File NR G3-29890
WR Doc ID 2143548

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

PRIORITY DATE
9/28/1995

APPLICATION NUMBER
G3-29890

MAILING ADDRESS
Todd Tarbert
11 Newport Key
Bellevue, WA 98006

SITE ADDRESS (IF DIFFERENT)
Intersection of McCullough Road & Cayuse Cove Road,
Approximately 15 miles north of Davenport, WA

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
400	GPM	40

Purpose

	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		
PURPOSE	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	PERIOD OF USE (mm/dd)
Municipal water supply purposes	400		GPM	40		01/01 - 12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Lincoln	Groundwater		54-Lower Spokane

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
WELL	2737023 700030	NA	27N	37E.W.M.	23	Gov Lot 4	47.82678°	-118.10753°
							Datum: NAD83/WGS84	

Place of Use (See Attached Map and Attached)

PARCELS (NOT LISTED FOR SERVICE AREAS)
2737023 700030

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE
The S½ of the NW¼, all of Government Lot 4, the South 330 feet of Government Lot 1, the South 330 feet of the West 660 feet of Government Lot 2; all being with Section 23, Township 27 North, Range 37 East W.M.

Proposed Works

One existing well with a depth of 441 feet

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
12/1/2013	12/1/2018	12/1/2019

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

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.

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 9th day of May 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 – Todd R. Tarbert
Water Right Control Number G3-29890
Eastern Regional Office, Department of Ecology

BACKGROUND

Description and Purpose of Proposed Application

On July 10, 1995, the Washington State Department of Ecology (Ecology) accepted Water Right Application Number G3-29890 submitted by Todd Tarbert. Attributes of the application are presented below in Table 1. The priority date of this application is September 28, 1995 due to late payment of fees.

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). The applicant has indicated his intent to receive water under the program.

Lands covered by the proposed place of use are owned by Todd Tarbert. The lands upon which the proposed point of withdrawal is located are also owned by Todd Tarbert. The proposed water use is associated with a proposed new development of 40 homes.

Table 1
Application Summary

Name	Todd Tarbert
Priority Date	9/28/1995
Instantaneous Quantity	3,000 gpm
Annual Quantity	4,839 af/yr
Purpose(s) of Use	Multiple domestic supply for 40 homes
Period of Use	Continuous
Place(s) of Use	Section 23, Township 27 North, Range 37 E.W.M.

Table 2
Proposed Sources of Withdrawal or Diversion

Source Name	Twn	Rng	Sec	QQ Section
Well #1	27N	37E	23	S½NW¼
Well #2	27N	37E	23	N½NW¼
Well #3	27N	37E	23	SW¼NE¼

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 *Davenport Times* during the weeks of June 6th and June 13th, 2002, and also the weeks of May 22nd and May 29th, 2003. Several protests from adjacent landowners were received by the department following both publications. These protests will be addressed below under the section "Considerations of Protests and Comments".

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.

The applicant filled out an environmental checklist under WAC 197-11-960 on June 11, 2002 due to the large quantities of water applied for. Correspondence with the applicant made clear that the quantities applied for were much higher than quantities actually required for the project and below the SEPA threshold and therefore SEPA is not required for this project. Ecology received a letter from Lincoln County Land Services acting as lead agency on SEPA on February 7, 2012 stating that this application is exempt from local SEPA.

INVESTIGATION

Ecology employees Leigh Bedell and Jeff MacLennan met with Todd Tarbert's brother Troy Tarbert at the property on September 14, 2011. GPS points were recorded for two possible well locations. The first possible well for use on this project is an existing well with no well log available. This well had its pump pulled on November 10, 2011 by General Pump Mechanics of Deer Park, WA. The pump was found to be 441 feet below surface elevation. The static water level in the well at this time was 297 feet below the surface elevation. This well has been found to be in hydraulic continuity with Lake Roosevelt and will be the only well considered under this application. Mr. Tarbert has decided to use the existing well for the project and forego drilling a second or third proposed well per the application.

