

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

**RESERVOIR
REPORT OF EXAMINATION**

TO CONSTRUCT A RESERVOIR AND STORE FOR BENEFICIAL USE
WATERS OF THE STATE OF WASHINGTON

| | | | |
|-------------------------------------|--------------------------------|---------------|--------------------|
| PRIORITY DATE September 15, 2000 | APPLICATION NUMBER R2-29935 | PERMIT NUMBER | CERTIFICATE NUMBER |
|-------------------------------------|--------------------------------|---------------|--------------------|

| |
|--------------------------------|
| NAME Cascade Water Alliance |
|--------------------------------|

| | | | |
|--|--------------------|-----------------------|---------------------|
| ADDRESS (STREET) 11400 SE 8th Street, Suite 440 | (CITY) Bellevue | (STATE) Washington | (ZIP CODE) 98004 |
|--|--------------------|-----------------------|---------------------|

Note: NOPL means Normal Operating Pool Level

| | |
|--|--|
| NAME OF STREAM OR OTHER SOURCE FOR RESERVOIR SUPPLY White River | TRIBUTARY OF (IF SURFACE WATERS) Puyallup River |
| NUMBER OF ACRE FEET STORED WHEN RESERVOIR IS FULL 46,700 | USE(S) TO BE MADE OF IMPOUNDED WATER Municipal water supply, including industrial and commercial purposes |

LOCATION OF IMPOUNDING STRUCTURE

| LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) | | | Washington ID Number |
|---|--|--|----------------------|
| Dike Number | Location | | |
| 1 | NW1/4NW1/4 S9, TWP20N R5E | | WA418 |
| 2A | NE1/4SE1/4 S5, TWP20N R5E | | WA419 |
| 2B | NW1/4SW1/4 S4, TWP20N R5E | | WA420 |
| 3 | NE1/4SW1/4 S4, TWP20N R5E | | WA421 |
| 4 | W1/2SE1/4 S4 & NW1/4NE1/4 S9, TWP20N R5E | | WA296 |
| 4A* | N1/2NE1/4 S9, TWP20N R5E | | WA296 |
| 5* | NE1/4NE1/4 S9, TWP20N R5E | | WA422 |
| 6* | SW1/4NW1/4 S10, TWP20N R5E | | WA423 |
| 7 | SW1/4NW1/4 S10, TWP20N R5E | | WA435 |
| 8 | E1/2NW1/4 S10, TWP20N R5E | | WA424 |
| 9 | NE1/4NW1/4 S10, TWP20N R5E | | WA425 |
| 10 | NE1/4NW1/4 & NW1/4NE1/4 S10, TWP20N R5E | | WA426 |
| 11* | W1/2NE1/4 & SE1/4NE1/4 S10, TWP20N R5E | | WA427 |
| 12 | SE1/4SE1/4 S10, TWP20N R5E | | WA428 |
| 13 | NW1/4SW1/4 S27, TWP20N R5E | | WA429 |
| 14 | NW1/4NE1/4 S26, TWP20N R5E | | WA430 |
| 15 | SE1/4NW1/4 & SW1/4NE1/4 S26, TWP20N R5E | | WA431 |

| | | | | |
|--------------------------------|-------------------|------------------------------|----------------|------------------|
| SECTION 4, 5, 9, 10, 26, 27 | TOWNSHIP N. 20 | RANGE, (E. OR W.) W.M. 5E | W.R.I.A. 10 | COUNTY Pierce |
|--------------------------------|-------------------|------------------------------|----------------|------------------|

LEGAL SUBDIVISIONS OF LANDS IN WHICH THE SUBMERGED AREA IS TO BE LOCATED

Lake Tapps Reservoir, located in Sections 4, 5, 8, 9, 10, 14, 15, 16, 17, 21, 22, 23, 27 and 28, T. 19 N., R. 5 E.W.M.

