

INVESTIGATOR'S REPORT
 Marie Peter, Department of Ecology
 Water Right Control Number CS2-00568@2

File NR CS2-00568@2
 WR Doc ID 44560



State of Washington
 REPORT OF EXAMINATION
 FOR WATER RIGHT CHANGE

Added or Changed Point of Withdrawal/Diversion

PRIORITY DATE
 September 11, 1970

WATER RIGHT NUMBER
 CS2-00568

MAILING ADDRESS
 WA DEPARTMENT OF FISH & WILDLIFE
 600 CAPITOL WAY N
 OLYMPIA 98501-9990

SITE ADDRESS (IF DIFFERENT)
 1261 FISH HATCHERY RD
 Sequim, WA 98382

Total Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
6.7	CFS	Non consumptive
190 (Non-additive)	GPM	Non-consumptive

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE		ANNUAL QUANTITY (AF/YR)	PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		
Fish propagation	6.7 cfs	190 gpm	Non-consumptive	01/01 - 12/31

REMARKS

Wells 1 and 2 are considered additional points of withdrawal. Therefore, whenever groundwater is pumped, WDFW will decrease use of an equivalent amount of surface water up to 190 gpm or 0.42 cfs. At no time will the instantaneous rate being used exceed 6.7 cfs.

Source Limitations

SOURCE FACILITY/DEVICE	WITHDRAWAL OR DIVERSION RATE	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE (mm/dd)
Wells 1 and 2	190 GPM	Non-consumptive	01/01 - 12/31

A|S: A=Alternate; S=Standby/Reserve

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Clallam	Canyon Creek	Dungeness River	18-Elwha-Dungeness

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWN	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Canyon Creek Diversion	042912240000	N/A	29N	04W	12	SE NW	48.0246688° N	123.1377489° W
Well 1	042912220000	AFR-828	29N	04W	12	NW NW	48.0284218° N	123.1402887° W
Well 2	042912220000	AGP-497	29N	04W	12	NW NW	48.0282012° N	123.1420339° W

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

042912220000

Legal Description of Authorized Place of Use

NW 1/4 NW 1/4 of Section 12, T 29 N, R 4 WWM, less rights of way.

Proposed Works

Canyon Creek Diversion: Concrete dam 10 ft by 34 ft

Well 1: 12 inches in diameter, Cased to 50.5 ft bgs, open hole to 54 ft bgs. Perforated from 20 to 40 feet bgs.

Well 2: 12 inches in diameter, Cased to 126 ft bgs, open hole to 130 ft bgs. Perforated from 42 to 124 ft bgs.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	March 1, 2016	March 1, 2017

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 or cfs)

Provisions

The combined diversion of surface and ground water under shall not exceed a total of 6.7 cfs or 3,015 gpm.

Wells, Well logs, and Well Construction Standards

All wells must be tagged with a Department of Ecology unique well identification number. This tag must remain attached to the well.

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

Hatchery Well 1 (AFR-828) is in the floodplain of the Dungeness River, based on best available science and preliminary floodway mapping by the Federal Emergency Management Agency (FEMA). Where a well site is subject to flooding, WAC 173-160-291 (2) requires the top of the well casing to be at least two feet above the estimated water level of a one hundred-year frequency flood. The casing stickup height for Well 1 must be adjusted so that it meets this criteria.

Fish Screen Criteria

The intake must be screened at all times in accordance with Department of Fish and Wildlife screening criteria. This water right is issued subject to Washington Department of Fish and Wildlife Hydraulic Project Approval.

Proof of Appropriation

The water right holder must 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 superseding permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), place of use, and satisfaction of provisions.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. CS2-00568@2, 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>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p>

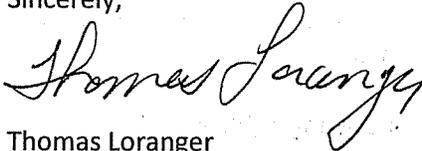
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903
And Send a Copy of Your Appeal to: Thomas Loranger Department of Ecology Southwest Regional Office PO Box 47775 Olympia, WA 98504-7775	

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.leq.wa.gov/CodeReviser>.

