



STATE OF WASHINGTON
 DEPARTMENT OF ECOLOGY
REPORT OF EXAMINATION
To Appropriate Public Waters of the State of Washington

APPLICATION DATE	APPLICATION NO.
September 4, 2008	S4-35209

NAME
 Public Utility District No. 1 of Chelan County

ADDRESS/STREET	CITY/STATE	ZIP CODE
PO Box 1231	Wenatchee, Washington	98807

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
 Wenatchee River

TRIBUTARY OF (IF SURFACE WATERS)
 Columbia River

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR
21.4*		10,924*

QUANTITY, TYPE OF USE, PERIOD OF USE
 9.4 cubic feet per second, January 1 through March 31;
 21.4 cubic feet per second, April 1 through August 31;
 16.0 cubic feet per second, September 1 through October 31;
 4.0 cubic feet per second, November 1 through November 30;
 9.4 cubic feet per second, December 1 through December 31; and
 10,924 acre-feet per year for fish propagation; year-round nonconsumptive use, as needed.

*All quantities are additive to S4-29892.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION—WITHDRAWAL
 Approximately 1,800 feet north and 100 feet east of the southwest corner of Section 31.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY
NW ¹ / ₄ SW ¹ / ₄	31	27 N.	18 E.W.M.	45	Chelan
PARCEL NUMBER	LATITUDE	LONGITUDE	DATUM		
271831320050	47°47'36.30"N	120°38'59.91"W	WGS84		

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

[Attachment 1 shows location of the authorized place of use and point(s) of diversion or withdrawal.]

A rectangular parcel of land with a north-south dimension of 270 feet and an east-west dimension of 280 feet, with the southern property boundary lying on the southerly section line Section 36 and the easterly property boundary lying 260 feet west of the southeast corner of Section 36, T. 27 N., R. 17 E.W.M., Chelan Co., WA.

DESCRIPTION OF PROPOSED WORKS

Surface water will be diverted by adding two 30-inch tee screens – each equipped with a submersible pump – to the existing diversion on the Wenatchee River. Water will be conveyed approximately 1,300 feet to the Chiwawa Hatchery and will be used to supply one of the facility’s existing or six proposed acclimation and rearing ponds and the Steelhead rearing and water reuse building(s). Following treatment, water will be conveyed back to the Wenatchee River and discharged approximately 40 feet downstream of the original point of diversion. Water from this diversion on the Wenatchee River will also be used to control frazil ice on the adjacent Chiwawa River diversion screens.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	WATER PUT TO FULL USE BY THIS DATE
September 2012	September 2017	September 2022

PROVISIONS

GENERAL CONDITIONS

1. Use of surface water under this authorization is considered nonconsumptive. However, fill or charging of the hatchery's infrastructure is subject to the instream flows specified in WAC 173-545-060(7) for control point 12-4570.00, located at Wenatchee River mile 46.2. Instream flow hydrographs presented in WAC 173-545-170 (Appendix 1) shall be used for identification of instream flows on days not specifically identified in the citation above.
2. Use of up to 6 cubic feet per second of Wenatchee River water is authorized for controlling frazil ice on the Chiwawa River intake screens, but nonconsumptive use of Wenatchee River water must be maintained by discharging an equal amount of Chiwawa River water back to the Wenatchee River. Both river diversions and the frazil ice discharge line shall be metered and reported per the provisions below.

MEASUREMENTS, MONITORING, METERING AND REPORTING

3. Meter Installation

An approved measuring device shall be installed and maintained for each of the sources authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. <http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>.

4. Record Weekly, Report Annual Totals

Water use data shall be recorded weekly and maintained by the property owner. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.

5. Electronic Reporting

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

6. Metering Rule Description And Petition Info

WAC 173-173 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. Installation, operation and maintenance requirements are enclosed as a document titled "Water Measurement Device Installation and Operation Requirements". <http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>.

