

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

- Surface Water** (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
- Ground Water** (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE July 1, 1998	APPLICATION NUMBER S3-30102	PERMIT NUMBER	CERTIFICATE NUMBER
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NAME Seattle City Light			
ADDRESS (STREET) P.O. Box 219	(CITY) Metaline Falls	(STATE) Washington	(ZIP CODE) 99153

PUBLIC WATERS TO BE APPROPRIATED

SOURCE Pend Oreille River		
TRIBUTARY OF (IF SURFACE WATERS) Columbia River		
MAXIMUM CUBIC FEET PER SECOND 1.83	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE FEET PER YEAR 27.5

QUANTITY, TYPE OF USE, PERIOD OF USE

.73 cubic foot per second, 27.5 acre-feet per year, from April 1 to October 1, each year, for the seasonal irrigation of 15 acres; 1.1 cubic feet per second, as needed for fire protection

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL

2180 feet south and 1315 feet west from the NE corner of Sec. 10

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) SE $\frac{1}{4}$ NE $\frac{1}{4}$	SECTION 10	TOWNSHIP N. 40	RANGE, (E. OR W.) W.M. 43 E.	W.R.I.A. 62	COUNTY Pend Oreille
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RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Forebay recreation area within property owned or controlled by Seattle City Light and more specifically defined as the license boundary under FERC License for Project No. 2144 being within the NE $\frac{1}{4}$ of Section 10, T. 40 N., R. 43 E.W.M. in Pend Oreille County, Washington.

DESCRIPTION OF PROPOSED WORKS

Pump & pressure distribution system

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Started	COMPLETE PROJECT BY THIS DATE: September 1, 2010	WATER PUT TO FULL USE BY THIS DATE: September 1, 2011
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REPORT

BACKGROUND

An application to appropriate public surface water was submitted by Seattle City Light to the Department of Ecology on July 1, 1998. The application was accepted and assigned Surface Water Application No. S3-30102. The applicant proposes to divert surface water from the Pend Oreille River in the amount of 1.83 cubic feet per second for the seasonal irrigation of 15 acres and fire protection. The proposed point of diversion is to be located within the SE¼NE¼ of Sec. 10. The proposed place of use will be Forebay Recreation Area.

A notice of application was duly published in accordance with RCW 90.03.280; no protests or objections were received.

This application is subject to the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW. A Declaration of Non-significance was issued by Seattle City Light on May 6, 1999. The irrigation portion of a permit issued under this application will be classified as a public entity permit under the Family Farm Water Act of 1977, 90.66 RCW.

INVESTIGATION

James M. Lyerla conducted a field examination on April 15, 1999. Seattle City Light owns and operates the Boundary Dam facility located on the Pend Oreille River 10 miles north of the Town of Metaline, Washington. The facility consists of the dam and powerhouse, several structures that make up the service area (including the paint and sandblasting building, the shipping and receiving building, and a garage and oil house), as well as the Tailrace Recreation Area below the dam, the Forebay Recreation Area above the dam, and the Vista House located on the east side of the river.

This application is for a point of diversion from the Pend Oreille River for the irrigation of 15 acres of irrigation and fire protection, as needed. The place of use is an area known as the Forebay Recreation Area and is more specifically defined by maps supplied with the application. Domestic supply to this area is being supplied by wells that are the subject of separate ground water applications. The applicant proposes to place a 60 h.p. pump in the Pend Oreille River for the irrigation of 15 acres and fire protection.

CONCLUSIONS

It is the conclusion of this examiner that: public surface water is available for appropriation for a beneficial use; that the seasonal irrigation of 15 acres and fire protection are beneficial uses; that the appropriation of such water will not impair existing rights or be detrimental to the public welfare.

This application for a public surface water permit should be approved in the amount of 0.73 cubic foot per second, 27.5 acre-feet per year, for the seasonal irrigation of 15 acres and 1.1 cubic feet per second, as required for fire protection, subject to the following provisions:

“An approved measuring device shall be installed and maintained in accordance with RCW 90.03.360 and/or WAC 508-64-020 through WAC 508-64-040.” (Installation, operation and maintenance requirements attached hereto).

“The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and the place of use specified.”

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.

“This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.”

"A certificate of water right will not be issued until a final examination is made."

“Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.”

The construction of the facilities for the appropriation of water under the application may require removal of material from or adjacent to a stream channel or watercourse. A Hydraulic Approval may be obtained from the Department of Fish and Wildlife prior to commencing work.