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 (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

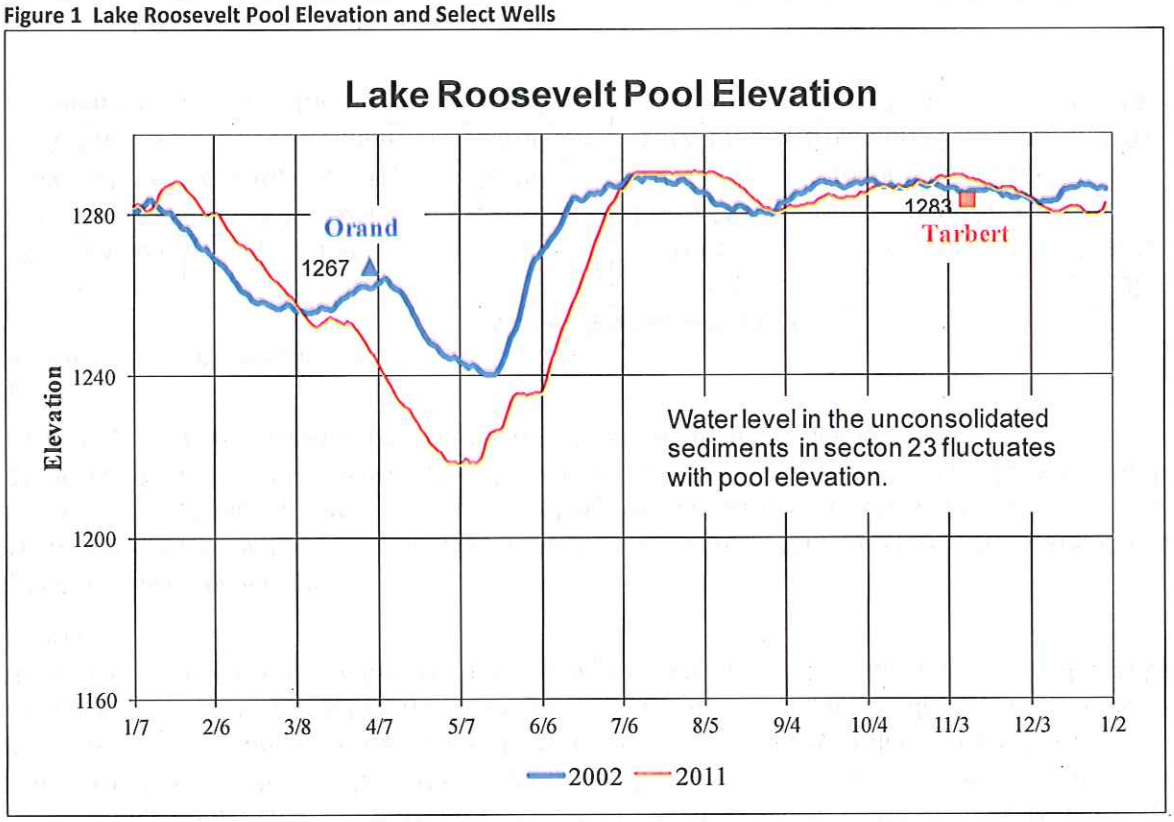
Municipal, domestic, and industrial water uses associated with the Program will divert/withdraw water from the Columbia River or tributary groundwater on a continuous, year-round basis. In the preferred Alternative 1C, identified in the SEIS, mitigation releases from Lake Roosevelt will occur during 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 hydrogeologist evaluated the application to determine if this applicant's proposed appropriation from the applied for wells is consistent with the above-stated allocation objective. Based on surrounding well logs and topographic maps, Mr. Covert believes it would be possible for a well in the proposed location to tap into water that behaves essentially like bank storage water. The applicant has an existing well on the property. Tarbert Drilling personnel measured a water level of around 300 feet below land surface in early September, 2011 at this existing well. With a land surface elevation of 1580 feet above sea level (ASL) that puts the water table elevation at 1280 feet ASL. In early September, 2011, the Lake Roosevelt pool elevation was 1280 feet ASL (See Figure 1).