Sincerely,



Thomas Loranger
Water Resources Section Manager

BACKGROUND

Description and Purpose of Proposed Change

On July 20, 2007, the Washington Department of Fish and Wildlife (WDFW) filed an *Application for Change of Water Right* to add groundwater points of withdrawal to Surface Water Certificate S2-00568.

Surface Water Right Certificate (SWC) S2-00568 authorizes diversion of 8.5 cubic feet per second (cfs) from Canyon Creek for fish propagation (non-consumptive) and 2 acre-feet (ac-ft) per year for domestic supply.

WDFW will maintain the right to divert the entire quantity currently used for fish propagation as surface water from Canyon Creek. However, when the wells are being pumped, WDFW will decrease the surface water diverted by roughly the same amount of water being pumped from the wells (0.42 cfs).

Table 1. Attributes of the Existing Water Right and Proposed Change

<i>Attributes</i>	<i>Existing</i>	<i>Proposed</i>
<i>Name</i>	Washington Department of Fish & Wildlife	Same
<i>Priority Date</i>	09/11/1970	Same
<i>Change Application Date</i>		07/20/2007
<i>Source</i>	Canyon Creek	Canyon Creek 2 wells
<i>Instantaneous Quantity</i>	8.5 cfs	Canyon Creek: 6.7 cfs 2 wells: 190 gpm, (non-additive)
<i>Annual Quantity</i>	2 af/yr domestic supply non consumptive use for fish propagation	Non-consumptive
<i>Purpose of Use</i>	Domestic Supply Fish propagation	Fish Propagation
<i>Period of Use</i>	Continuously	Year round as needed
<i>Place of Use</i>	NW ¼ NW ¼ Section 12, T 29 N, R 4 WWM, less rights of way	Same

Table 2. Proposed Sources of Withdrawal or Diversion

<i>Source Name</i>	<i>Parcel</i>	<i>WellTag</i>	<i>Twn</i>	<i>Rng</i>	<i>Sec</i>	<i>QQ Q</i>	<i>Latitude</i>	<i>Longitude</i>
Canyon Creek	230306	N/A	29N	04W	12	SE NW	48.0246688° N	123.1377488° W
Well 1	220000	AFR-828	29N	04W	12	NW NW	48.0284218 ° N	123.1402887° W
Well 2	220000	AGP-497	29N	04W	12	NW NW	48.0282020° N	123.14203389° W

Table 3. Existing Sources of Withdrawal or Diversion

Source Name	Parcel	WellTag	Twn	Rng	Sec	QQ Q	Latitude	Longitude
Canyon Creek	230306	N/A	29N	04W	12	SE NW	48.0246688° N	123.1377489° W

Legal Requirements for Proposed Change

The following is a list of requirements that must be met prior to authorizing the proposed change in S2-00568.

Public Notice

An original public notice for this project proposal was posted in *The Sequim Gazette* of Clallam County on December 19 and 26, 2001. The Department of Ecology did not receive any protests or letters of concern in response to this notice. Because the original notice was for greater quantities, it meets the intent of the legal requirement for public notice for this change application.

State Environmental Policy Act (SEPA)

A SEPA determination evaluates if a proposed withdrawal will cause significant adverse environmental impacts. A SEPA threshold determination is required for:

- 1) Surface water applications for more than 1 cubic feet per second (cfs). For agricultural irrigation, the threshold increases to 50 cfs, if the project isn't receiving public subsidies.
- 2) Groundwater applications requesting more than 2,250 gpm.
- 3) Projects with several water right applications where the combined withdrawals meet the conditions listed above.
- 4) Projects subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA).
- 5) Applications that are part of several exempt actions that collectively trigger SEPA under WAC 197-11-305.