In accordance with the recommendations of the Department of Fish and Wildlife, the permit shall be issued subject to the following provision(s):

“This permit shall be issued subject to Washington Department of Fish and Wildlife screening criteria as outlined in a Hydraulic Project Approval. Please contact the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, Attention: Habitat Management Division, Phone (360) 902-2534, to obtain specific requirements for your project.”

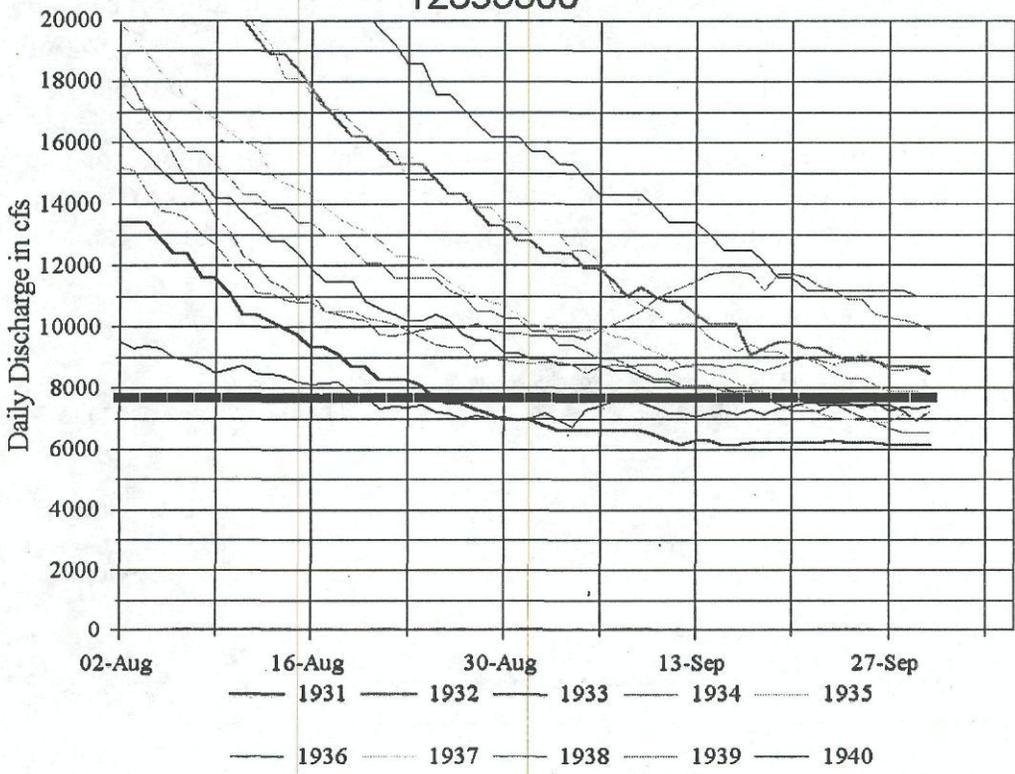
“This authorization to use public waters of the State is classified as a Public Water Entity Permit in accordance with Chapter 90.66 RCW (Initiative Measure No. 59).”

“Use of water under this authorization shall be contingent upon the water right holder’s utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities.”

“The Washington State Department of Fish and Wildlife (WDFW), has recommended that water rights from the Pend Oreille River be conditioned with instream flows of 7,700 cubic feet per second (cfs) on a year-round basis (as measured at the gage near Newport, Washington).

The following hydrographs for the U.S.G.S. Gage on the Pend Oreille River at Newport, Idaho (12395500) demonstrate important hydrologic characteristics of the Pend Oreille River. Before the construction of the Albeni Falls Dam, the river exhibited normal, riverine flow conditions. The first hydrograph shows the typical late summer flow regime for 10 different water years in the 1930s and early 1940s. The solid line at 7700 cfs represents WDFW’s recommended instream flow value as it would have applied to the river in the 1930s. When summer flows reached their baseflow, they tended to stay down at that level for the remainder of the water year.

