



Grays Harbor Public Development Authority

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RECEIVED

JUN 25 2008

Washington State Department of Ecology

6/24/08

Tom Culhane
Water Resource Program
Dept. of Ecology
PO Box 47775
Olympia, WA 98504-7775

Re: Water Right Change Application No CS2-00140(B)
Grays Harbor PDA Water Rights - Summary

7 1000 gpm for construction
7 7 gpm for domestic

Washington Public Power Supply System (WPPSS) originally received a 1007 gpm water authorization from EFSEC to withdraw domestic and construction water from the ground water well near Keys Road and a total of 80 cfs was authorized at the Ranney Well location per the original Site Certification Agreement (SCA) issued by EFSEC to WPPSS in October 1976 (Attachment #1). The Keys Rd. well had a priority date of December 17th, 1973. This authorization is referred to in the PDA's approved Water System Plan dated May 11, 2001 (see page 4-14 from approved Water Plan- Attachment #2).

In 1994 WPPSS requested an amendment to the SCA to allow for the construction of a Combustion Turbine project at the Satsop site. A draft of this agreement included the right for WPPSS to withdraw up to 300 gpm (reduced from 1007 gpm) from the Keys well for domestic and fire protection uses, however withdrawals for other uses would be limited to 300 gpm and restricted by low flow conditions. (see attached excerpt - Attachment #3) The final approved Amendment 2 (May 1996) for the CT project contained water withdrawal rights for both the Keys Well (300 gpm) and the Ranney Wells (9.5 cfs) as shown in Attachment V to the SCA Amendment (Attachment #4). Low flow restrictions were established for the Ranney Well site, however it was the intent for the Keys Rd (Raw Water) well authorization to be retained for domestic and fire suppression water use (see Paragraph G on Page 5). The other uses are construction and restoration; construction has been completed on the Satsop CT Project. Finally, A Technical Amendment in April 2004 included as EFSEC Resolution No. 309 revised the 9.5 cfs Ranney withdrawal to 9.2 cfs but did not change the Keys (Raw Water) well authorization (Attachment #5)

When WPPSS (now renamed Energy Northwest - ENW) transferred ownership of the land and infrastructure to the Grays Harbor PDA in 1999 special legislation was passed to insure water rights also became part of the PDA's ownership. The PDA acquired 20 cfs of water rights at the Ranney Well through legislation contained in Senate Bill 6427, which was confirmed by Ecology with issuance of a water right S2-00140B with a priority date of March 24, 1955 (Attachment #6) This priority date makes the water senior, and therefore not subject to low flow conditions. Secondly, by an amendment to the Site Transfer Agreement between ENW and the PDA the Keys Rd. well land and water authorization were transferred to the PDA (see Section 10 in attached Amendatory Agreement #7) in January 2000. This water right or authorization was the 300 gpm authorization previously approved by EFSEC.

It was the intent of EFSEC, Energy Northwest, and Ecology to retain the authorization for the 300 gpm in the Site Certification Agreement until such time as the PDA received their water right from Ecology and could transfer a portion of the water right from the Ranney wells to the Keys Road well. The decision was made to wait until Ecology completed the transfer of the 20 cfs (May 2000) before proceeding with the transfer of a portion of the right to the Keys Road well (application for transfer submitted in June 2001)



You may find it helpful to talk with Don Davidson (DoE retired?) if he is still available since he was involved and familiar with the intent of all parties. In addition other participants who worked on PDA's water right issues included Mike Mills (EFSEC) and Laura Schinnell (Energy Northwest).

Hope this helps you understand the PDA's water right history and our need for a perfected right at the Keys Road well

Sincerely,



Joel Rett
GHPDA