This application does not meet any of these conditions and is categorically exempt from SEPA.

Water Resources Statutes and Case Law

A point of diversion for a surface water right may be changed to groundwater points of withdrawal. The authority is derived from RCW 90.03.380, RCW 90.44.020-030, RCW 90.44.100 and RCW 90.54.020(9). RCW 90.03.380(1) states a water right put to beneficial use may be changed if the change would not result in detriment or injury to other water rights.

Additionally, when adding groundwater wells to an existing surface water right, Ecology must make the same findings as required for an original application as described in RCW 90.44.100(2):

- Water must be available for appropriation.
- The use must be beneficial.
- Existing rights must not be impaired as a result of the change.
- The change must not be detrimental to the public interest.
- The change must not result in enlargement of the underlying water right.

The Washington Supreme Court has held that Ecology, when processing an application for change to a water right, is required to make a tentative determination of extent and validity of the claim or right. This is necessary to establish whether the claim or right is eligible for change. *R.D. Merrill v. PCHB and Okanogan Wilderness League v. Town of Twisp*.

When adding groundwater wells to a surface or groundwater right (RCW 90.44.100), the proposed new wells must draw from the *same body of public groundwater* as the original point of withdrawal. For a surface water-groundwater transfer, that means a direct hydraulic connection between the groundwater and surface water sources must exist.

INVESTIGATION

The material reviewed in support of this application included the following:

- The State Ground and Surface Water Codes, administrative rules, and policies.
- Department of Ecology's Water Right Tracking System (WRTS) database.
- Water well reports recorded in the Department of Ecology's Well Log Image System.
- Topographic and local area maps.
- Technical memorandum by Department of Ecology Licensed Staff Hydrogeologist, Mike Gallagher, dated March 29, 2010.
- Technical memorandum by Department of Ecology Licensed Staff Hydrogeologist, Tammy Hall, dated March 9, 2011.
- Notes from a site visit to Dungeness Hatchery by Marie Peter and Licensed Staff Hydrogeologist, John Pearch, on June 16, 2009.
- Dungeness Hatchery water use records for 2004 through 2008.
- Information from e-mail and telephone conversations with Hal Michael, and Scott Williams of WDFW.
- The WRIA 18 Watershed Plan.

Project Location and Site Description

WDFW's Dungeness Hatchery about four miles southwest of the City of Sequim, in the Elwha-Dungeness Water Resource Inventory Area (WRIA 18). The hatchery is at River Mile 10.5 of the Dungeness River, about 1,500 feet downstream of the Canyon Creek-Dungeness River confluence.

The surface-water diversion on Canyon Creek is between steep basalt outcrops just east of the bridge on Fish Hatchery Road as it crosses over Canyon Creek. An additional surface-water diversion, shared with the Agnew Irrigation District, is upstream of the Canyon Creek confluence on the Dungeness River (Certificate of Change Vol 2, p. 748).

See Attachment 1: Map of Surface Water Diversion Points and Well Locations for Change Application S2-00568@2.

All water used at the hatchery under this water right is non-consumptive. Water diverted from Canyon Creek circulates through spawning and incubation facilities, raceways, and ponds. From there, it moves through an off-line settling pond and an artificial wetland that removes effluent. The water discharges to an outlet creek which returns the water to the Dungeness River. The length of the by-pass reach is about 2,400 feet, from where water is diverted from Canyon Creek to where it is returned on the Dungeness River.

Three wells are also on the hatchery property. Dungeness Hatchery Well (Well 1, AFR-828) is west of the raceway ponds and hatchery main building. Well 2 is between the hatchery main building and the outlet creek. The hatchery's domestic well (currently in use) is on a higher terrace, south of both wells.

History of Water Use

Dungeness Hatchery was constructed around 1901 at the original confluence of Canyon Creek and the Dungeness River. In the 1940's, the facility was re-built downstream on the Dungeness River floodplain. Canyon Creek was channelized and its confluence with the Dungeness River artificially moved upstream to its current location.