DEPARTMENT OF FISH AND WILDLIFE

7. Fish Screening Criteria

The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria.

8. Fish Rearing

A permit from the Department of Fish and Wildlife may be needed to raise fish in any state waters: <http://www.wdfw.wa.gov/reg/regions.htm>.

9. HPA

The applicant must obtain Hydraulic Project Approval from the Washington Department of Fish and Wildlife for all construction activities occurring within the high water mark of the Columbia River and its tributaries. Please contact the Department of Fish and Wildlife, 3860 Chelan Hwy N., Wenatchee, WA 98801-9625 or by telephoning Bob Steele at (509) 662-0503.

SCHEDULE AND INSPECTIONS

10. Authority To Access Project

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.

11. Project Completion

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

FINDINGS OF FACT AND ORDER

Upon reviewing the investigator’s report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I find the appropriation of water as recommended will not be detrimental to existing rights or to the public interest.

Therefore, I ORDER the approval of Application No. S4-35209 subject to existing rights and the provisions specified above.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this decision. 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 this decision:

- File your appeal and a copy of this decision 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 decision 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.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<p>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503</p> <p>Pollution Control Hearings Board 1111 Israel Road SW, Ste 301 Tumwater WA 98501</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608</p> <p>Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903</p>

*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://www.leg.wa.gov/CodeReviser>*

Signed at Yakima, Washington, this _____ day of _____ 2010.

Mark C. Schuppe, Section Manager
Water Resources Program
Central Region Office

BACKGROUND

Project Description

On September 4, 2008, Public Utility District No. 1 of Chelan County (Chelan PUD) filed application No. S4-35209 with the Washington State Department of Ecology (Ecology) to appropriate public surface water to supply a proposed expansion to the Chiwawa Hatchery. The applicant proposed to divert 21.4 cubic feet per second (cfs) and a cumulative annual diversion volume (Qa) of 17,460 acre-feet per year (ac-ft/yr). The purpose of use is for nonconsumptive use for fish rearing, year round as needed.

The Chiwawa Hatchery is located on the bank of the Chiwawa River in the Wenatchee River Basin Water Resource Inventory Area (WRIA 45), just upstream from the confluence with the Wenatchee River. The facility is currently used for rearing and acclimating of Endangered Species Act (ESA)-listed juvenile spring Chinook salmon and also traps ESA-listed adult spring Chinook and ESA listed bull trout. The planned expansion of the facility will accommodate rearing and acclimation of an additional 450,000 juvenile steelhead.

Table 1
Summary of Application No. S4-35209

<i>Attributes</i>	<i>Proposed</i>
Applicant	Public Utility District No. 1 of Chelan County
Priority Date	December 12, 2007
Instantaneous Quantity	21.4 cfs
Annual Quantity	17,460 ac-ft/yr
Source	Wenatchee River
Point of Diversion	NW ¹ / ₄ , SW ¹ / ₄ , Section 31, Township 27 North, Range 18 E.W.M.
Purpose of Use	Fish Rearing
Period of Use	Year-round
Place of Use	Chiwawa Hatchery

Legal Requirements for Application Processing

The following requirements must be met prior to processing a water right application:

- **Public Notice**
Notice of the proposed appropriation was published in the *Wenatchee World* of Wenatchee, Washington on May 28 and June 4, 2009. No protests were received by Ecology.
- **State Environmental Policy Act (SEPA)**
A SEPA review of the proposed diversion was completed by Chelan PUD and concluded with a Determination of Nonsignificance issued on September 5, 2008. No comments were received.
- **Water Resources Statutes and Case Law**
Chapters 90.03 and 90.44 RCW authorize the appropriation of public water for beneficial use and describe the process for obtaining a water right. Laws governing the water right permitting process are contained in RCW 90.03.250 through 90.03.340. Based on the provisions of RCW 43.21A.690 and RCW 90.03.265, this application has been processed by Aspect Consulting, LLC (Aspect Consulting) under Ecology Cost-Reimbursement Agreement No. ASP002 (master contract No. C1000185).

