File No. G2-29915
WR Doc ID 2223202

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

PRIORITY DATE
June 1, 2000

APPLICATION NUMBER
G2-29915

MAILING ADDRESS
Skamania County
P.O. Box 790
Stevenson, WA 98648

SITE ADDRESS (IF DIFFERENT)
710 SW Rock Creek Drive
Stevenson, WA 98648

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
50	GPM	15

Purpose

PURPOSE	WITHDRAWAL RATE ADDITIVE	WITHDRAWAL RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Irrigation of eight (8) acres	50		GPM	15		04/15 - 10/15

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Skamania	Groundwater		29-Wind-White Salmon

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well	02070120120000		02N	07E.W.M.	01	N½	45.69120 Datum: NAD83	-121.89207

Place of Use (See Attached Map and Attached)

PARCELS (NOT LISTED FOR SERVICE AREAS)
02070120120000

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

The following property situated in Skamania County in Township 2 North, Range 7 East Willamette Meridian described as follows:
Commencing at the NW corner of Section 1, T. 02N., R.07E.W.M. thence South 0°51'04" West 917.60 feet; thence South 89°19'12" East 611.60 feet to the TRUE POINT OF BEGINNING; thence along the following described traverse: North 73°7'4" East 94.06 feet; thence South 56°9'44" East 90.51 feet; thence North 82°35'11" East 181.4 feet; thence North 38°20'27" East 29.16 feet; thence South 65°24'27" East 32.07 feet; thence North 83°35'56" East 42.71 feet; thence North 29°19'14" East 43.61 feet; thence South 24°21'45" East 60.60 feet; thence North 57°37'10" East 50.57 feet; thence South 20°12'32" East 48.01 feet; thence North 71°49'38" East 186.37 feet; thence North 14°52'17" West 55.74 feet; thence North 72°53'50" East 5.90 feet; thence North 14°19'22" West 31.58 feet; thence North 75°57'50" East 15.21 feet; thence South 14°16'21" East 25.53 feet; thence North 75°27'1" East 58.74 feet; thence N 12°12'13" West 15.26 feet; thence North 75°23'36" East 59.21 feet; thence North 13°40'17" West 13.22 feet; thence North 76°38'49" East 37.92 feet; thence South 41°5'58" East 54.14 feet; thence North 54°23'38" East 23.51 feet; thence South 27°33'53" East 43.15 feet; thence South 63°0'42" West 38.48; thence South 24°1'23" East 352.70

feet; thence North 65°26'39" East 366.48 feet; thence South 24°48'13" East 146.50 feet; thence North 64°38'8" East 155.63 feet; thence South 23°44'4" East 97.48 feet; thence South 6°30'51" East 101.0 feet; thence South 9°31'32" West 155.27 feet; thence South 24°7'16" West 25.49 feet; thence South 42°4'33" West 31.07 feet; thence South 73°59'12" West 42.28 feet; thence North 58°42'25" West 41.45 feet; thence North 36°5'54" West 165.01 feet; thence North 42°53'14" West 199.38 feet; thence North 79°7'45" West 52.05 feet; thence South 67°7'18" West 66.95 feet; thence South 22°48'33" East 25.58 feet; thence South 50°19'23" West 139.19 feet; thence South 64°49'44" West 51.33 feet; thence North 69°56'19" West 1037.0 feet; thence North 61°43'4" West 54.41 feet; thence North 21°15'2" East 20.12 feet; said final course ending at the TRUE POINT OF BEGINNING (excluding buildings, roads, and impervious surfaces).

Proposed Works

Water is to be pumped from the proposed well either (1) directly onto the park grounds via portable reel irrigation system, or (2) into a storage tank, thence to the park grounds via portable water reel system.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
March 1, 2013	January 1, 2018	May 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 in gallons per minute (gpm)

Provisions

Water Service Contract

Use of water under this permit or certificate is contingent upon the applicant's compliance with a water service contract with Ecology for recovery of costs associated with the Lake Roosevelt Incremental Storage Releases Program. 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 Chapter 173-160 WAC titled "Minimum Standards for the Construction and Maintenance of Wells" and Chapter 18.104 RCW 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. All water measuring reports submitted to Ecology must 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", Chapter 173-173 WAC, 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 Southwest Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Southwest 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 12th day of December 2012.