Ten well logs are on file in this section. All of them list unconsolidated sands and gravels with static water levels that appear to reflect the nearby pool elevation. Most of them list very strong airtest rates of production for domestic wells (four in the 100+ gpm range). The applicant had the pump pulled from the well on November 10, 2011. The depth to water as measured by the pump company was 297 feet. This puts the water table at approximately 1283 feet ASL (See Figure 1). The Lake Roosevelt pool elevation for that day was 1288 feet ASL. Figure 1 also shows the Lake Roosevelt pool elevation recorded for 2002. The water table elevation for the Orand Well, as reported on its well log, is also depicted. It reflects the pool elevation for its respective date of measurement. Water levels in unconsolidated aquifers that reflect the nearby pool elevation would suggest that groundwater is in bank storage with the Columbia River. This would ensure that pumping effects on the river can be successfully mitigated by releases from Lake Roosevelt during a single mitigation release cycle, avoiding carry-over of impacts across mitigation cycles.

Figure 1 Lake Roosevelt Pool Elevation and Select Wells



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.

Water Rights in the Vicinity

There are no other water rights appurtenant to the place of use. There are four other water rights in Section 23 (See Table 3). There are eleven well logs for Section 23 and twenty-three well logs in Section 26. Most of these are private exempt wells. A number of the well owners have filed protests to the subject application. Consideration of the protests will be discussed below.

Table 3
Section 23 Existing Water Rights

Water rights in section 23						
File Number	Name	Type	Priority Date	Purpose	Qi (cfs)	Qa (Ac-ft/yr)
SWC #10385	W S Sowers	Certificate	11/16/1967	Irrigation of .3 acres	0.02	1
SWC #11294	Cayuse Cove Homes	Certificate	3/7/1969	Domestic Multiple	0.1	10
SWC #10116	K C Huffman	Certificate	11/2/1966	Irrigation of .33 acres	0.01	1
S3-144630CL	Linda McDougal	Claim	NA	Domestic	NA	NA

Beneficial Use

The use of water for municipal water supply purposes is defined in statute as a beneficial use (RCW 90.54.020(1)).

Beneficial use encompasses two principal elements of a water right:

1. Beneficial use refers to the purpose for which water may be used.
2. Beneficial use determines the measure of a water right. The owner of a water right is entitled to the amount of water necessary for the purpose to which it has been used.

[1] Although the priority date of this application is September 28, 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.

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. In this case, a water duty of 10 gallons per minute and 1 acre-foot per year were used per lot. This is determined to be a reasonable amount of water for rural eastern Washington. For the domestic supply of 40 homes, 400 gallons per minute and 40 acre-feet per year is considered reasonable use. Based on the analysis of reasonable beneficial use, the evaluation of well capacity and impairment was reviewed in the context of a reasonable quantity of water for this project. Since there will be more than 15 connections approved, the purpose of use considered for this application is municipal water supply purposes as defined under RCW 90.03.015(4).

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's 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 water supply 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

Twelve protests were filed by neighbors after the publications of the application in 2002 and 2003 (See Table 4). Generally, the protestants are concerned that appropriations of groundwater at the applied for quantities of 3,000 gallons per minute and 4,839 acre-feet per year could affect the water availability in the water table that their wells currently pump from. They are concerned that new wells in the area could lower their rates of withdrawal or even possibly de-water their wells. The protestants requested a study be done on the aquifers in the area.

Table 4 – List of protestants

Name	Section	Concerns
Butch and Carol Orand	23	Affects on their well - Request a study on water tables
William and Jean Alfano	23	Requests an in depth study on water tables
Jerry and Susan Wilhonen	26	Affects on their water availability - Requests a study
Howard and Patti Manke	23	Affects on their water availability - Requests a study
Fred and Carmyleta Booher	26	Affects on their water availability - Requests a study
Joe Lilje	23	Affects on their water availability - Requests a study
Roger Lyle	23	Impacts on water levels - Requests a study
Harold and Betty Young	26	Their well may go dry - Requests a study
Jerry and Susan Elzig	26	Affects on their water availability
Billy and Eugenia Rasmussen	NA	Affects on their water availability - Requests a study
Mark and Dawn Booher	NA	Affects on their water availability - Requests a study
Walt and Sandra Dawson	23	Affects on their water availability - Requests a study

