



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

<b>PRIORITY DATE</b> March 24, 2003	<b>APPLICATION NUMBER</b> G3-30404
<b>MAILING ADDRESS</b> Michael Todd 11228 Skyview Lane SE Yelm WA 98597	<b>SITE ADDRESS (IF DIFFERENT)</b>

**Quantity Authorized for Withdrawal or Diversion**

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
140	GPM	14

**Purpose**

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	(mm/dd)
Community Domestic	140		GPM	14		01/01 - 12/31

**Source Location**

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
LINCOLN	GROUNDWATER		53-LOWER LAKE ROOSEVELT

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well	2735700001310	ALR303	27N	35E	13	SW¼NE¼	47.84136°	-118.34356°

Datum: NAD83/WGS84

**Place of Use (See Attached Map and Attached)**

<b>PARCELS (NOT LISTED FOR SERVICE AREAS)</b> 2735700001310
<b>LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE</b> Lot 1 Michael Todd No. 1 Short Plat Book B Page 252, Lincoln County Assessor.

**Proposed Works**

A well, 365 feet deep with a 6 inch casing serving a residential water system.

**Development Schedule**

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
June 1, 2014	June 1, 2016	June 1, 2020

## 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 rate should be reported?	Annual Peak Rate of Withdrawal (gpm)
What volume should be reported?	Total Annual Volume

## Provisions

### Water Service Contract

Use of water under this permit or certificate is contingent upon the applicant's compliance with a water service contract with Ecology for recovery of costs associated with the Lake Roosevelt Incremental Release Project. Failure to comply with the terms of the water service contract will result in cancellation of the permit or revocation of the certificate.

### Wells, Well Logs and Well Construction Standards

All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.

All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

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

### Measurements, Monitoring, Metering and Reporting

An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

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

### Department of Health Requirements

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at DOH/Division of Environmental Health, 16201 E. Indiana Avenue, Suite 1500, Spokane Valley, WA 99216, (509) 329-2100.

### 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).

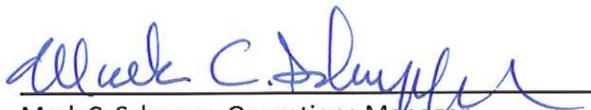
To appeal you must do the following within 30 days of the date of receipt of the Order.

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

Signed at Yakima, Washington, this 13<sup>th</sup> day of December 2011.

  
 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 -- Todd  
 Water Right Control Number G3-30404  
 Eastern Region Office, Department of Ecology

**BACKGROUND**

Description and Purpose of Proposed Application

On March 24<sup>th</sup>, 2003, the Washington State Department of Ecology (Ecology) accepted Water Right Application Number G3-30404 submitted by Connie Beck. This application was later assigned to Michael Todd and Margaret Todd on October 22<sup>nd</sup>, 2004. Attributes of the application are presented below in Table 1.

On February 26<sup>th</sup>, 2010, the applicant was notified of the availability of mitigation water for this application, developed by the Office of Columbia River as part of the Lake Roosevelt Incremental Storage Release Program (Program). On March 18<sup>th</sup>, 2010, the applicants indicated their intent to receive water under the program.

Lands covered by the proposed place of use, Lincoln County parcel no. 2735700001310 is owned by Michael and Margaret Todd. The proposed point of withdrawal is located on the same parcel. The proposed water use is for a new development containing 14 home sites.

Table 1 Application Summary

<b>Name</b>	Michael and Margaret Todd
<b>Priority Date</b>	3/24/2003
<b>Instantaneous Quantity</b>	200 gpm
<b>Annual Quantity</b>	134 af/yr
<b>Purpose(s) of Use</b>	Community Domestic Supply for 14 Lots; Irrigation of 37 Acres; and Stockwater
<b>Period of Use</b>	Continuous
<b>Place(s) of Use</b>	SW¼NE¼ Section 13, T. 27 N., R. 35 E.W.M.

Table 2 Proposed Sources of Withdrawal or Diversion

Source Name	Parcel	WellTag	Twn	Rng	Sec	QQ Q	Latitude	Longitude
Well	2735700001310	ALR 303	27N	35E.W.M.	13	SW¼NE¼	47.84136°	-118.34356°

Legal Requirements for Approval of Appropriation of Water

Chapters 90.03 and 90.44 RCW authorize the appropriation of public water for beneficial use and describes the process for obtaining water rights. Laws governing the water right permitting process are contained in RCW 90.03.250 through 90.03.340 and RCW 90.44.050. In accordance with RCW 90.03.290, determinations must be made on the following four criteria in order for an application for water rights to be approved:

- Water must be available

- There must be no impairment of existing rights
- The water use must be beneficial
- The water use must not be detrimental to the public interest

#### *Public Notice*

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the *Wilbur Register* during the weeks of September 15<sup>th</sup> and September 22<sup>nd</sup>, 2011. There were no letters of protest or concern submitted during the protest period.