Mark C. Schuppe

Mark C. Schuppe, Operations Manager

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 -- Skamania County
Water Right Control Number G2-29915
Farida Leek, Department of Ecology

BACKGROUND

Description and Purpose of Proposed Application

On June 1, 2000, the Washington State Department of Ecology (Ecology) accepted Water Right Application Number G2-29915 submitted by Skamania County. Attributes of the application are presented below in Table 1.

In September 2010, Ecology started conversations with Skamania County about 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). Skamania County agreed to continue application processing under the Program.

Lands covered by the proposed place of use and upon which the proposed point of withdrawal is located are owned by Skamania County.

The proposed water use is associated with irrigation of Rock Creek Park. Rock Creek Park falls within the boundaries of the City of Stevenson, WA. The park offers outstanding views of the Columbia River and surrounding mountains, and has many recreation facilities that accommodate a variety of shows and events.

Table 1 Application Summary

Name	Skamania County
Priority Date	June 1, 2000
Instantaneous Rate	50 gpm
Annual Quantity	17 acre-feet per year
Purpose(s) of Use	Irrigation of eight (8) acres
Period of Use	May 15 through September 15
Place(s) of Use	Section 1, Township 02 N., Range 07 E.W.M., Skamania County

Table 2 Proposed Source of Withdrawal

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
WELL	02070120120000		02N	07E	01	N1/2	45.69120	-121.89207

Datum: NAD83

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 describe 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 a water right 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 Skamania County Pioneer during the weeks of July 4 and July 11, 2012. Ecology received the Affidavit of Publication on September 7, 2012. No comments or protests were received during the 30 day comment period.

Consultation with the Washington Department of Fish and Wildlife

Ecology must give notice to the Washington Department of Fish and Wildlife (WDFW) of applications to divert, withdraw or store water (RCW 77.57.020).

On June 28, 2012, Ecology received a comment document from WDFW regarding this application. The following are drawn from the information obtained:

> ...WDFW asks that, in addition to requiring metering of new withdrawals, Ecology consider imposing water conservation standards and monitoring for any new municipal, industrial, or drought-interruption-mitigation permits written through the program.
>
> The requested withdrawal will be mitigated by water made available from the Lake Roosevelt Incremental Storage Releases Program. This water right may impact the lower reaches of two tributaries to the Columbia River in addition to the Columbia River itself. The WRIA 29a watershed plan provided for groundwater reserves in certain areas to allow for growth, while acknowledging limited water supplies. While the placement of the wells low in the system is likely to be in hydraulic continuity only with the Columbia River, we defer to Ecology on determining actual groundwater impacts. WDFW will not oppose the issuance of these applications.

Consultation under WAC 173-563-020

Under WAC 173-563-020(4), consultation is required before issuance of new Columbia River water right 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 water for new municipal, multiple 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 cfs. If the project is for agricultural irrigation, the threshold is increased to 50 cfs, so long as the project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gpm;
- It is an application combined with other water right applications for the same project and exceeds the amounts above;
- It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- It is part of a series of exempt actions that, considered together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

A site visit was conducted by Ecology employees Farida Leek and Ron Dixon on May 16, 2012. Mr. Scott Pineo, Director of Skamania County General Services Department and Mr. Said Amali, Amali Consulting, LLC were present during the site visit and discussion of the project.

The 20 acre park is located in the vicinity of the City of Stevenson, WA. Adjacent to the Columbia River, the park features play structures, horse and stock barns, picnic shelters, exhibit halls, carnival arena and nearby river access. Skamania County provides recreation and educational programs, events and cultural services to enhance the health and livability of county residents and to assist in promoting tourism.