The published quantity of the application (3000 gallons per minute for 40 homes) represents a quantity 7.5 times the amount typically allocated to a 40 home development. The instantaneous rate of withdrawal that is typically granted to multiple domestic projects in rural Eastern Washington is a rate of 10 gallons per minute per household. The annual quantity applied for (4839 acre-feet per year) is more than 100 times as much as is typically granted in an application for 40 homes (1 acre-foot per year per household). At the rates which are consistent with beneficial use of water for this project (400 gpm/40 ac-ft/yr), the risk of impairment to senior rights given the aquifer's proximity to the Lake Roosevelt pool is significantly decreased. Drawdown from wells producing out of bank storage in unconsolidated sands and gravels will be minimal as the cone of depression will intercept the pool water and further drawdown will effectively cease (wells hit a recharge boundary).

The department sent letters to the last known addresses of all of the protestants on file in letters dated January 12, 2012. Five responses were received by the department within the timeframe given. Letters or emails were received from Jean and Bill Alfano, Joseph Lilje et al, Jay Leipham, John Kennedy, and the 17 Firs Property Association. These letters of concern generally requested further explanation and clarification on the affects a new water right would have on their water supply.

A number of the protestants live in Section 26, T. 27 N, R. 37 E., along Cayuse Cove Road. They were generally concerned with either low productivity wells or wells that go dry after a small amount of use.

The water table in these wells is located 100 to 150 feet higher in elevation than the bank storage wells which are connected to the Lake Roosevelt pool and the subject of this pending application. Several of the well logs suggest the water table was only 20 to 40 feet higher than the bottom of their respective wells. It is not surprising that these wells are problematic for their owners. With the pumps set at the bottom of these wells, there is very little saturated aquifer material sitting above the pumps. Regulatorily, these wells would be considered "short straws". A map utilizing the WADNR 100K scale geologic lithologic units confirms that bedrock is at the surface in the southern half of Section 26 (See Figure 2). The water source for this applicant's well will be bank storage water associated with the adjacent Lake Roosevelt, not the up gradient, tributary water being utilized by the protestants in Section 26. Given the aquifer's connection to the pool reservoir (See Figure 3), pumping this applicant's well should not lead to impairment of existing water rights in the area.

Figure 2 WADNR 100K Map.

