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WATER TRANSFER WORKING GROUP PROJECT DESCRIPTION

APPLICATION NO./COURT CLAIM NO.: Court Claim No. 00366		
APPLICANT NAME Washington State Department of Transportation (WSDOT)	CONTACT NAME Randy Giles, I-90 Project Director Brian White, Assistant Regional Administrator	TELEPHONE NO. 509-577-1879 509-577-1700
WATER RIGHT HOLDER'S NAME (if different) Richard A. Snowden/ Lakeside Development LLC/ WA Dept. of Transportation		EMAIL: GilesR@wsdot.wa.gov FreudeD@wsdot.wa.gov

DATE OF APPLICATION: 11/24/09	PRIORITY DATE: May 24, 1884
WATER SOURCE: Wilson Creek	CROP: Hay, grain, corn
INSTANTANEOUS QUANTITY: 1.75 cfs	ANNUAL QUANTITY: 350
PERIOD OF USE: April 1-October 31	
PLACE OF USE: That portion of the NE1/4 of Section 11, T.17 N., R. 18 E.W.M. known as Tax 27 and a portion of the N1/2SE1/4 of Section 11 T. 17 N., R. 18 E.W.M., both tracts west of the right-of-way of the Burlington Northern Railroad	PURPOSE OF USE: Irrigation of 35 acres
IRRIGATION METHOD: Flood and Rill Irrigation	

CONSUMPTIVE USE CALCULATION:

Consumptive use calculations are based on Washington Irrigation Guide (WIG) for clover (proxy crop for timothy hay), which represents the most recent historical use. The water right authorizes 350 AF/year authorized for 35 acres. This equals 10 AF per acre water duty (350 AF per year/35 acres) Consumptive use estimates are calculated as follows based on irrigation April 1 –October 31:

Net Irrigation Requirement (NIR) plus evaporation-based:

- NIR for Clover = 33.14 in/acre annually or 2.76 AF/acre
- 2.76 AF per acre x 35 acres = 96.6 AF/year NIR
- 5% (typical) evaporative loss typical for surface irrigation = 17.5 AF (350 AF (total volume applied for water right) x 5%)

NIR of 96.6 AF/Y plus 17.5 AF from evaporative loss = Total CU of 114.16

NARRATIVE DESCRIPTION OF PROJECT:

Washington State Department of Transportation (WSDOT) is acquiring Court Claim #00366 from Lakeside Towncenter Associates, LLC. This water right was confirmed in the Conditional Final Order issued in Subbasin No. 9 (Wilson-Nanum), dated April 17, 2006. The land use of the underlying property has changed and will be followed.

The main purpose of the water right acquisition is to provide water for the I-90 Snoqualmie Pass East Project (I-90 Project) starting in April, 2010. The purpose of use for the water is to facilitate highway construction (dust control, embankment compaction, road materials and processing and equipment washout) and landscape

watering for the I-90 Project which is located adjacent to Keechelus Lake. WSDOT believes the CU estimated for the Snowden/Lakeside water right will fulfill its water needs. WSDOT has estimated the I-90 Project will annually require between 47 and 116 acre-feet for their construction water need for the life of the project with the highest use in 2012. WSDOT's instantaneous demand for the various construction needs is between 0.5 cfs to 9.3 cfs; however WSDOT has specified in contract documents that its contractor will adhere to the 1.75 cfs (cumulative) established by the underlying right. These are estimates and actual need may be higher or lower. During any year when the quantity of water needed is higher than the amount of the Snowden water right, WSDOT will acquire additional water through lease or purchase from approved sources and/or water rights.

Another purpose of the water right acquisition is to provide construction and / or mitigation water for other future WSDOT construction or maintenance activities within the Yakima Basin.

WSDOT has entered into a draft Memorandum of Conveyance Agreement with the Washington State Department of Ecology (Ecology) and submitted the trust application to put the water right into the Trust Water Rights Program (TWRP) for ten-years. To facilitate WSDOT's diversion at Keechelus Lake, it is anticipated that Ecology will assign, on an annual basis, all or a portion of the water right to the US Bureau of Reclamation (USBR) through the Water Storage and Exchange Contract No. 09XX101700 (Contract) established January 29, 2009.