During the site visit Mr. Amali described Skamania County's plans for this project as follows:

> The proposed water use is for irrigation of eight acres. Water is to be pumped from the proposed well either directly onto the park grounds via portable reel irrigation system, or into storage tank, thence to the portable water reel system to provide water to the fields. The irrigation system at Rock Creek Park consists of pumps, underground piping, and appurtenances with connection valves for operation of movable sprinkler sets.

The cost recovery mechanism under the Program was discussed with the applicant during the site visit. The State will recover its cost of developing the water supply at a rate of $35 an acre-foot per year. Payment shall be due to Ecology by November 1st of each year for the subsequent year's water use.

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 Reclamation's 1938 storage right (Reservoir Certificate Number 11793) to provide municipal, domestic and industrial water supply; provide water to replace some groundwater 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 December 1, 2008 to Reclamation, authorizing a maximum of 305 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 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 or 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 diversions and 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.

A licensed Ecology staff Hydrogeologist, Ron Dixon, produced and stamped a separate technical memorandum which discusses the hydrogeologic analysis for this application. The hydrogeologic interpretations provided below are extracted from this memorandum:

> ...The site is more specifically located in Section 1 of Township 2 North, Range 7 East. Based on a site visit to the area it appears that the park site is underlain by silt, sand, and gravel. Surficial geologic maps show landslide deposits as well as stratified sedimentary rock of the Eagle Creek Formation occurring in the area. The landslide deposits are described as poorly sorted blocks, boulders, gravels, silts, and sands; whereas, the Eagle Creek Formation is described as interstratified brown to gray conglomerate, debris flow breccias-conglomerate, pebbly volcaniclastics sandstone, tuffaceous sandstone and siltstone, and minor airfall tuff (Korosec, 1987). The park has an approximate elevation of 80 feet amsl and is located very near the confluence of Rock Creek with the Columbia River. It is expected that much of the unconsolidated silts, sands, and gravel underlying the area are the result of deposition by Rock Creek. The proposed well site is approximately 200 feet or less from the Columbia River. A search of well logs on file with Ecology for this area produced only shallow soil boring reports that indicate there are silty clays and gravels to a depth of at least 16 feet bgs. No water level information was found in the reports.
>
> An evaluation of possible pumping interference with nearby wells as a result of the permitting action was accomplished using the Theis non-equilibrium equation, corrected for unconfined aquifers, and the parameters listed below. Estimate of distance to the nearest possible non-applicant well was based on an evaluation of structures as shown on 2011 aerial photos of the area. Results indicate that pumping the authorized maximum instantaneous quantity of 50 gpm from the well would exhaust the authorized annual quantity in approximately 68 days and potentially draw the water table down around 0.5 feet to 3 feet at a distance of 650 feet. If the well is pumped in cycles or if it is pumped at less than the maximum instantaneous quantity, the predicted effects would be reduced. Therefore, any drawdown which may occur as a result of the permitting action is not expected to interfere with the ability of nearby well owners to fully utilize their well(s).

Aquifer Parameter	Unit	Rock Creek Park
Hydraulic Conductivity (K)	*gpd/ft.^{2}	100 to 1,000
Specific Yield (S)	unitless	0.05 to 0.15
Saturated Thickness (b)	ft.	15 to 30
Closest non-applicant well	ft.	650

*gpd/ft^2 – gallons per day per square foot

Groundwater flows from areas of high hydraulic head (high groundwater elevation) to areas of low hydraulic head (low groundwater elevations). In general, groundwater discharges to surface water bodies, such as the Columbia River, when the groundwater head is higher than the surface water head, and surface water bodies recharge groundwater when the surface water head is higher than the groundwater head.

Surficial geologic maps of the area show no hydrogeologic barriers between the Columbia River and the proposed well site (WDNR, 2012). Recharge to the shallow unconsolidated sedimentary aquifers occurring adjacent to the Columbia River is from precipitation, upgradient surface water runoff, irrigation return flows, and surface water exchange with the Columbia River when the river elevation is above that of the groundwater. Discharge from the shallow unconsolidated sedimentary aquifers occurring adjacent to the Columbia River is to the Columbia River when the groundwater elevation is higher than the elevation of the river and possibly to underlying consolidated bedrock units.