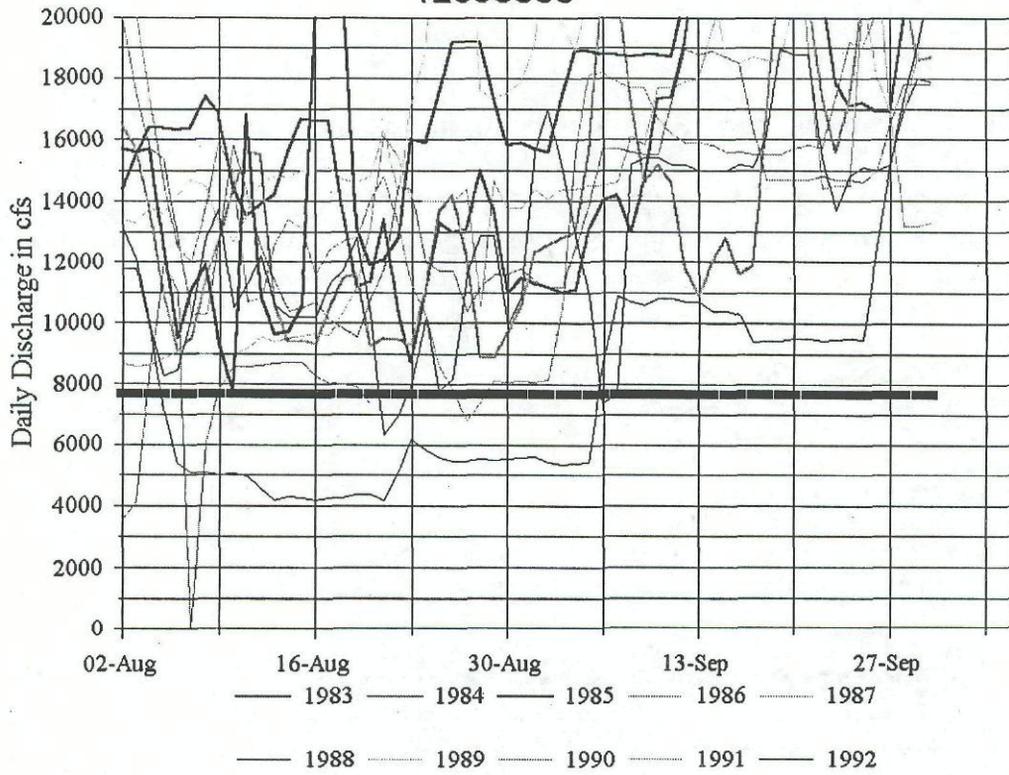
Pend Oreille R at Newport
12395500



With the construction of the Albeni Falls dam in 1952, the character of the daily discharge changed dramatically from a riverine regime to an impounded, highly regulated, flow regime. The next hydrograph depicts the late summer, daily average discharge for a ten-year period in the 1980s through the early 1990s. The highly variable discharge data reflects the flows that result from the power generation demands that are placed on the river.