The hatchery originally diverted surface water from the Dungeness River downstream of the current diversion under SWC 3518 and Certificate of Change Vol 2. Page 748. WDFW later abandoned this point of diversion in favor of sharing a more reliable diversion with the Agnew Irrigation District.

The point of diversion currently used for SWC S2-00568 is a 10 ft x 34 ft concrete structure. The diversion dam occupies a natural constriction of the Canyon Creek channel, about 1,000 ft upstream of the hatchery. The original diversion, a 9-ft high by 30-ft wide timber diversion dam, was used until 1974.

Canyon Creek water routinely supplies water to the rearing ponds and incubation tanks. It is especially important during the winter when it is mixed with colder water diverted from the Dungeness River before being circulated through the hatchery. Groundwater is also used to de-ice the hatchery water supply. Surface water from Canyon Creek is also used during high flow events on the Dungeness River to ensure a supply free of debris and bedload materials.

Water diverted from Canyon Creek is combined with water diverted from the Dungeness River prior to being used. The amount of water used is measured as it flows from the settling pond over stop logs. The percentage of creek and river water used is estimated according to how far the valves are open at the diversions.

According to hatchery records from 2004 through 2008, diversions from Canyon Creek ranged from 3.3 cfs to 6.7 cfs. These larger quantities were used from November through January, March, and May through July. However, smaller quantities of de-icing water, less than 1 cfs, were used when Dungeness River water became icy. These records indicate that Canyon Creek water was not used during the low-flow period from August through October.

Tentative Determination of Extent and Validity of Certificate S2-00568

The Washington Supreme Court holds that when processing an application for change to a water right, Ecology is required to make a tentative determination of extent and validity of the claim or right. R.D.

Merrill v. PCHB and Okanogan Wilderness League v. Town of Twisp. This is necessary to establish whether the claim or right is eligible for change.

The amount of water used for fish hatchery projects typically varies over time. WDFW has not developed a determined future development plan for unperfected water. Thus, the tentatively determined extent of the hatchery's Canyon Creek right is the maximum instantaneous diversion over the past five years of use (2004 through 2008). According to hatchery records, the maximum diversion was 6.7 cfs for fish propagation purposes. There is no annual quantity.

The hatchery has a groundwater right on a 6 in diameter x 110 ft deep well for domestic supply under WRC G2-25038. Therefore, surface water under Certificate S2-00568 is no longer needed for domestic supply and has not been used within the past five years. The 2 ac-ft per year allocated under this right for domestic supply has relinquished back to the state for non-use.

I tentatively determine that Certificate S2-00568 is eligible for change in the reduced amount of 6.7 cfs; the remaining 1.8 cfs under this right has been relinquished back to the state for non-use without "sufficient cause" as defined by statute (Chapter 90.14 RCW).

Proposed Use

The purpose of use will remain non-consumptive for fish propagation. Total water use at the hatchery will not increase from the proposed change, although historical water use patterns vary depending on active projects and the life cycle requirements of fish.

The proposed wells are considered additional points of withdrawal under this water right. Therefore, whenever groundwater is pumped, WDFW will divert less surface water, equivalent to the amount being pumped. The most that can be pumped from both wells is 190 gpm or 0.42 cfs. At no time will the instantaneous rate being used exceed the amount perfected under SWC S2-00568 which is 6.7 cfs.

Other Rights Appurtenant to the Place of Use

Other water rights associated with the Dungeness Fish Hatchery are summarized in Table 4.