Although no water well information exist for the Rock Creek Park site as proposed under Application G2-29915 it is expected, due to the geology, proximity of the site to the Columbia River, and the elevation of the site relative to the Columbia River, that a shallow well completed into the unconsolidated sedimentary aquifer will have a close hydraulic connection with the Columbia River. Therefore it also appears that withdrawals of groundwater at this site would satisfy the Program's allocation requirements.

For the reasons stated above it is recommended that the authorizations, if approved, be provisioned in such a manner as to limit the depth of the well to the shallow unconsolidated sedimentary aquifers occurring adjacent to the Columbia River.

Impairment Considerations

Columbia River Water Rights

An investigation of a water right application includes an analysis of whether the proposed water use will impair other existing water rights. The impairment analysis involves identifying how the proposed water use may impact the current water rights regime.

In considering impacts to existing water right holders and the instream flow rule, an analysis must consider actual river operation, particularly in drought years when water availability issues are most acute. In the context of this application, there are four classes of water uses that must be considered:

- Water right holders with priority dates senior to May 16, 1938.[1]
- Uninterruptible water rights with priority dates junior to May 16, 1938.
- Interruptible water rights with priority dates junior to May 16, 1938.
- The June 24, 1980 Instream Flow Rule (WAC 173-563).

A detailed analysis of the current water rights regime on the Columbia River was issued in the Report of Examination (ROE) for S3-30556.

Under the 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

[1] Although the priority date of this application June 1, 2000, 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.

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 Chapter 173-563 WAC. Although junior to the mitigation that is available for this application, no conflict is expected between the applicant's withdrawal and interruptible water users because of the mitigation provided by the Program.

Water Rights in the Vicinity

As described in the "Water Rights Appurtenant to the Place of Use" table, there is one other water right document overlapping the applicant's place of use. It is not directly related to the subject application. The closest point of diversion is approximately 1,250 feet north-west of the proposed point of withdrawal.

Table 3 Water Rights Appurtenant to the Place of Use

File Number	Applicant	Document	Priority Date	Purpose	Qi, cfs	Qa, ac-ft/year
S2-24320C	Town of Stevenson	Certificate	10.14.1976	Municipal	3.74	600

Beneficial Use

The use of water for irrigation purposes is defined in statute as a beneficial use (RCW 90.54.020(1)). Beneficial use encompasses two principal elements of a water right:

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

To determine the amount of water necessary for a beneficial use, courts have developed the principle of "reasonable use". Reasonable use of water is determined by analysis of the factors of water duty and waste.

Currently, Skamania County does not have any claims or state issued water rights associated with this property. Through this application the County requested authorization to withdraw water at a maximum rate of 50 gpm and 17 acre-feet per year for irrigation of Rock Creek Park.

The water requirements for the proposed project can be estimated using the Washington Irrigation Guide (WIG, 1997). Of the many crop types analyzed by the WIG, pasture/turf most closely matches the type of irrigation proposed. The WIG (Vancouver station) states that Pasture/Turf requires 16.29 inches (1.4 feet) of water. The range of application efficiency for Periodic Move (Handline) sprinklers is 60-85%. Assuming a 75% efficiency equates to 1.87 feet (1.4 feet /0.75). The water duty for the eight acres would be **15.0 acre-feet** (8 acres X 1.87 feet).

The application identified the irrigation season as May 15 through September 15, however the WIG indicates that pasture/turf can make use of irrigation water in April and October. Considering a period of water use from April 15 through October 15, and commensurate with this annual quantity (Qa), a total instantaneous withdrawal rate (Qi) of **50.0 gpm** is a reasonable rate of withdrawal. For eight acres, this equates to 6.25 gpm per acre.

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 investigation of how the approval of the proposed use of water will affect the range of values that are encompassed by 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 titled "Columbia River Basin Water Supply".

An analysis of the public interest considerations for the Program is contained in the Report of Examination for Application Number S3-30556, the "secondary use" permit for the Lake Roosevelt releases.