#### *Consultation under WAC 173-563-020*

Under WAC 173-563-020(4), consultation is required before issuance of new Columbia River permits:

*The instream flows established and implemented by this chapter for instream and out-of-stream uses, and the average weekly flows applied by this chapter to out-of-stream uses do not apply to any application for water from the main stem Columbia River on which a decision is made by the department of ecology on or after July 27, 1997. Any water right application considered for approval or denial after that date will be evaluated for possible impacts on fish and existing water rights. The department will consult with appropriate local, state, and federal agencies and Indian tribes in making this evaluation. Any permit which is then approved for the use of such waters will be, if deemed necessary, subjected to instream flow protection or mitigation conditions determined on a case-by-case basis through the evaluation conducted with the agencies and tribes.*

On December 14, 2009, Ecology contacted local, state, and federal agencies and Indian tribes requesting consultation and comments on issuing new municipal and industrial permits from the Columbia River mitigated by 13,527 acre-feet of water under the Program. On November 5, 2010, Ecology consulted with local, state, and federal agencies and Indian tribes again to update the quantity of water released, to 37,500 acre-feet of water released for municipal/industrial uses and associated instream releases.

From these consultations, Ecology received written responses from the WDFW, Bonneville Power Administration, U.S. Fish and Wildlife Service, Confederated Tribes of the Colville Reservation, the Confederated Tribes of the Umatilla Indian Reservation, and the United States Forest Service. Ecology also had several meetings with stakeholders, including the Columbia River Policy Advisory Group (PAG) where it received oral comments.

Copies of the written comments received are available in the file and PAG meeting notes are available on-line at: [http://www.ecy.wa.gov/programs/wr/cwp/cr\\_pag.html](http://www.ecy.wa.gov/programs/wr/cwp/cr_pag.html). The comments generally identified that the Program was adequate mitigation for up to 25,000 acre-feet of new municipal, domestic and industrial permits.

#### State Environmental Policy Act (SEPA)

Pursuant to the State Environmental Policy Act (SEPA) (Chapter 43.21C RCW) and the SEPA Rules (Chapter 197-11 WAC), the Program was addressed in the Final Programmatic Environmental Impact Statement (FPEIS) for the Columbia River Management Plan. A Final Supplemental Environmental Impact Statement (FSEIS) was released on August 29, 2008 and an Addendum to the FSEIS was released on December 29, 2009; both documents address the Program in detail. On June 12, 2009, the United

States Bureau of Reclamation (Reclamation) issued an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the project under the National Environmental Policy Act (NEPA).

The above described SEPA Documents are available online:

FPEIS - <http://www.ecy.wa.gov/programs/wr/cwp/eis.html>

FSEIS & FSEIS Addendum - [http://www.ecy.wa.gov/programs/wr/cwp/cr\\_lkroos.html](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](http://www.ecy.wa.gov/programs/wr/cwp/cr_lkroos_envirostudies.html).

### *Project specific SEPA compliance*

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- It is a surface water right application for more than 1 cubic feet per second. If the project is for agricultural irrigation, the threshold is increased to 50 cubic feet per second, so long as the project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gallons per minute;
- It is an application combined with other water right applications for the same project 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 Ecology SEPA requirements. Lincoln County Land Services declared this project SEPA exempt.

## **INVESTIGATION**

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A site visit was conducted by Ecology employees Leigh Bedell and Jeff MacLennan on August 23, 2011. The original project included three parcels encompassing 37 acres. The project has since been reduced to a single parcel of 13.87 acres on a relatively flat bench. This parcel overlooks the Seven Bays recreation area on the Columbia River. A deep ravine runs along the northeast edge of this parcel with Seven Bays Rd. E. and Airport Way bounding the remaining sides. The well (ALR303) is located on the upper edge of the ravine midway across the property. The property is easily accessed via Seven Bays Rd. E. and Airport Way.

