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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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March 21, 1989

Where should this be filed? with Water Right Application

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MAR 24 1989

DEPARTMENT OF ECOLOGY
NORTHWEST REGION

TO: Jim Pharris
Senior Assistant Attorney General

FROM: Hedia Adelsman
Program Manager

SUBJECT: Informal Opinion Concerning A Certificate Of Change On A Water Right Claim

The Water Resources Program would like an opinion on a proposed Certificate of Change on a water right represented by Water Right Claim No. 160822. The claimant is Puget Sound Power & Light Company (Puget) and the source of water is the White River. Puget appears to have a valid water right based on appropriation and beneficial use of White River water.

Puget has made application for an appropriation of 10 cfs for a fish hatchery on the White River, a river closed to further appropriation under ch. 175 510 WAC. Water Resources feels that a Certificate of Change on part of Water Right Claim No. 160822 for 10 cfs would be the most expedient way to satisfy the water needs of the hatchery. The Certificate of Change would involve a change in the point of diversion, place of use, and purpose of use.

Ken Slattery has researched Puget's White River claim. Ken found, within Pierce County's records, a statement of claim for the White River Power Company which read, "The White River Power Company... does hereby...claim the right to appropriate and use the waters of the White River in the amount of 2000 cubic feet per second for power production, manufacturing, industrial and domestic purposes." Dated and filed April 19, 1895, 11:45 am. There is also a claim, dated 1901, which is essentially the same.

Pacific Coast Power Company, a predecessor to Puget, also bought up or condemned the existing riparian rights on the White River in the early 1900's. A court order condemned the property rights of the riparians and required 30 cfs be left in the channel. The case is Pacific Coast Power Company v. Peter Quilquilion.

The Muckelshoot Indian Tribe challenged that court order. A Stipulation, Settlement Agreement and Order of Dismissal of Claims Against Puget was