Table 4. Water Rights Appurtenant to Dungeness Hatchery

<i>Water Right No.</i>	<i>Priority Date</i>	<i>Source</i>	<i>Instantaneous Quantity (Qi)</i>	<i>Annual Quantity</i>
SWC. 233 as changed by Certificate of Change Vol. 3, page 1119	Dungeness River Adjudication	Canyon Creek	0.2 cfs (April 15 - September 15)	Unspecified
SWC. 3518 and Certificate of Change Vol. 2, page 748	10-27-1944	Dungeness River POD 1: NE ¼ SW ¼ POD 2: NE ¼ SW ¼ Section 12, T. 29 N., R. 4 W.W.M.	25 cfs	Non-consumptive
SWC S2-00568	09-11-1970	Canyon Creek	8.5 cfs	2 ac-ft / yr: domestic supply* non-consumptive: fish propagation
Superseding Certificate S2-21709	12-05-1973	Dungeness River/infiltration trench	15 cfs	Non-consumptive
WRC G2-25038CWRIS	09-22-1978	6"x110' Domestic supply well	28 gpm	2.9 Ac-ft/year
Total shown on recorded water rights			Canyon Creek: 8.7 cfs Dungeness River: 40 cfs Domestic well: 28 gpm	

* The approval of the proposed change to SWC G2-00568 will no longer allow domestic supply as a purpose of use.

Hydrologic/Hydrogeologic Evaluation

Geologic setting

The Dungeness Fish Hatchery is in the upper reaches of the Dungeness River watershed in an incised valley surrounded by basalt outcrops. The valley is filled with river alluvium consisting of a heterogeneous mixture of sand, gravel, cobbles, boulders, silt, and clay. Near the Canyon Creek - Dungeness River confluence, the alluvium ranges from 50 to 127 feet thick (Robinson and Noble, 2002). The hatchery is situated on the alluvial deposits where the river leaves the bedrock-dominated valley and enters the alluvial-dominated deltaic plain. At this point, the valley is about ¼ mile wide.

The primary source of groundwater in the area is the water table aquifer found in the river alluvium that fills the valley floor. Blakemore (1999) refers to this aquifer as the shallow aquifer. Groundwater in the shallow aquifer moves generally from recharge areas in the south to discharge areas in the north. In the hatchery area, water in the shallow aquifer flows toward surface streams. Because this aquifer has a limited extent near the hatchery, groundwater is in direct communication with surface flows in Canyon Creek and the Dungeness River.

Site Conditions

Existing Well 1 and Well 2 are about 200 ft apart and 450 ft and 800 ft, respectively, from where hatchery waters return to the Dungeness River. They are also roughly 1,500 ft from the Canyon Creek

diversion. The wells were drilled as test wells to comply with a Preliminary Permit issued in 2002 for a change that WDFW previously filed on S2-00568. Table 3 lists construction details of Wells 1 and 2.

The well reports for both wells describe a very coarse-grained sequence of materials before hitting the basalt bedrock that underlies the valley floor. Well 1 reaches bedrock at 50 ft below ground surface (bgs). Well 2 reaches bedrock at 126 ft bgs. Pump tests performed on both wells in 2002 showed the combined pumping capacity is 195 gpm (Robinson and Noble, 2002). Static water levels for Well 1 and Well 2 were 6.8 ft and 10.65 ft, respectively indicating both are completed in the shallow aquifer (water table).

Table 5. Construction details on Existing Well 1 and Well 2

Well Id	Well 1	Well 2
Well Tag	AFR-828	AGP-497
Date Drilled	02/08/2002	03/07/2002
Well elevation (ft above mean sea level, msl)	500	500
Well diameter (inches, in)	12	12
Completed depth (ft below ground surface, bgs)	Cased to 50.5 ft bgs, open hole to 54 ft bgs	Cased to 126 ft bgs, open hole to 130 ft bgs
Perforation depth (ft bgs)	20 - 40	22- 25 40-124
Static water level (ft bgs)	6.8	10.65
Date measured	02/06/2002	03/08/2002
Pumping capacity (gpm)	120	75

Well 1 (AFR-828) is in the floodplain of the Dungeness River, based on best available science and preliminary floodway mapping by the Federal Emergency Management Agency (FEMA). Where a well site is subject to flooding, WAC 173-160-291 (2) requires the top of the well casing to be at least two feet above the estimated water level of a one hundred-year frequency flood. The casing stickup height for Well 1 must be adjusted so that it meets this criteria.