INVESTIGATION

In consideration of this application, Aspect Consulting reviewed available documents pertaining to the application's site conditions, projected water usage and demand, and the potential effect on existing water right holders and instream flows. This included the information submitted by the applicant and pertinent Ecology records. Most notably, it included review of the Chelan PUD's Habitat Conservation Plans (HCP) and recommendations of the HCP Hatchery Committee (HC) to meet the stated goal of "no net impact" on salmon and steelhead migrating past the Rocky Reach and Rock Island hydroelectric projects. The expansion of the Chiwawa Hatchery also includes a companion application requesting a surface water diversion from the Chiwawa River (No. S4-35023).

A site visit was performed on February 18, 2010. Tyson Carlson of Aspect Consulting and Candis Graff representing Ecology met with Waikele Hampton and Sam Dilly of the Chelan PUD. The site visit included inspection of the proposed point of diversion and place of use, and an interview with the applicants.

Using this information, Aspect Consulting evaluated water availability and potential effects of the proposed appropriation on existing groundwater and surface water rights. Each of the four requirements specified in RCW 90.03.290 were individually examined and are presented below.

Project Description

In 1993, the prospect of ESA listings for salmon and steelhead prompted the Chelan PUD to develop two HCPs for anadromous fish in cooperation with federal and state regulatory agencies and Tribes. The plans commit Chelan PUD to a 50-year program to ensure their hydro projects have "no net impact" on mid-Columbia salmon and steelhead runs. Under the HCPs, this level of protection is planned to be accomplished through a combination of increased survival, off-site hatchery programs and evaluations, and habitat restoration work conducted in mid-Columbia tributary streams (Hampton 2007).

The Turtle Rock Island hatchery program was originally designed to mitigate for lost spawning areas (due to damming at Rocky Reach) in the mainstem Columbia River, as required by the original Federal Energy Regulatory Commission (FERC) license. Current fish management practices split incubation and early rearing of steelhead at multiple facilities, prior to final rearing at Turtle Rock over the fall and winter months. In the spring, fish are trucked and released at locations throughout the Wenatchee River Basin. However, the practice has led to adult stray rates greater than 10 percent from the Wenatchee Basin, which is inconsistent with objectives established by the HCP HC. Therefore, the Chelan PUD's long-term goal is to relocate all Turtle Rock rearing activities to other facilities. To increase homing fidelity specifically to the Wenatchee River, steelhead will be reared over the winter at the expanded Chiwawa Hatchery prior to release.

The fish will be brought on site around September of each year and will be released around May of the following year. Authorization is requested June through August to provide the Chelan PUD flexibility in developing their hatchery program, which may evolve to the point where multi-year rearing and acclimation are required. In the near future, the HC may require that the Chelan PUD rear steelhead for the entire year at the Chiwawa facility.

The Chelan PUD has also requested authorization to use water diverted from the Wenatchee River to prevent frazil ice from accumulating on the Chiwawa River diversion intake screens. Site specific water temperature data indicate that water from the Wenatchee River diversion is 3 to 5 degrees Fahrenheit warmer than Chiwawa River water. The Chelan PUD has determined that this temperature difference is sufficient to prevent icing of the intake screens. Based on the 3 degree temperature differential and assuming only one third of the mixing water is effective in entering the intake screens, a calculated flow of 6 cfs from the Wenatchee River is requested, not in addition to but included in the requested 21.4 ac-ft/yr.

To maintain nonconsumptive use with respect to the Wenatchee River, equal quantities of Chiwawa River water will be diverted back to the Wenatchee River. Each diversion, along with discharge to control frazil ice on the Chiwawa River diversion screens, will be metered.