To receive water through the Contract, WSDOT also submitted a Temporary Application for a Water Right Permit on October 27, 2009. The application requests approval for one or more temporary points of diversion in Keechelus Lake above the dam. All points of diversion will be metered. WSDOT requests the ability to store unused monthly CU water estimated after the storage control date for the September-October water needs.

WSDOT will notify Ecology of the amount of water equal to its needs for the upcoming year or multiple year periods. This notification shall be made in December or January prior to the subsequent construction season and year of water use, and will specify the proposed points of diversion, the estimated amount of consumptive vs. non-consumptive water needed and the duration of the water to be used. Any water not needed for the I-90 project will remain instream as a trust water right.

WSDOT also entered into a Memorandum of Understanding with Lakeside Towncenter Associates, LLC. as a part of their purchase agreement allowing seasonal use of a portion of the water right (.15 cfs and 30 acre-feet (or 9 af CU)) at its existing place of use from April 1, 2010 to October 31, 2012. The water will be used for plant and landscape watering at the original place of use for riparian plantings on Wilson Creek. The water will be diverted from its original point of diversion and will also be metered. All water remaining with Lakeside Towncenter Associates will return to WSDOT in 2012 and will be available for WSDOT's use or available as a trust water right for instream flow.

WSDOT will report its water usage annually and update its water need projections to Ecology and USBR.

This proposal use should not affect or change USBR ability to fulfill other water contract requirements or entitlements in its water storage and management. This proposal should not result in any impact or physical limitation to downstream (below dam) water users or supplies. The proposal will result in 'in-time' mitigation and is water budget neutral at Wilson Creek. The proposal does not negatively affect TWSA and in most years, results in a positive contribution to instream flows. WSDOT assumes and understands the risk should an extreme drought occur and diversion from the reservoir is reduced or not allowed.

See attached project vicinity maps for additional information. WSDOT's applications to Ecology can be found at <ftp://ftp.wsdot.wa.gov/incoming/I-90%20Snoq%20Pass%20East%20Water%20Right%20Appls/>

WTWG CHECKLIST

1. Validity	<i>WSDOT Response</i>
Is there continued beneficial use history sufficient to ensure that the right has not been relinquished or abandoned?	<i>Yes</i>
Is it free of any “cloud” or claim on the title of the water right?	<i>Yes</i>
2. Water Budget Neutrality	
Is the transfer water budget neutral?	<i>Yes</i>
Is the transfer TWSA (Total Water Supply Available) neutral?	<i>Yes</i>
Does the transfer of the right result in equal or less consumptive use?	<i>Yes</i>
Can the transfer be made without detriment or injury to existing rights? (RCW 90.03.380(1))	<i>Yes</i>
3. Timing and Availability	
Temporary Transfers: If a seasonal transfer, can the transfer be implemented in the time remaining in the season?	<i>n/a</i>
Permanent Transfers: Is there a map of the fallowed land or discontinued use and can it be confirmed?	<i>n/a</i>
4. Impairment of instream flow	
Does the transfer cause no adverse change to instream flows?	<i>Yes</i>
Is all the water accounted for at Parker and Prosser (if applicable)?	<i>Yes</i>
5. Operational Considerations	
If the transfer relies on space in existing Reclamation storage, is storage capacity available?	<i>Yes</i>
Can the transfer be “bucketed”, with different rate and timing, without adverse impacts on other users and fish and other aquatic life?	<i>Yes</i>
Does the transfer have no impermissible impact on Yakima Project operations?	<i>Yes</i>
6. For Transfers Between Surface Water and Ground Water	
Can the hydrologic impacts of the transfer be accurately evaluated?	<i>Yes</i>
7. Other considerations	
Is the transfer in agreement with public policy?	<i>Yes</i>
Is the transfer free of unacceptable secondary effects – economic, environmental, or cultural?	<i>Yes. The overall environmental benefits of the I-90 Project are extensive and significant. For only three of the six years of the project, more than half of the water right CU quantity is expected to be used.</i>
Does the transfer not rely on return flow?	<i>Yes</i>