The public interests associated with the Program municipal, domestic, 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, domestic 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:

- The use of water for irrigation 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

On September 22, 1997, The Center for Environmental Law & Policy (CELP) submitted written comment to Ecology requesting that Ecology "either deny or continue in hold status all applications for new water rights from the Columbia River, its tributaries and from any ground water source in continuity with them." Major concerns cited by CELP include impacts to Endangered Species Act listed fish stocks, water

availability, and reduced revenue from hydropower facilities as a result of increased diversions. CELP asserted that issuance of new water rights would violate the four statutory criteria for issuance of a water right because water is not available, and issuance of new rights would lead to impairment of existing rights and would not be in the public interest.

The Office of Columbia River has addressed these concerns in the FSEIS and the Addendum to the FSEIS[2] (Addendum). Under the Program, issuance of new water rights for pending applications is mitigated by existing water rights held by Reclamation for water releases from Grand Coulee Dam. Ecology has placed this water into the TWRP to supply water for out-of-stream and in-stream purposes as outlined in the FSEIS.

This Program will have a beneficial impact on ESA-listed fish by providing additional instream flow in the quantities of 37,500 acre-feet each year and an additional 17,000 acre-feet per year during drought years. Water will be released from Lake Roosevelt to maximize fish benefits on a schedule as agreed upon each year by the FFRAG (FSEIS 2.3.2.3 and FSEIS 2.3.3.2.). The timing of the releases would be constrained by the instantaneous flow limit of Reclamation's secondary water use permit as described in FSEIS section 2.3.

Program water will be released from storage in Lake Roosevelt in addition to water that is currently released. The Program is designed so no diminishment of water available to other appropriators throughout the Columbia River system will occur. Program water will only be used to supply water to surface water users or groundwater users who are capable of directly capturing water released from Lake Roosevelt or those groundwater users who can demonstrate that their withdrawals, if pumping ceased, would be fully attenuated within a single mitigation cycle (Addendum section II).

Under the Program, water is allocated to supply industrial and domestic/municipal development. As described in the public interest section, the project will generate new jobs, revenue and other economic benefits to individuals and communities throughout the Columbia River Basin, while providing mitigation for fisheries.

Conclusions

Beneficial Use
The proposed use of water for irrigation is considered to be a 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 will 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 and that a permit be issued in the amounts and within the limitations listed below and subject to the provisions listed above.

[2] http://www.ecy.wa.gov/programs/wr/cwp/images/pdf/lkroos_seis_adden.pdf

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:

50 gpm
15.0 acre-feet per year
Irrigation of eight (8) acres.

Point of Withdrawal:

N½, Section 1, Township 02 North, Range 07 E.W.M.