Mr. Todd described his plans for this project in a telephone discussion on August 31, 2011. He currently intends to develop 14 lots on this 13.87-acre property. During further discussions on October 7<sup>th</sup>, he refined his water requirements to one acre-foot per year per lot for domestic use with lawn and garden irrigation. Mr. Todd dropped the stock water request. This parcel has a short plat on file with Lincoln County (Short plat B/252, Auditor's File No. 450537).

During the August 31 discussion, Mr. Todd described a test of well ALR303 conducted on behalf of a nearby development that showed the well on his property is influenced by level changes in Lake Roosevelt. This is supported by *Hydrogeological Evaluation for Transfer of Water Right 10867*. This document can be found under CS3-\*15649C@1 in the Water Rights Tracking System. See Physical Availability, p. 5 for more information regarding this study.

The place of use for this application falls within the service area of Seven Bays Estates. When asked if the applicant considered connecting with the Seven Bays Estates' water system the applicant responded he did approach Seven Bays. Seven Bays told him it does not have the capacity to bring his development into its system. The Seven Bays Estates 2007 Water System Plan confirms the potential for exceeding its annual allowed usage. At the time the 2007 water system plan was published, Seven Bays Estates had 220 active connections and an average annual usage of 217 acre-feet per year. If Seven Bays Estates were completely built out, the projected usage was calculated to be 371 acre-feet per year, 11 acre-feet above that allowed under existing water rights held by Seven Bays Estates.

The location of well ALR 303 was fixed by GPS during the site visit.

## Water Availability

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For water to be available for appropriation, it must be both physically and legally available.

### *Legal Availability*

The Program involves releases of water stored in Lake Roosevelt under the U.S. Bureau of Reclamation's 1938 storage right (Reservoir Certificate Number 11793) to provide municipal, domestic and industrial water supply, provide water to replace some ground water in the Odessa Subarea, enhance stream flows in the Columbia River to benefit fish, and provide drought relief for interruptible water right holders.

Surface Water Permit Number S3-30556 was issued on December 1, 2008 to the U.S. Bureau of Reclamation, authorizing a maximum of 305 cubic feet per second, 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 cubic feet per second, 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 associate with the Program will divert/withdraw water from the Columbia River or tributary groundwater on a continuous, year-round basis. In the preferred Alternative 1C, identified in the SEIS, mitigation releases from Lake Roosevelt will occur during time periods that will provide the greatest benefit to fish populations. These releases will occur during the months in which increased flow in the Columbia River will benefit fish the most, generally during April through September. The exact quantities and timing of the mitigation releases will be determined annually by the Fish Flow Releases Advisory Group (FFRAG). The membership of the FFRAG agrees that mitigation releases should be scheduled to help restore normative flows in the Columbia River. Since flows in October through March are higher than normative, mitigation for withdrawals under the

Program are not seen as critical by FFRAG, leaving water available for release during the critical April through September period. This strategy was also supported in the consultations for the project.

The subject application is being investigated under the mitigation framework established under the Program. In order to mitigate the impacts of any new appropriation of water on the Columbia River, hydrologic evidence must indicate that impacts on the Columbia River associated with the proposed water use would be successfully mitigated by the Lake Roosevelt mitigation releases. Additionally, it must be possible to manage the impacts on the Columbia River of proposed pumping in a manner that avoids carry-over of impacts across mitigation cycles.

John Covert, a licensed Ecology staff hydrogeologist produced a separate technical memorandum which discusses the hydrogeologic analysis for this application. The hydrogeologic interpretations provided below are extracted from this memorandum. Based on surrounding well logs and topographic maps, it would be possible for a well in the proposed location to tap into water that behaves essentially like bank storage water. The applicant drilled a 355 foot domestic well in 2007 within the proposed location. The static water level listed on the log for this basalt well is 263 feet. With a land surface elevation around 1540 feet this equates to the pool elevation for Lake Roosevelt on the date listed on the log. This would ensure that pumping effects on the river can be successfully mitigated by releases from Lake Roosevelt during a single mitigation release cycle, avoiding carry-over of impacts across mitigation cycles.

The Todd well, ALR 303 was also used as part of a study conducted for the transfer of Surface Water Certificate 10867 to demonstrate hydrologic connectivity between wells in this area with Lake Roosevelt. (*Hydrogeological Evaluation for Transfer of Water Right 10867*. WNR Group, 2007) Figure 1 below is a generalized cross-section of the area. The Todd well is shown as third from the left reaching down to an elevation equal to that of Lake Roosevelt. Figure 2 below is a graphical representation of lake levels and groundwater elevations taken from the Todd well over various dates.