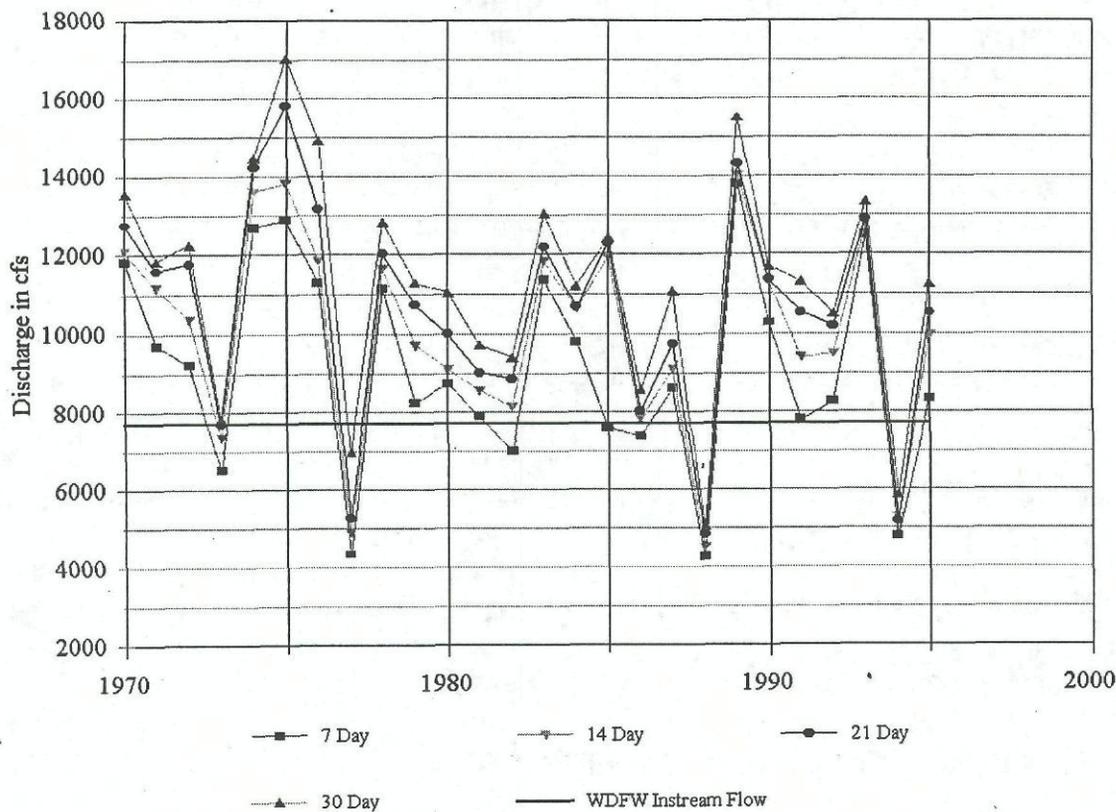
Pend Oreille R at Newport

12395500



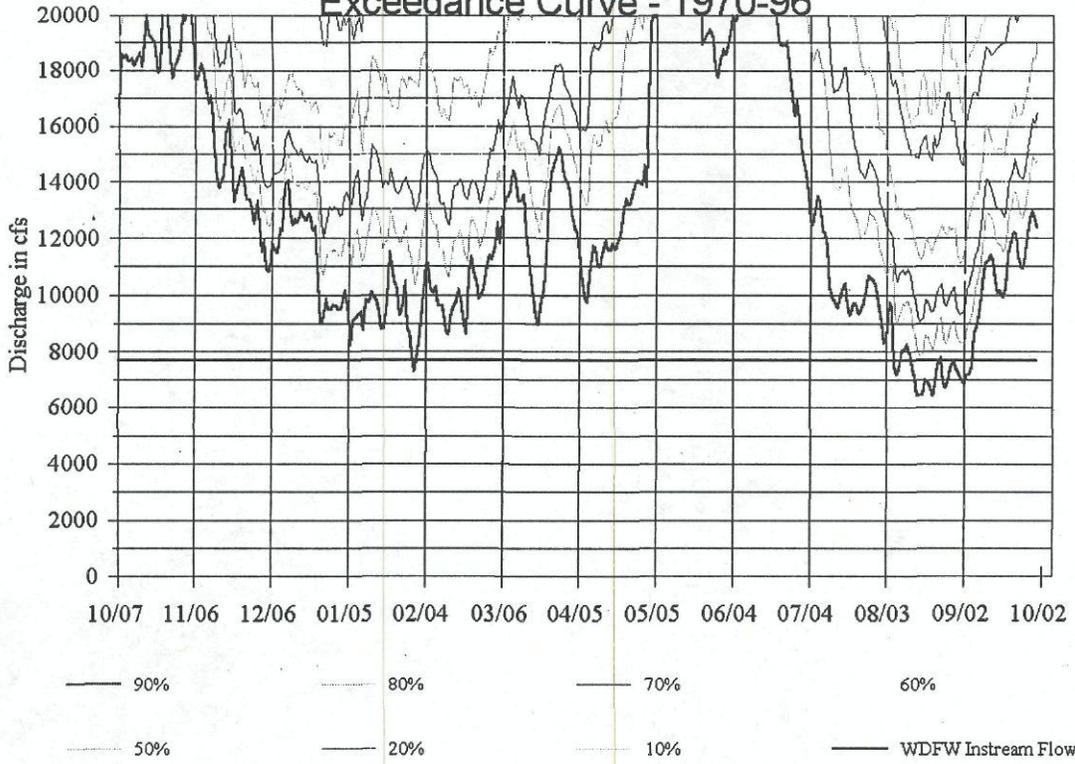
Trying to devise a methodology to implement the WDFW recommended instream flow given the current flow regime of the river requires some careful consideration of the day-to-day variability of the discharge. Given its fluctuations, just simply regulating junior water rights every time the daily average flow drops below 7700 cfs (the recommended instream flow) would be inappropriate and unworkable. Examining the data in the hydrograph indicates that the day-to-day variability is on the order of 5,000 cfs. Looking at a suite of duration frequency low flow analyses (7-day, 14-day, 21-day, and 30-day) for the 1970 through 1996 period allows us to get a better handle on when the flow in the river is truly flowing at a rate that is below the recommended instream flow. By looking at the actual daily flow data, we can see that three water years during the period 1970 – 96 exhibited sustained, low flow periods that were lower than the 7700 cfs threshold (1977, 1988, and 1994). The data from the duration frequency analysis shows that using a 14-day low flow criteria gives us the best opportunity to identify the low flow events.