Impairment Considerations

Effects on existing water users

WAC 173-150-060 specifies only impacts to "qualifying withdrawal facilities" fit the legal definition of impairment. Qualifying withdrawal facilities are wells completed in the same aquifer as the new point of withdrawal. The well must span the aquifer's entire saturated thickness and the pump elevation must allow variation in seasonal water levels. The definition of impairment also allows wells in other aquifers to be affected by a proposed withdrawal.

This change allows the Dungeness Fish Hatchery to add two groundwater wells in direct hydraulic continuity with surface water to a surface water right.

The Dungeness River Hatchery will be authorized to divert up to 6.7 cfs from existing surface water diversions and pump up to 190 gpm from two wells completed in the shallow aquifer. Whenever

groundwater is being pumped, the amount being diverted from Canyon Creek will be reduced by an equivalent amount. For instance, if 190 gpm is being pumped from the wells, the surface water diversion will be reduced by 0.42 cfs (or a total of 6.28 cfs being diverted from Canyon Creek), which is roughly 190 gpm. Therefore, the total amount withdrawn at any time will not exceed 6.7 cfs, the amount authorized for change. Because no more water will be withdrawn after the change than was before, area users should not be affected. Further, because water use is non-consumptive, except for the 2,400 ft by-pass reach, impairment will not occur as a result of this change.

A query of Ecology's water right (WRTS) database revealed the following less than ½ mile from the Dungeness Fish hatchery:

- Nine surface water certificates and adjudicated surface water certificates have been issued totaling 214.54 cfs. The purpose of used listed is seasonal irrigation, stockwater, and municipal use.
- One groundwater right is issued for municipal water supply in the amount of 718 gpm and 1,160 ac-ft per year. The water source is from the shallow aquifer (infiltration trench, groundwater in direct continuity with surface water).
- About 80 well reports are on file in Ecology's database within one mile from the Dungeness Fish Hatchery. These wells range in depth from less than 20 feet to more than 200 feet deep. Most wells are completed in the shallow aquifer, although some are completed in the underlying bedrock.

Effects to surface water

The proposed change adds shallow groundwater wells in direct hydraulic continuity with surface water to a surface water right.

The WRIA 18/Elwha-Dungeness Watershed Plan recommends in-stream flows for the Dungeness River at the Schoolhouse Bridge gage (River Mile 0.8), located near where the Dungeness River discharges to the Strait of Juan De Fuca. The Jamestown S'Klallam Tribe recommends a higher minimum flow. These recommended flows are summarized below in Table 6. Ecology maintains a gage at this location and has been collecting data since 2000.

Table 6. Recommended flows for the Dungeness River at Schoolhouse Bridge gage at River Mile 0.8

	<i>Time period</i>	<i>Flow (cfs)</i>	<i>Time period</i>	<i>Flow (cfs)</i>	<i>Time period</i>	<i>Flow (cfs)</i>
WRIA 18 Watershed Plan	Nov 1 to	575	April 1 to	474	Aug 1 to	180
	March 31		July 31		Oct 31	
Jamestown S'Klallam Tribe	Nov 1 to	575	April 1 to	575	July 16 to	180
	March 31		July 15		Oct 31	

The gage nearest to the Dungeness Fish Hatchery is at River Mile 11.8, about one mile upstream of the hatchery. The USGS maintains this gage (12048000) and has collected data since 1923. Highest streamflow is in May and June and lowest is in September and October.

The proposed change is not expected to impair in-stream flows in the Dungeness River or Canyon Creek. The amount of water diverted or withdrawn under the change will not exceed what is currently being used. Further, because it is non-consumptive, regulated streams will not be affected.