Figure 1. Generalized Geologic Cross-Section of the Seven Bays-Michael Todd-Ridgeview Estates Area

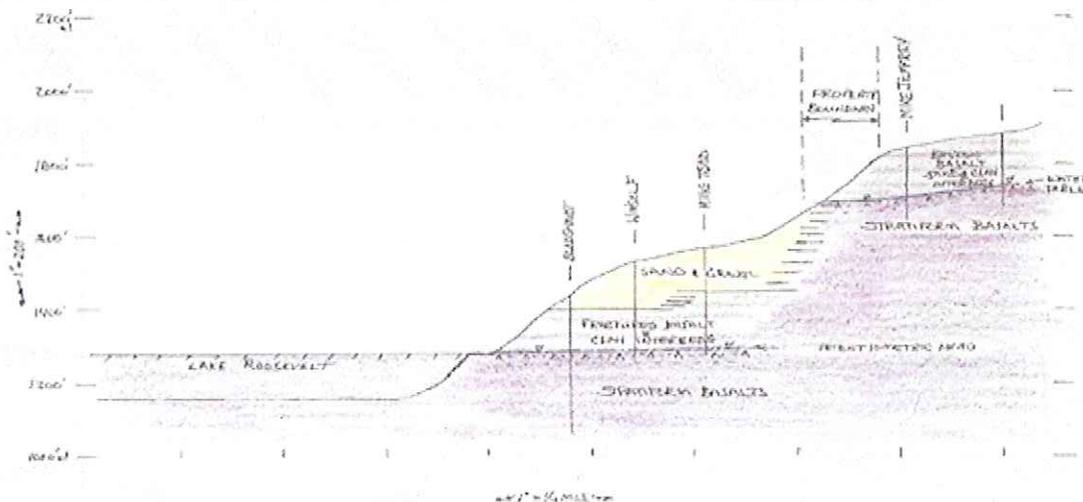
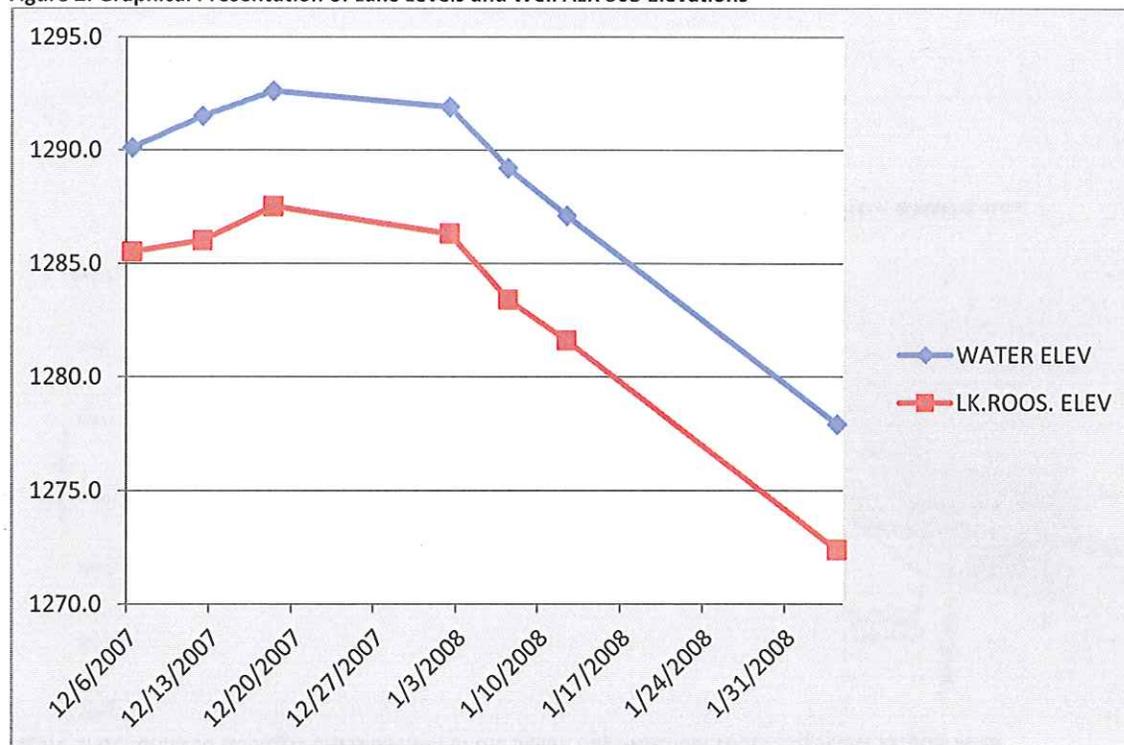


Figure 18: Generalized Geologic Cross-Section of the Seven Bays (Ridgeview Estates) area.