The Chiwawa Hatchery is currently supported by two surface water right permits – one diverting from the Wenatchee and one diverting from the Chiwawa River. The Wenatchee River permit (S4-29892) authorizes the seasonal diversion of 12 cfs and 3,000 ac-ft/yr, November 1 through March 31 for fish propagation. The Chiwawa River permit (S4-29891) is for the seasonal diversion of 21 cfs and 10,000 ac-ft/yr, September 1 through April 30. In addition to the subject application (S4-35209), a companion application (S4-35023) was submitted requesting authorization of a seasonal diversion (21 cfs and 5,124 ac-ft/yr) from the Chiwawa River, May 1 through August 31. This nonconsumptive diversion will be used to supply one of the two existing acclimation and rearing ponds, a proposed raceway, and will be used to attract and trap adult ESA listed spring Chinook and bull trout. The application requests an additional period of use to the existing permit for the Chiwawa River (S4-29891), effectively making the combined period of use year-round.

Site Description

The point of diversion is located on the south side the Wenatchee River at approximate river mile (RM) 49.3, immediately upstream of the confluence with the Chiwawa River. This reach of the Wenatchee River is relatively flat, with an average gradient of 0.0006 feet/foot. In addition, the point of diversion is located in a relatively large flat-water pool in the northwest quarter of the southwest quarter of Section 31, in Township 27 North, Range 18 East Willamette Meridian.

Inspection of the 2009 Water Year data indicate that the Wenatchee River downstream of Lake Wenatchee (Ecology gage ID 45A240), upstream from the confluence with the Chiwawa River, had an annual mean discharge rate of 1,530 cfs, with a daily mean of 210 to 9,230 cfs. Low flows are typically associated with the late summer (August through October), while high flows are the result of peak winter storm cycles and spring runoff. Based on the period of record available (2002 to present), the 2009 Water Year was average.

Surface water will be diverted from the Wenatchee River by two tee screen intakes mounted on a sheet pile wall located adjacent to the existing diversion. The tee screens will lead to two pump cans containing submersible pumps housed in a control building to be located on the river bank, just above the ordinary high water mark (OHWM). The pumps will discharge to a 30-inch diameter supply line, which will convey water to the facility located approximately 1,300 feet away.

Following use at the facility, water will be treated and discharged approximately 40 feet downstream of the original point of diversion into the same pool from which it was diverted. The discharge pipe ends at the bank near the OHWM, and during low river stage, water travels a short distance in an open channel across the high water bank directly to the Wenatchee River.

The existing vacuum pump system will be used to remove the solids from the proposed rearing ponds and raceway, and a nine-foot diameter radial flow clarifier will be used to remove solids in the steelhead water reuse building. The solids will be removed to a waste basin for settling. Following an approximately 24-hour retention time, the clarified water will be decanted and pumped to the Wenatchee River outfall pipe. A vactor truck will be used several times a year to remove the accumulated solids from the bottom of the waste basin.

The existing configuration of the Chiwawa Hatchery requires approximately 290,000 gallons of Wenatchee River water and approximately 280,000 gallons of Chiwawa River water to fill the facility. The proposed expansion, including the six rearing ponds, raceway, and steelhead rearing and reuse facility will require an additional 380,000 gallons of Wenatchee River water and 45,000 gallons of Chiwawa River water. In total, the expanded Chiwawa Hatchery will require approximately 670,000 gallons (~2.1 acre-feet) of Wenatchee River water and 325,000 gallons (~1.0 acre-foot) of Chiwawa River water to fill.

Instream Flow Requirements

To retain perennial rivers, streams, and lakes in the Wenatchee River basin with levels necessary to protect water quality, wildlife, fish, and other environmental values, as well as aesthetics, recreation and navigation, and to meet certain future out-of-stream water needs, an Instream Resources Protection Program (IRPP) was established by Chapter 173-545 WAC. The IRPP defines minimum instantaneous flows in reaches defined by nine control stations throughout the Basin. The program effectively limits, and in some cases prohibits, the further issuance of consumptive water rights that could affect instream flows in these specified stream management units.