Place of Use:
The following property situated in Skamania County in Township 02 North, Range 07 East Willamette Meridian described as follows:
Commencing at the NW corner of Section 1, T. 02N., R.07 E.W.M. thence South 0°51'04" West 917.60 feet; thence South 89°19'12" East 611.60 feet to the TRUE POINT OF BEGINNING; thence along the following described traverse: North 73°7'4" East 94.06 feet; thence South 56°9'44" East 90.51 feet; thence North 82°35'11" East 181.4 feet; thence North 38°20'27" East 29.16 feet; thence South 65°24'27" East 32.07 feet; thence North 83°35'56" East 42.71 feet; thence North 29°19'14" East 43.61 feet; thence South 24°21'45" East 60.60 feet; thence North 57°37'10" East 50.57 feet; thence South 20°12'32" East 48.01 feet; thence North 71°49'38" East 186.37 feet; thence North 14°52'17" West 55.74 feet; thence North 72°53'50" East 5.90 feet; thence North 14°19'22" West 31.58 feet; thence North 75°57'50" East 15.21 feet; thence South 14°16'21" East 25.53 feet; thence North 75°27'1" East 58.74 feet; thence N 12°12'13" West 15.26 feet; thence North 75°23'36" East 59.21 feet; thence North 13°40'17" West 13.22 feet; thence North 76°38'49" East 37.92 feet; thence South 41°5'58" East 54.14 feet; thence North 54°23'38" East 23.51 feet; thence South 27°33'53" East 43.15 feet; thence South 63°0'42" West 38.48; thence South 24°1'23" East 352.70 feet; thence North 65°26'39" East 366.48 feet; thence South 24°48'13" East 146.50 feet; thence North 64°38'8" East 155.63 feet; thence South 23°44'4" East 97.48 feet; thence South 6°30'51" East 101.0 feet; thence South 9°31'32" West 155.27 feet; thence South 24°7'16" West 25.49 feet; thence South 42°4'33" West 31.07 feet; thence South 73°59'12" West 42.28 feet; thence North 58°42'25" West 41.45 feet; thence North 36°5'54" West 165.01 feet; thence North 42°53'14" West 199.38 feet; thence North 79°7'45" West 52.05 feet; thence South 67°7'18" West 66.95 feet; thence South 22°48'33" East 25.58 feet; thence South 50°19'23" West 139.19 feet; thence South 64°49'44" West 51.33 feet; thence North 69°56'19" West 1037.0 feet; thence North 61°43'4" West 54.41 feet; thence North 21°15'2" East 20.12 feet; said final course ending at the TRUE POINT OF BEGINNING (excluding buildings, roads, and impervious surfaces).