Figure 2. Graphical Presentation of Lake Levels and Well ALR 303 Elevations



## 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.<sup>1</sup>
- Uninterruptible water rights with priority dates junior to May 16, 1938.
- Interruptible water rights with priority dates junior to May 16, 1938.
- The June 24, 1980 Instream Flow Rule (WAC 173-563).

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

Under the current Program, 37,500 acre-feet per year of mitigation water is held in the TWRP for instream purposes under Superseding Trust Water Certificate S3-30556 with a priority date of May 16, 1938, 25,000 acre-feet of which may be used for mitigation of new out-of-stream uses. Under the State's priority system, the mitigation water is senior to all water rights issued after May 16, 1938. The

<sup>1</sup> Although the priority date of this application is 3/24/2003 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.

mitigation water rights are specifically exempted from the Columbia River instream flow rule (WAC 173-563-020(5)). Additionally, the mitigation water is protected under the TWRP from diversion by junior water right holders who may be curtailed during low-flow years. These junior users total approximately 379 interruptibles who are curtailed based on a forecast methodology outlined in WAC 173-563. Although junior to the mitigation that is available for this application, no conflict is expected between the applicant's diversions and interruptible water users because of the mitigation provided by Lake Roosevelt.

#### *Water Rights in the Vicinity*

The place of use is surrounded by Seven Bays Estates and its recreational facilities. There are six other water rights in the area. None of the rights are owned by the applicant. One right is a diversion from the Columbia River and three rights are groundwater withdrawals. The closest point of withdrawal is approximately 650 feet NW from the proposed point of withdrawal. These rights are summarized in Table 3 below.

**Table 3 Water Rights in the Vicinity**

File Number	Applicant	Priority Date	Purpose	Qi	Qa (Ac-ft/yr)
G3-25883C*	Seven Bays, Inc	3/17/1978	Multiple domestic	250 gpm	233
G3-26697C*	Seven Bays, Inc	9/16/1980	Multiple domestic	500 gpm	360
S3-25431C*	Seven Bays, Inc	6/14/1997	Multiple domestic	0.06 cfs	246
S3-016547CL	Seven Bays, Inc	8/9/1897	Recreation/ Irrigation/ Multiple domestic	30 gpm	2.4
S3-25398C	Self	5/31/1977	Irrigation	1.0 cfs	480
SWC10867	Addink	10/11/2007	Multiple domestic	233 gpm	99.66

\* G3-25883C, G3-26697C and S3-25431C cannot exceed a combined 500 gpm and 360 acre-feet/year.

It is unlikely this application could impair any of the above rights. From the hydrogeologist's review and the study by the WNR Group, the well to be used for this project is most likely in Lake Roosevelt's bank storage. Pumping from this source would have no impact on these other rights.

Surface Water Certificate 10867 is a surface right that was originally located near Hunters, Washington, and later transferred to the Seven Bays area. The intent of this transfer is to withdraw groundwater for use on a planned development known as Ridgeview Estates, a development east of the applicant's place of use.

#### Beneficial Use

The use of water for community domestic 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”. Considering the water rights granted to two neighboring developments, Seven Bays Estates and Ridgeview Subdivision, the following water duty is considered reasonable.

- Seven Bays Estates:
  - Total Water Rights for Community Domestic Use: 360 af/year
  - Total Department of Health Approved Connections: 376 connection
  - Water Available Annually per Connection: 0.96 af/year/connection
- Ridgeview Subdivision:
  - Total Water Rights for Community Domestic Use: 86.66 af/year
  - Total Department of Health Approved Connections: 97 connection
  - Water Available Annually per Connection: 0.89 af/year/connection

From the above review, the applicant’s request for 1 acre-foot per year per connection is reasonable. Assuming 10 gpm per unit, 140 gpm and 14 acre-feet per year, additive, will meet the applicant’s request.

Ridgeview Estates is located east of the applicant’s place of use. The place of use for Ridgeview Estates’ water right, SWC10867 encompasses the applicant’s place of use and a great deal more area than appears in the plans for Ridgeview Estates. This gives the appearance that SWC10867 is appurtenant to the same place of use as G3-30404 which is not the case. There are no other water rights associated with this property.