Pend Oreille River Low Flow Analysis



Calculating the exceedance probability for the daily average flows for the period 1970 – 96 allows us to see how frequently (on a yearly basis) and for what duration (how many weeks during each year) the flows on the Pend Oreille River can be expected to be below the recommended instream flow. The following graph demonstrates that on average, we can expect the summer low flows in the Pend Oreille River will be above the instream flow 8 to 9 times out of ten years. During that one in ten year event when the flow in the river is below the recommended flow, the low flow will last for approximately one month (typically August).

Pend Oreille R at Newport Exceedance Curve - 1970-96



Therefore, this permit shall be conditioned that all diversion shall cease when the 14-day average flow in the Pend Oreille River falls below 7700 cfs (as measured at the Pend Oreille River at Newport gage) as recommended by WDFW."

Signed at Spokane, Washington
this 28th day of October, 1999

for Cindy A. Christian
JAMES M. LYERLA
Water Resources Program
Department of Ecology



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

December 3, 1999

CERTIFIED MAIL (P 616 662 198)

Ms. Jennie Goldberg
Seattle City Light
700 5th Avenue Ste 3100
Seattle, WA 98104-5031

Dear Ms. Goldberg:

Re: Ground & Surface Water Application Nos. G3-30098, G3-30099, G3-30100, S3-30101,
S3-30102, & S3-30103

On October 28, 1999, this office sent you our Reports of Examination approving your applications and requesting that you submit the statutory permit fees for each application in the amounts listed below:

G3-30098: \$20.00	G3-30099: \$20.00	G3-30100: \$20.00
S3-30101: \$24.20	S3-30102: \$26.00	S3-30103: \$20.00

These total \$130.20. To date, we have not received this fee.

If we do not receive the permit fee within thirty (30) days from the date of mailing of this letter, we will assume you are no longer interested in the development of this project and the application will be rejected.

Sincerely,

Cindy A. Christian

Cindy A. Christian
Water Resources Program

CAC:kt

NOTE: PLEASE NOTIFY US OF ADDRESS CHANGES

I am no longer interested in processing the above-referenced water right applications and hereby agree to them being canceled.

Signature

Date



the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

Ms. Jennie Goldberg:
 Seattle City Light
 700 5th Avenue Ste 300
 Seattle, WA 98104-5031

4a. Article Number
 616 662 198

4b. Service Type

<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Certified
<input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured
<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> COD

7. Date of Delivery
 DEC 6 1999

G3-30098, 99, 100, S3-20101, 102 & 103

is your RETURN

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Bob Lanley*

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

October 28, 1999

Ms. Jennie Goldberg
Seattle City Light
700 5th Avenue Suite 3100
Seattle, WA 98104

Dear Ms. Goldberg:

Re: Ground & Surface Water Application Nos. G3-30098, G3-30099, G3-30100, S3-30101, S3-30102, & S3-30103

Enclosed please find copies of the Department of Ecology's Reports of Examination. These reports constitute our determinations and orders regarding the above referenced applications.

Your applications have been approved and permits will be issued in accordance with the enclosed Reports of Examination upon payment of the statutory fees listed below:

G3-30098: \$20.00, G3-30099: \$20.00, G3-30100: \$20.00
S3-30101: \$24.20, S3-30102: \$26.00, S3-30103: \$20.00

These total \$130.20. Please remit your payment by check to the Department of Ecology within thirty (30) days from receipt of this letter.

Issuance of these Reports of Examination are appealable decisions under Chapter 43.21B RCW. If you would like to appeal these orders and determinations, you must file your appeal(s) with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903 within thirty (30) days of the date of mailing of this letter and the enclosed Reports of Examination. A copy of your appeal(s) must also be sent to the Department of Ecology, Water Resources Program Appeals Coordinator, P.O. Box 47600, Olympia, WA 98504-7600 within thirty (30) days of the date of mailing of this letter and the enclosed Reports of Examination.

Sincerely,

George B. Schlender
Section Manager
Water Resources Program

GBS:kt
Enclosure