Potential for Enlargement of Water Right

A change to a water right cannot result in an enlargement of that right. The attributes or scope must remain within the limits of the intent of the original right.

Water use at the Dungeness Hatchery is non-consumptive. Pumping from wells completed in an aquifer directly connected with surface water will not diminish the source beyond the current condition. The change proposal is effectively water-budget neutral. The total amount withdrawn, whether diverted from surface water or pumped from the shallow wells, must not exceed the amount perfected, which is 6.7 cfs.

Because the original surface-water right is non-consumptive with no annual quantity specified, pumping from wells authorized by this change will also have no annual quantity limit.

Public Interest Considerations

Under the Watershed Management Act, Chapter 90.82 RCW, a Watershed Plan was developed for WRIA 18 by governments and residents of Clallam County. This plan was adopted by the Board of Clallam County Commissioners on June 7, 2005. RCW 90.82.130(4) requires Ecology to use the adopted watershed plan as a framework for making water resource decisions and as a primary consideration in determining the public interest.

The WRIA 18 Watershed Plan seeks the recovery of salmonid stocks to levels that can support healthy, sustainable fisheries. It recommends the continuation of hatchery-based fish restoration and incubation programs such as those at Dungeness Hatchery.

The WRIA 18 Watershed Plan also recommends developing alternative sources and either removing or modifying the existing Canyon Creek dam to allow upstream anadromous fish passage to historic spawning and rearing habitat. It recommends restoring the functional riparian zone below the dam and evaluating the restoration potential of the historic lower portion of the creek to the Dungeness River.

WDFW coordinates with the Jamestown S'Klallam Tribe, Northwest Indian Fish Commission (NWIFC) and U.S. Fish and Wildlife Service (USFWS) and operates Dungeness Hatchery in a manner that promotes common goals.

The approval of this change will allow shallow groundwater use in place of surface water historically diverted from Canyon Creek. Because less surface water is being diverted, stream flow in the bypass reach will increase. This will enable construction of an upstream fish passage way to allow fish to migrate past the diversion. There currently is no upstream passage way for fish.

The proposed change is consistent with the local watershed planning recommendations for the Canyon Creek sub-basin. Approval of this application will not adversely affect scenic, aesthetic, water quality or other environmental values and will not be detrimental to the public welfare.

Consideration of Protests and Comments

No protests or comments were received as a result of the legal notice published for this change proposal.

Conclusions

In accordance with Chapters 90.03 and 90.44 RCW, I find that:

- The WDFW Dungeness Hatchery wells are completed in the same body of public water as the surface waters of Canyon Creek.
- Groundwater is available from the wells, in the amount of 190 gpm, as an alternative to diverting an equivalent amount of surface water from Canyon Creek.
- Fish propagation is a beneficial use.
- The proposed change of point of diversion will not impair existing rights.
- The proposed change will not be detrimental to the public welfare.
- Approval of the requested changes will not enlarge the original right conveyed by SWC S2-00568, subject to the provisions specified above.

RECOMMENDATIONS

Based my investigation and conclusions, I recommend that WDFW's request for change of SWC S2-00568 be approved in the amounts and within the limits listed below and subject to the provisions beginning on Page 2.

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. I recommend that a Superseding Certificate S2-00568 be issued for the following:

- 6.7 cfs
- 190 gpm, non-additive from two wells
- Non-consumptive supply
- Fish propagation purposes
- Year-round, as needed

Point of Diversion/Withdrawal

- Point of diversion on Canyon Creek in the SE ¼ NW ¼ Section 12, Township 29 North, Range 04 W.W.M.

- Well 1 (AFR-828)
 - Well 2 (AGP-497)
- Both in NW ¼, Section 12, Township 29 North, Range 04 W.W.M.

Place of Use

As described on Page 1 of this Report of Examination.

Marie Peters
Report Writer

6/3/11
Date

References

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