### Public Interest Considerations

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Analysis of whether this application meets the requirements of RCW 90.03.290 that the proposed use of water will not be detrimental to the public welfare involves analysis of how the approval of the proposed use of water will affect the range of values that are encompassed the public interest.

Several sections of statute list the legislative policies that guide the consideration of the public interest during the allocation of water, including sections of the 1971 Water Resources Act (Chapter 90.54 RCW) and Chapter 90.90 RCW entitled “Columbia River Basin Water Supply”.

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

The public interests associated with the Program’s municipal and industrial permitting are specifically cited in several sections of Chapter 90.90 RCW.

- RCW 90.90.005(1) states “The legislature finds that a key priority of water resource management in the Columbia river basin is the development of new water supplies that includes storage and conservation in order to meet the economic and community development needs of people and the instream flow needs of fish”.
- RCW 90.90.005(2) directs Ecology to “aggressively pursue the development of water supplies to benefit both instream and out-of-stream uses”.
- RCW 90.90.20(3)(b) instructs Ecology to focus on “Sources of water supply for pending water right applications”.

- RCW 90.90.20(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:

- Economic activity is likely to result from the use of water for commercial/industrial purposes, as the associated construction and operation activities generate increased economic and social opportunities.
- The use of water for community domestic 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*

In regards to this application, there were no letters of protest or concern submitted during the protest period.

#### **Conclusions**

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##### **Beneficial Use**

The proposed use of water for community domestic supply for 14 lots is considered to be a beneficial use. Therefore this application meets the first criterion of RCW 90.03.290 that the requested water be put to beneficial use.

##### **Water Availability**

The analysis provided above demonstrates that 140 gpm, 14 acre-feet per year is physically and legally available for the proposed use of water.

##### **Impairment**

The proposed beneficial use of water will not impair existing water rights.

##### **Public Interest**

The proposed use of water would not be detrimental to the public welfare.

#### **RECOMMENDATIONS**

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Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and a permit issued within the limitations listed below and subject to the provisions listed above.

## Purpose of Use and Authorized Quantities

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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:

140 gpm

14 acre-feet per year for domestic supply to 14 lots with irrigation of lawn and garden up to one quarter acre per lot

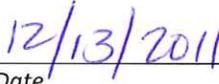
### Point of Withdrawal

A well 1865 feet south and 2330 feet west from the NE corner of Section 13, in the SW¼ NE¼, Section 13, Township 27 North, Range 35 E.W.M.

### Place of Use

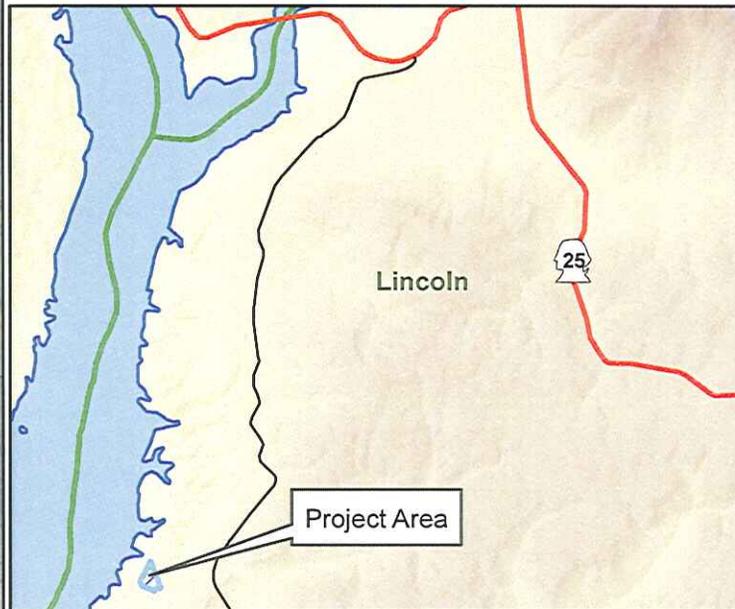
Lot 1 of Michael Todd No. 1 Short Plat B/252, Lincoln County, Washington

  
Report Writer

  
Date

*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.*

Michael and Margaret Todd  
Application Number G3-30404  
Sec. 13, T. 27 N., R. 35 E.W.M.  
WRIA 53 - Lincoln County



- Authorized Place of Use
- Authorized Point of Withdrawal
- Highway
- County
- Section

Comments:  
Map is for reference only. Place of use, points of withdrawal/diversion are as defined on the cover sheet of the Report of Examination.  
Image is 2009 NAIP airphoto.