As defined by the WAC, the control point (stream gage station) that defines the stream management unit most applicable to the application under consideration is 12-4570.00 (Wenatchee River at Plain), extending from the headwaters of the Wenatchee River downstream, beyond the confluence with the Chiwawa River, to the Beaver Valley Highway Bridge in the town of Plain. Minimum instream flows in WAC 173-545-060(7) for this stream management unit are specified year round and fluctuate seasonally from a low of 520 cfs to a high of 2,500 cfs.

Agency Consultation Process

Ecology has sought consultation with the U.S. Bureau of Reclamation (Reclamation) who controls all unappropriated waters of the Columbia River above Priest Rapids Dam – including all tributaries and groundwater that are in continuity. Reclamation subsequently granted a release of water for the subject application via email received on May 28, 2009.

In addition, during the early stages of the application process, Ecology received a number of letters of support regarding the pending water right application. Letters were received from, Washington Department of Fish and Wildlife (WDFW), the United States Fish and Wildlife Service, and local Native American tribes, including the Bands of the Yakama Nation.

During several HCP Hatchery Committee meetings, the National Marine Fisheries Service (NMFS) requested that the Chelan PUD minimize water diversion from the Wenatchee River during the seasonal low flow period (September to November). The Chelan PUD incorporated NMFS's recommendation by reducing the amount of water requested to 16 cfs in September and October and 4 cfs in November. Ecology has since received an email (dated November 8, 2010) from NMFS indicating their support for the project.

A summary of the Chiwawa Hatchery's existing and requested water right quantities revised to reflect the above changes is provided in Table 2.

Table 2
Summary of Chiwawa Hatchery Water Right Permits and Applications

Source	Wenatchee River			Chiwawa River		
	Control No.	S4-29892	S4-35209	Max Qi	S4-29891	S4-35023
Date	Permit (cfs)	Application (cfs)	(cfs)	Permit (cfs)	Application (cfs)	(cfs)
January	12	9.4	21.4	21	-	21
February	12	9.4	21.4	21	-	21
March	12	9.4	21.4	21	-	21
April	-	21.4	21.4	21	-	21
May	-	21.4	21.4	-	21	21
June	-	21.4	21.4	-	21	21
July	-	21.4	21.4	-	21	21
August	-	21.4	21.4	-	21	21
September	-	16	16	21	-	21
October	-	16	16	21	-	21
November	12	4	16	21	-	21
December	12	9.4	21.4	21	-	21
Qa in ac-ft/yr	3,000	10,924	13,924	10,000	5,124	15,124

Water Quality

Discharge of effluent from the rearing facility will be governed by an Upland Fin-Fish Hatching and Rearing General NPDES Permit issued by Ecology's Water Quality Program. The purpose of the permit is to control the discharge of potential pollutants into waters of the state by specifying best management practices, effluent limitations, and monitoring requirements.

In addition, Ecology has established a total maximum daily load (TMDL) for the Wenatchee River and tributaries, which are known to exceed the water quality criteria for temperature, July through September, and Dissolved Oxygen (DO) and pH, including phosphorus. In response to the TMDLs, Ecology prepared a Water Quality Improvement Report for each TMDL (Ecology 2007 and 2009) providing targets for reducing loading to the Wenatchee River and its tributaries, along with implementation action items and associated timeframes. The Water Quality Improvement Report for DO and pH included the recommendation of no increase in nutrient loading for the upper Wenatchee River.

APPLICATION EVALUATION

Priority Processing

The Chelan PUD requested that Application No. S4-35209 be processed under WAC 173-152-050(2)(b), commonly known as the Hillis Rule. This rule allows Ecology to prioritize the processing of new water right applications that are nonconsumptive, and include qualifying measures that substantially enhance or protect environmental quality in a watershed.