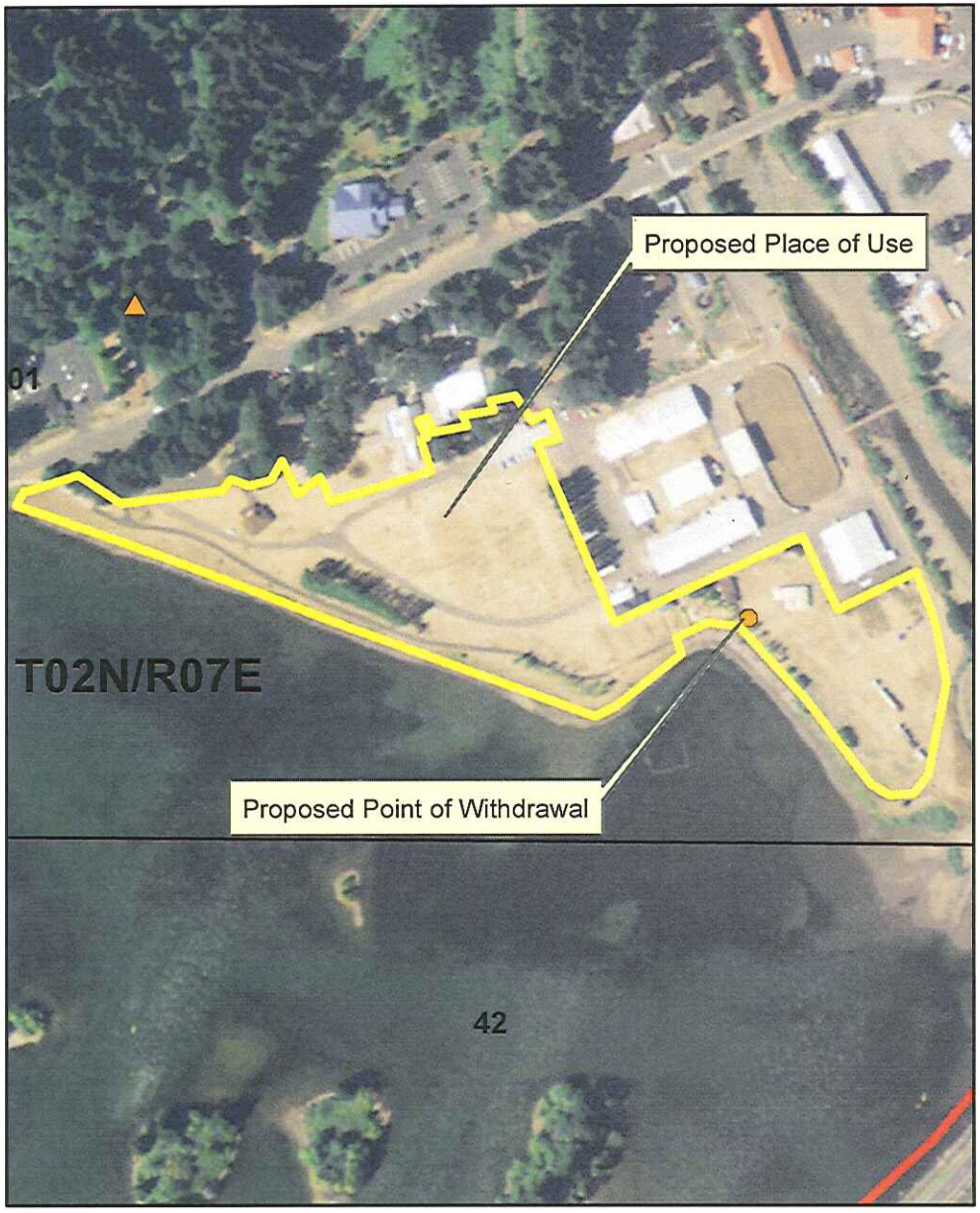
Farida Leek 12/12/12

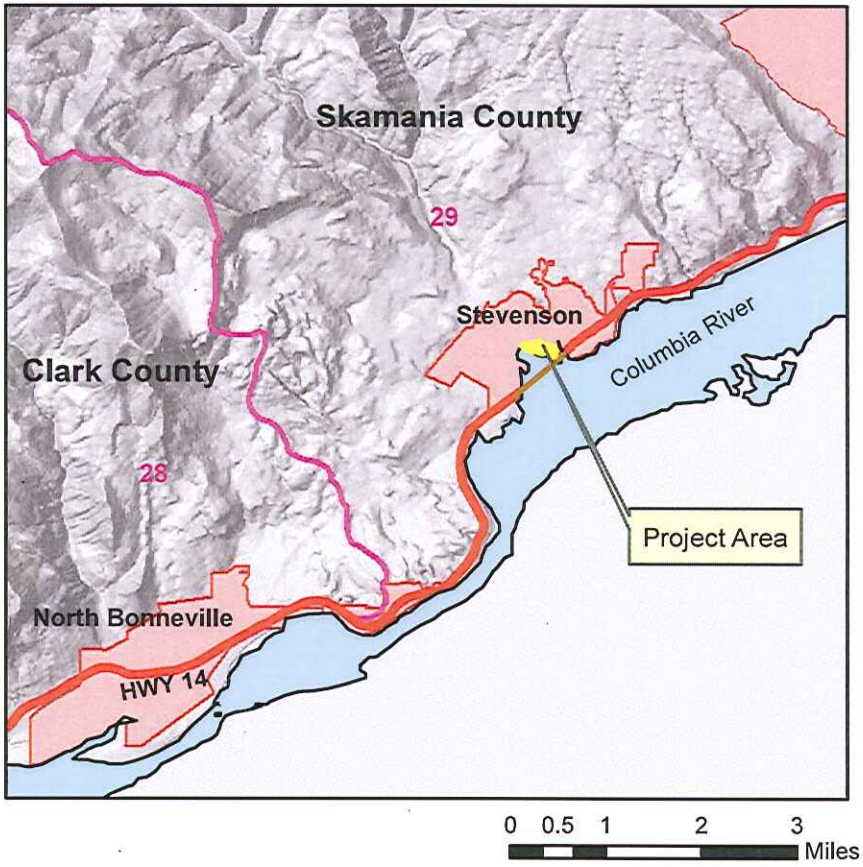
Farida Leek *Date*

by Mark C. Schuppe

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.

Skamania County Water Right Application No. G2-29915
Section 1 of T. 02N. R. 07E.W. M. WRIA 29 Skamania County





Legend

- WRIA Boundary
- City Place
- T02N — Township
- 42 — Section
- Major Roads
- Well
- Surface Water Diversion
- Place of Use Boundary