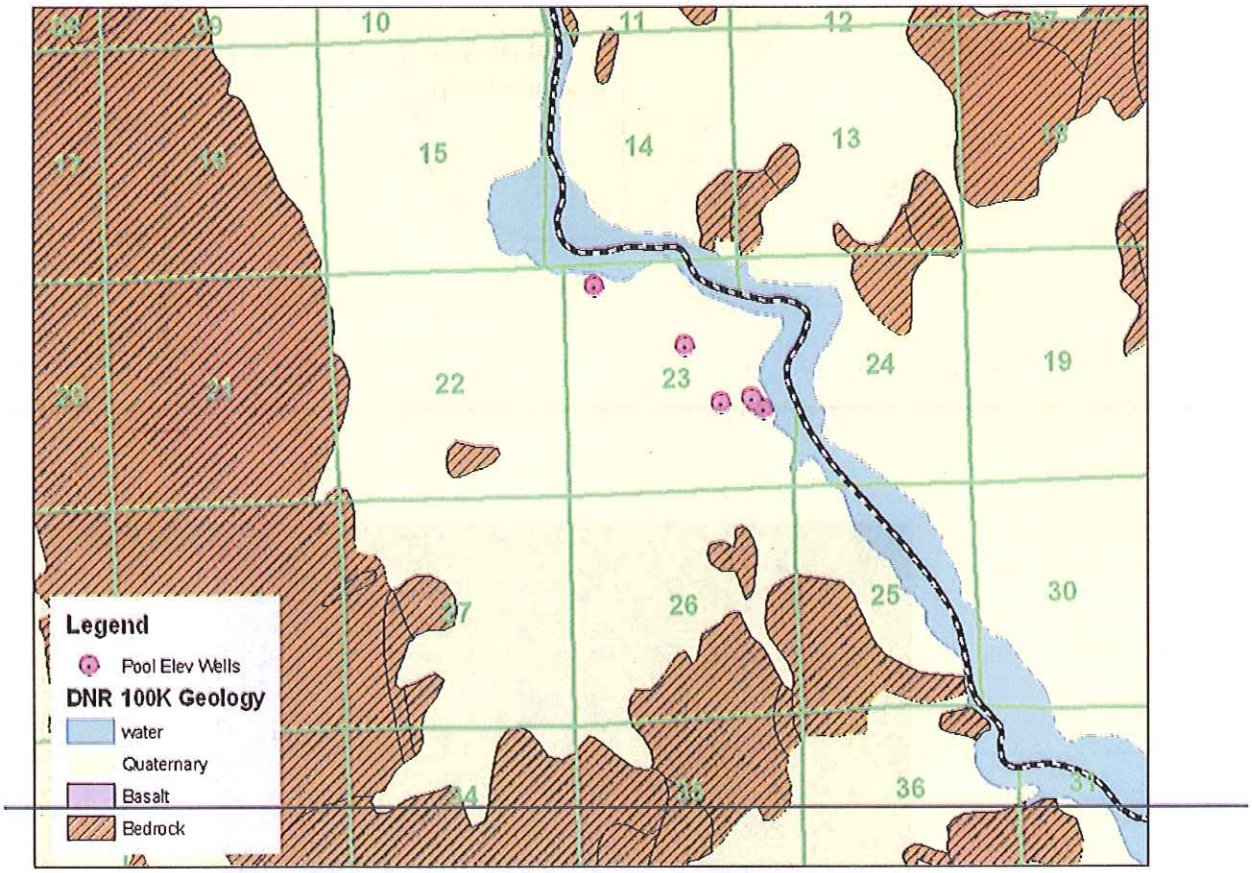
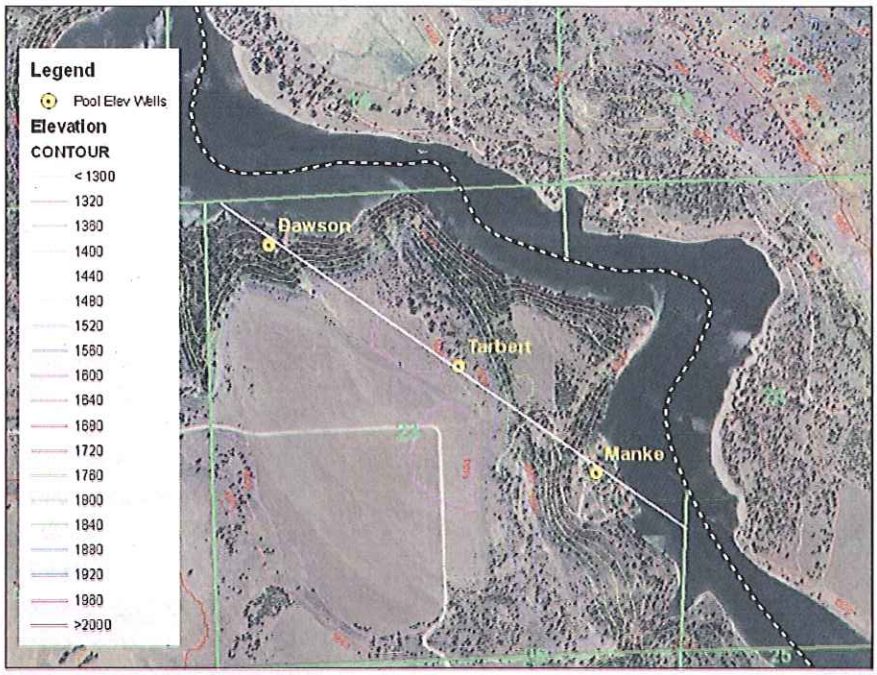
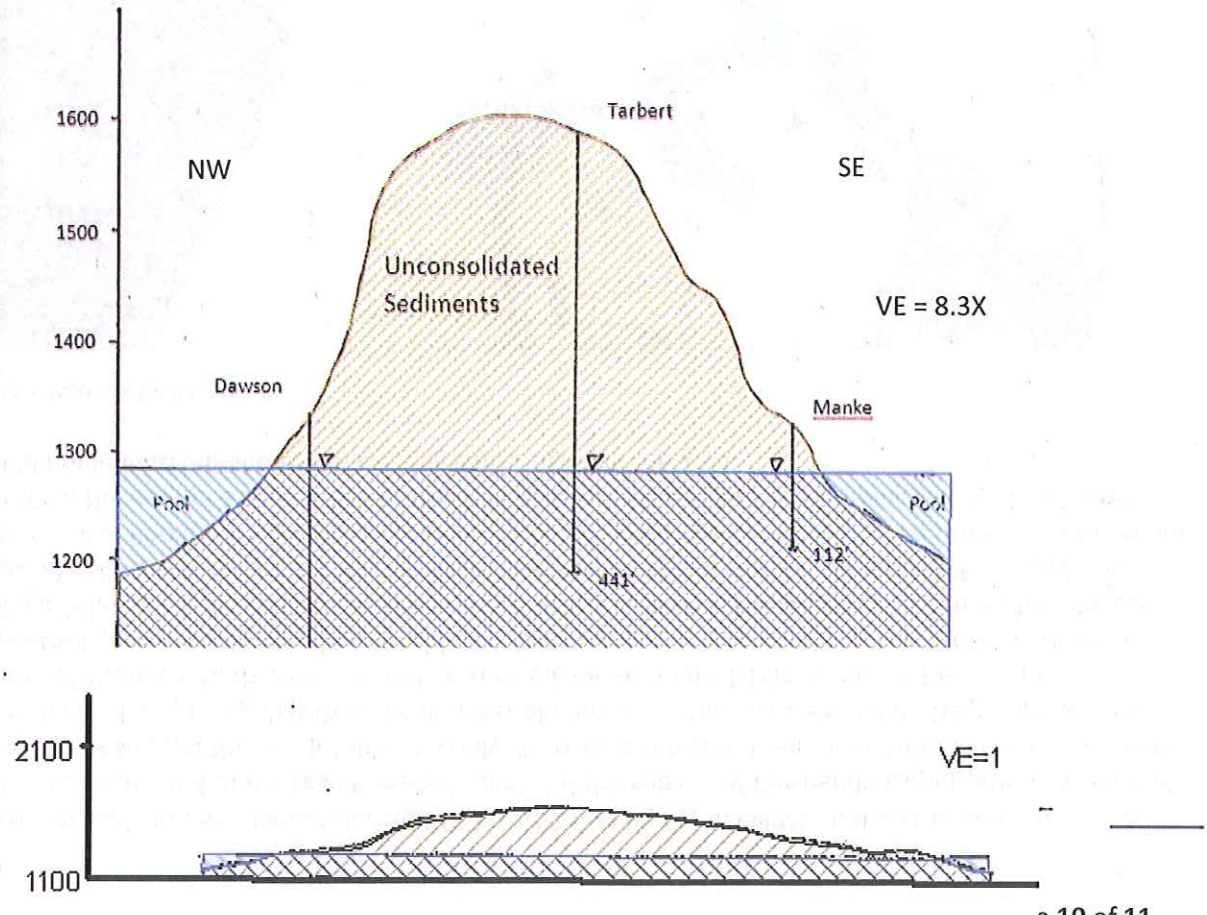


Figure 3 A simplified geologic cross-section utilizing existing wells.





Conclusions

Beneficial Use
The proposed use of water for municipal water supply purposes 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:

400 gpm
40 acre-feet per year
Municipal water supply purposes

Point of Withdrawal:

850 feet north and 200 feet east of the center of Section 23; being within Government Lot 4, of Section 23, Township 27 North, Range 37 E.W.M.

Place of Use:

The S½ of the NW¼, all of Government Lot 4, the South 330 feet of Government Lot 1, the South 330 feet of the West 660 feet of Government Lot 2, all being with Section 23, Township 27 North, Range 37 East W.M.

Leigh Bedell

Report Writer

May 9, 2012
Date

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