Guidance regarding classification of water uses as nonconsumptive for surface water is given by Ecology's Water Resources Program, *Policy POL 1020* (Ecology 1991). The policy defines water use as nonconsumptive when "...there is no diversion from the water source or diminishment of the source". Specifically, nonconsumptive use at a fish hatchery is defined when water is returned to the same source, in the same quantity as diverted, at a point downstream in close proximity to the point of diversion, and water quality standards are met. POL 1020 also specifies that water use to initially fill or charge the system is allowed, subject to instream flows and existing rights.

Ecology recognizes that certain projects may have a small component of water consumption – such as, through an increase in bank storage or evaporation rate. However, as a matter of policy, Ecology classifies these types of projects as nonconsumptive (Ecology 1991).

The second criterion for priority processing is that the new use will provide for significant environmental benefit. Chelan PUD has committed to a 50-year program to ensure their hydroelectric projects have “no net impact” on mid-Columbia salmon and steelhead runs. Application No. S4-35209 will support mitigation for the Rock Island and Rocky Reach hydroelectric projects and recommendations of the HCP HC. Based on this information, Ecology has concluded that the subject applications also meet the environmental enhancement/protection criterion for priority processing under WAC 173-152-050(2)(b).

Ecology has determined that Application No. S4-35209 is nonconsumptive and provides for environmental enhancement; therefore, the water right application is being processed on a priority basis as allowed for under WAC 173-152-050(2)(b).

Four Statutory Tests

This Report of Examination (ROE) evaluates the application based on the information presented above and in referenced FERC relicensing documents. To approve the application, Ecology must issue written findings of fact and determine that each of the following four requirements of RCW 90.03.290 has been satisfied:

1. The proposed appropriation would be put to a beneficial use.
2. Water is available for appropriation.
3. The proposed appropriation would not impair existing water rights.
4. The proposed appropriation would not be detrimental to the public welfare.

Beneficial Use

In accordance with RCW 90.54.020(1), the proposed appropriation for fish maintenance and enhancement is a beneficial use of water. As detailed on the Application for Permit, the point of diversion will be supported by the necessary infrastructure to deliver the full appropriation of water to the facility. The rate at which the water will be diverted is required for suitable operation of the Chiwawa Hatchery.

Availability

Based on the collective information summarized above, we conclude that the quantity of water requested for use in this application is available for appropriation. Water will be returned to the Wenatchee River in the same quantity as diverted, at a point downstream in close proximity to the point of diversion and water quality will be required to meet the water quality standards of the Upland Fin-Fish Hatching and Rearing General NPDES Permit issued by Ecology’s Water Quality Program.

Potential for Impairment

RRCW 90.03.290 and RCW 90.44.060 require a determination that a new appropriation will not impair existing rights. Numerous water right certificates, permits, and claims are present on or downstream on the Wenatchee River, in addition to the numerous permitted points of withdrawal utilizing aquifers in continuity with the River. However, no diversion is located in the 33-foot bypass reach or downstream of the hatchery on the Chiwawa River before the confluence with the Wenatchee River. Therefore, because the proposed appropriation is nonconsumptive, no impairment of surface water or groundwater rights is expected to occur.

Filling or charging of the facility with approximately 2.1 acre-feet of water up to once a year will be provisioned on meeting the instream flows specified in WAC 173-545-060(7) at control point 12-4570.00.

Public Welfare

No protests to the application were received. The proposed appropriation will support the recommendations made by the HCP HC in fulfilling the Chelan PUD commitment for “no net impact” on mid-Columbia salmon and steelhead runs by their hydroelectric projects. Letters of support were received from NMFS, WDFW, the United States Fish and Wildlife Service, and the Bands of the Yakima Nation.

CONCLUSIONS

The conclusions based on the above investigation are as follow:

- 1. The proposed appropriation for fish propagation in the proposed Chiwawa Hatchery is a beneficial use of water.
- 2. The quantity of water requested for nonconsumptive use in this application is available for appropriation.
- 3. The proposed nonconsumptive appropriation will not impair senior water rights.
- 4. The proposed appropriation will not be detrimental to the public interest.

