Eddie Smith
Application Number G3-29776
Sec. 12, T. 18 N., R. 22 E.W.M.
WRIA 41 - Grant County

DEPARTMENT OF ECOLOGY
State of Washington



0 1.25 2.5 5 7.5 10 Miles

Authorized Place of Use

Authorized Point of Withdrawal

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 2009 NAIP airphoto.