

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON



(Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)



(Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE June 20, 2000	APPLICATION NUMBER S2-29920	PERMIT NUMBER S2-29920(B)	CERTIFICATE NUMBER
--------------------------------	--------------------------------	------------------------------	--------------------

NAME
Cascade Water Alliance

ADDRESS (STREET) 11400 SE 8th Street, Suite 440	(CITY) Bellevue	(STATE) Washington	(ZIP CODE) 98004
--	--------------------	-----------------------	---------------------

PUBLIC WATERS TO BE APPROPRIATED

SOURCE White River		
TRIBUTARY OF (IF SURFACE WATERS) Puyallup River		
MAXIMUM CUBIC FEET PER SECOND 10	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE FEET PER YEAR 5,060

QUANTITY, TYPE OF USE, PERIOD OF USE 5,060 acre feet per year	Municipal water supply, including industrial and commercial purposes	Year round, as needed
--	--	-----------------------

Ecology has issued two separate Reports of Examination corresponding to application S2-29920: one corresponds to the Lake Tapps Reservoir Water Rights and Supply Project [permit S2-29920(A)] and the other corresponds to the Regional Reserved Water Program [permit S2-29920(B)]. Water quantities from the two permits are additive. The two permits have the same priority date, but the permit for S2-29920(A) is superior in priority. Both of the permits are evaluated in one Investigator's Report.

This permit establishes a Regional Reserved Water Program to be used by the Cities of Auburn, Bonney Lake, Buckley, and Sumner (collectively referred to as the "Four Cities"). The Regional Reserved Water Program provides a mechanism that can be used by the Four Cities to mitigate impacts to the mainstem White and Puyallup Rivers in connection with water right applications to be submitted in the future. "Regional Reserved Water" refers to the water allocated by this permit.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL
Not Applicable

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
---	---------	-------------	------------------------	----------	--------

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
-----	-------	------------------------------------

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

White River from the diversion dam (RM 24.3) to the confluence with the Puyallup River (RM 0.0) and the Puyallup River from the confluence with the White River (RM 10.4) to Commencement Bay (RM 0.0).

DESCRIPTION OF PROPOSED WORKS

Not Applicable

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: December 31, 2030	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE:
--	--------------------------------	-------------------------------------

Any water right applicant seeking to use the Regional Reserved Water as a component of their application shall obtain an approved water right from the Washington State Department of Ecology ("Ecology") prior to the Begin Project Date of December 31, 2030. The Begin Project Date shall not be extended.

The remaining development schedule shall be established in the Report of Examination for any water right application making use of Regional Reserved Water.

PROVISIONS

The Permit Holder must meet the provisions and conditions of this section.

1. Minimum Flow.

Regional Reserved Water has no mitigation value when flows are below the Minimum Flow established in Table 1, and its use shall not reduce the instream flow of the White River below the Minimum Flow established in Table 1. Compliance with the Minimum Flows shown in Table 1 shall be measured at USGS gage 12099200 – White River above Boise Creek at Buckley, or other appropriate gage established by the Permit Holder of S2-29920(A) in accordance with the conditions of that water right.

Table 1. Minimum Flow

<u>Time Period</u>	<u>Minimum Flow</u>	<u>Time Period</u>	<u>Minimum Flow</u>
January 1-14	650 cfs	July 1-23	800 cfs
January 15-31	525 cfs	July 24-31	650 cfs
February 1-14	550 cfs	August 1-6	650 cfs
February 15-29	500 cfs	August 7-31	500 cfs
March 1-14	550 cfs	September 1-14	500 cfs
March 15-31	725 cfs	September 15-30	500 cfs
April 1-14	775 cfs	October 1-14	500 cfs
April 15-30	825 cfs	October 15-31	500 cfs

<u>Time Period</u>	<u>Minimum Flow</u>	<u>Time Period</u>	<u>Minimum Flow</u>
May 1-14	875 cfs	November 1-14	500 cfs
May 15-31	875 cfs	November 15-30	550 cfs
June 1-14	800 cfs	December 1-14	550 cfs
June 15-30	800 cfs	December 15-31	600 cfs

2. Subject to Puyallup River at Puyallup Minimum Instream Flow.

The Regional Reserved Water Program is junior to the Minimum Instream Flow (“MIF”) for the Puyallup River at Puyallup established in WAC 173-510-030. Regional Reserved Water shall not be used as mitigation in any way that would decrease flows in the Puyallup River at Puyallup when that gage is below the MIF.

3. Mitigation Value Limited to Mainstem White and Puyallup Rivers.

The mitigation value of Regional Reserved Water is limited to the mainstem of the White River downstream of the diversion dam and the mainstem of the Puyallup River downstream of the confluence with the White River. Regional Reserved Water is not available to mitigate impacts to tributaries of the White River or the Puyallup River.

4. Additional Water Right(s) Required.

Regional Reserved Water cannot be used as mitigation except as authorized by a new water right or change to existing right.

5. Supply and Demand Analysis Required.

Any application proposing to use Regional Reserved Water shall provide a detailed water supply and demand analysis documenting that the water quantities in the application will be put to beneficial use.

6. Use Limited to Four Cities.

Use of the Regional Reserved Water Program established by this water right is limited to the Cities of Auburn, Bonney Lake, Buckley and Sumner.

7. Subject to Cancellation on January 1, 2031.

Ecology approval for any water rights using the Regional Reserved Water Program must be secured by December 31, 2030. Any portion of the permit for the Regional Reserved Water Program that has not been allocated in conjunction with a water right approved by Ecology shall be cancelled on January 1, 2031.

FINDINGS OF FACT AND DECISION

Upon reviewing the attached report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I find it is clear that overriding considerations of the public interest will be served by the appropriation of public surface water, and the appropriation as recommended is a beneficial use and will not be detrimental to existing rights or the public welfare.

Therefore, I ORDER permit S2-29920(B) be issued under Surface Water Application Number S2-29920, subject to existing rights and the conditions and provisions above, to allow appropriation of public surface water for the amount and uses specified above.

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the “date of receipt” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your *Notice of Appeal*.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia WA 98504-0903

OR Deliver your appeal in person to:

On or before September 17:
The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey WA 98503

On or after September 20:
The Pollution Control Hearings Board
1111 Israel Rd. SW, Ste 301
Tumwater, WA 98501

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals & Application for Relief Coordinator
P.O. Box 47608
Olympia WA 98504-7608

OR Deliver your appeal in person to:

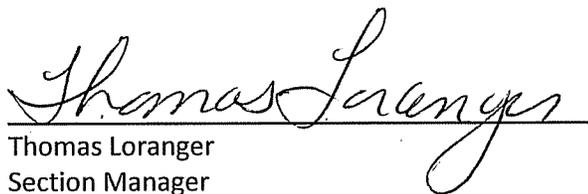
The Department of Ecology
Appeals & Application for Relief Coordinator
300 Desmond Dr SE
Lacey WA 98503

3. And send a copy of your appeal to:

Thomas Loranger
Section Manager
Water Resources Program - Department of Ecology
Southwest Region
P.O. Box 47775
Lacey WA 98504-7775

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>.

Signed at Lacey, Washington, this 15th day of September, 2010.



Thomas Loranger
Section Manager
Water Resources Program
Southwest Region