RECOMMENDATION

I recommend approval of Application for Water Right No. S4-35209, and issuance of a permit to allow a nonconsumptive appropriation of surface water from the Wenatchee River for fish propagation at a maximum instantaneous withdrawal rate (Qi) of 21.4 cfs and a cumulative annual volume of 10,924 ac-ft/yr. The period of use will be year-round, as needed.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required.

Report by: _____
Tyson D. Carlson, LHG, Aspect Consulting, LLC Date

Reviewed by: _____
Candis Graff, Water Resources Program Date

DRAFT

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.

CITATIONS

Ecology 1991, Water Resources Program Policy POL 1020; Consumptive and Nonconsumptive Water Use, October 31, 1991, pgs. 1-2.

Ecology 2004, Water Resources Program Policy POL 1021; Priority Processing – Water Budget Neutral Projects, January 21, 2004, pgs. 1-2.

Ecology 2007, Wenatchee River Watershed Temperature Total Maximum Daily Load, Water Quality Improvement Report, Publication No. 07-10-045, July 2007, pgs. 1-8.

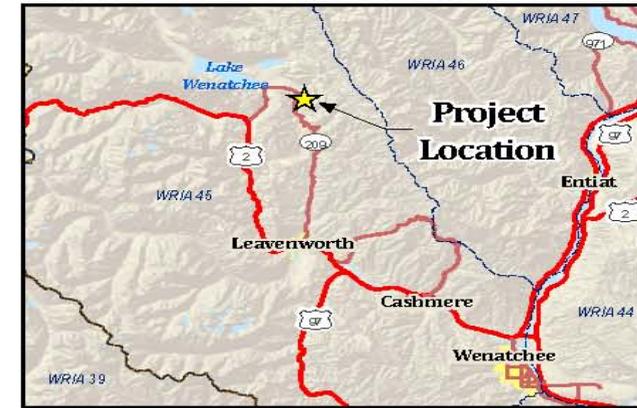
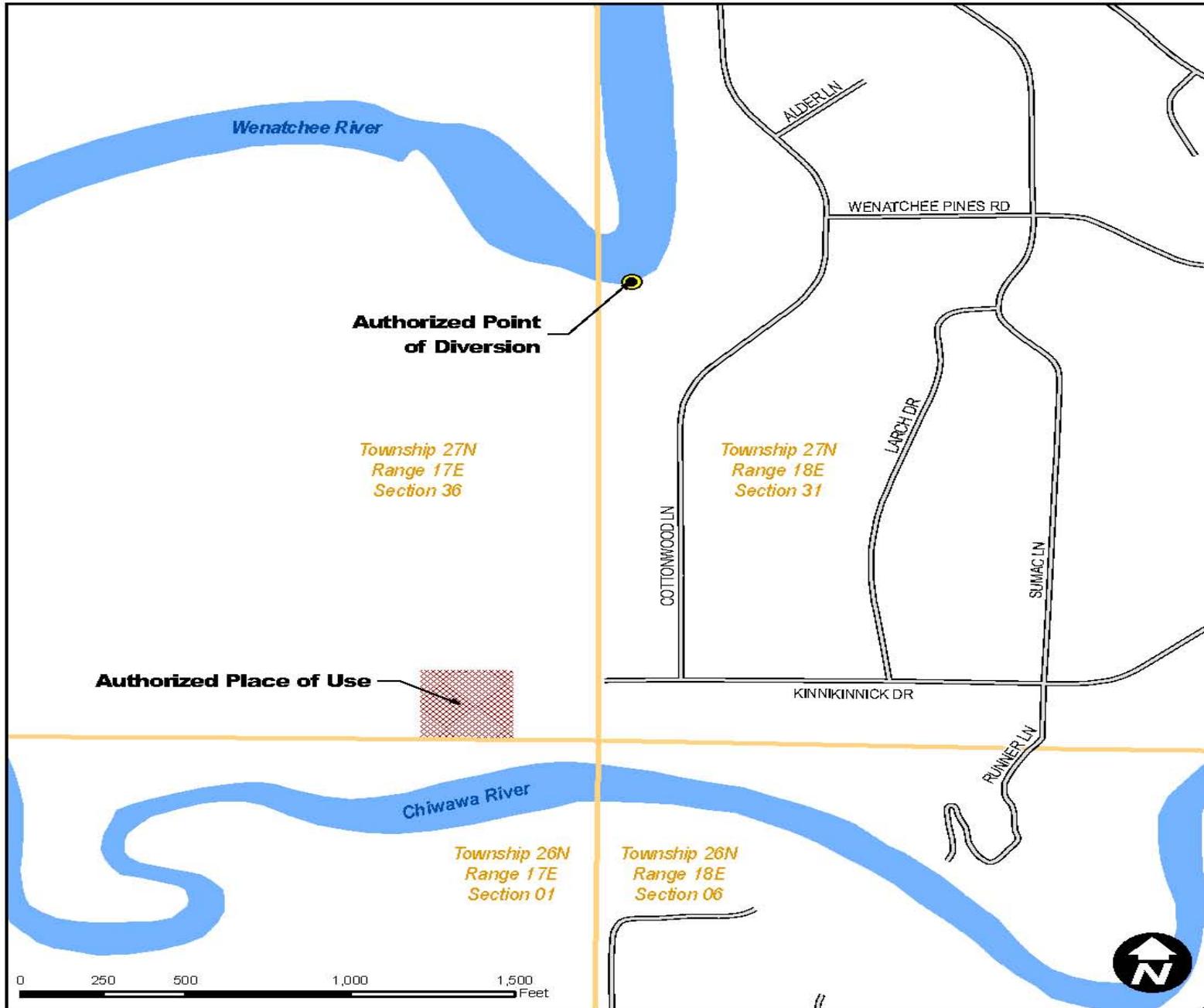
Ecology 2009, Wenatchee River Watershed Dissolved Oxygen and pH Total Maximum Daily Load, Water Quality Improvement Report, Publication No. 08-10-062, August 2009, pgs. 1-7, 51-55.

HCP HC 2006, Statement of Agreement on Production levels for Chelan County PUD's Turtle Rock Summer Chinook Hatchery Program, October 18, 2006, p. 1.

Hampton, Waikele 2007, Email communication providing background on Turtle Rock Island Program, May 22, 2007.

Washington Administrative Code, Chapter 170-545 2008, Instream Resources Protection Program for the Wenatchee River Basin, Water Resource Inventory Area (WRIA) 45, April 10, 2008.

DRAFT



Comments: Place of use and point of diversion are defined on the cover sheet under the heading "LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED."

-  Authorized Point of Diversion
-  Authorized Place of Use
-  Section Lines
-  Roads
-  Water Bodies and Rivers

No. S4-35209														
(Public Utility District No. 1 of Chelan County) T27N R17E, Sec 36 and T27N R18E, Sec 31 WRIA 45, Chelan County, Washington														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: small;">DATE:</td> <td>Sept 2010</td> <td style="font-size: small;">PROJECT NO.:</td> <td>090180</td> </tr> <tr> <td style="font-size: small;">DESIGNED BY:</td> <td>TDC</td> <td style="font-size: small;">DRAWN BY:</td> <td>PPW</td> </tr> <tr> <td style="font-size: small;">REVISIONS:</td> <td></td> <td style="font-size: small;">ATTACHMENT NO.:</td> <td>1</td> </tr> </table>	DATE:	Sept 2010	PROJECT NO.:	090180	DESIGNED BY:	TDC	DRAWN BY:	PPW	REVISIONS:		ATTACHMENT NO.:	1	
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