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED IF DIFFERENT THAN ABOVE

The place of use for this water right is the combined service areas described in the most recent Water System Plans approved by the Washington State Department of Health for Cascade Water Alliance, City of Seattle and the City of Tacoma.

CONSTRUCTION OF IMPOUNDING STRUCTURE

| | | |
|---|--|--|
| HEIGHT OF DAM (FEET) Varies from 5 to 48 feet | LENGTH ON TOP (FEET) Varies from 240 to 2,870 feet | WIDTH ON TOP (FEET) Varies from 19 to 70 feet |
| SLOPE OF FRONT OR WATER SIDE (Number of feet horizontal to one foot vertical): Varies from 2.1:1 to 5.5:1 | SLOPE OF BACKSIDE (Number of feet horizontal to one foot vertical): Varies from 1.4:1 to 2:1 | |
| HEIGHT OF DAM ABOVE WATER LINE AT NOPL (FEET) Varies from 1.6 to 9.2 feet | | |

TYPE OF CONSTRUCTION OF DAM AND CONSTRUCTION MATERIALS

Earthen embankments originally constructed in 1910-1911. No new dam construction required.

LOCATION AND APPROXIMATE DIMENSIONS OF SPILLWAY INCLUDING CREST LENGTH

Not applicable

LOCATION, SIZE AND TYPE OF VALVE AND OUTLET CONDUIT STRUCTURE

The outlet from Lake Tapps is located in the SW¹/₄ NE¹/₄ of Section 8, T. 20 N., R. 5 E.W.M. It consists of a 2,842-foot long, 12-foot-diameter concrete tunnel that leads to a concrete penstock forebay located in the SW¹/₄ NE¹/₄ of Section 7, T. 20 N., R. 5 E.W.M. The water then enters three steel penstocks, 8 feet in diameter, and 2,135 feet in length that delivers water to the powerhouse. Two of the three steel penstocks are tapped to provide water to a fourth 8-foot-diameter steel penstock that is 1,791 feet long. The powerhouse discharges to the tailrace. The tailrace is trapezoidal in cross-section with a base width of 34 feet and a containment height of 9 to 10 feet. The tailrace is concrete-lined for the first 45 feet and then timber-lined for the next 65 feet and the last 2,400 feet leading to the White River are unlined.

| | | |
|---|---|---|
| NUMBER OF ACRES SUBMERGED WHEN RESERVOIR IS FILLED TO NOPL 2,700 | MAXIMUM DEPTH (FEET) AT NOPL 90 feet | APPROXIMATE AVERAGE DEPTH (FEET) 25 feet |
|---|---|---|

DEVELOPMENT SCHEDULE

| | | |
|--|---|--|
| BEGIN PROJECT BY THIS DATE: Started | COMPLETE PROJECT BY THIS DATE: Completed | WATER PUT TO FULL USE BY THIS DATE: December 31, 2060 |
|--|---|--|

PROVISIONS

The Development Schedule, and Provisions and Conditions of the 2010 Report of Examination for S2-29920(A) in their entirety are incorporated by reference.

FINDINGS OF FACT AND DECISION

Upon reviewing the attached report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I find it is clear that overriding considerations of the public interest will be served by the appropriation of public surface water, and the appropriation as recommended is a beneficial use and will not be detrimental to existing rights or the public welfare.

Therefore, I ORDER a permit be issued under Surface Water Application Number R2-29935, subject to existing rights and the conditions and provisions above, to allow the storage of public surface water as proposed in this application.

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within thirty (30) days of the “date of receipt” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within thirty (30) days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your *Notice of Appeal*.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

| | | |
|---|----|---|
| Mail appeal to: | OR | Deliver your appeal in person to: |
| The Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903 | | On or before September 17: The Pollution Control Hearings Board 4224 – 6th Ave SE Rowe Six, Bldg 2 Lacey WA 98503 |
| | | On or after September 20: The Pollution Control Hearings Board 1111 Israel Rd. SW, Ste 301 Tumwater, WA 98501 |

2. To serve your appeal on the Department of Ecology

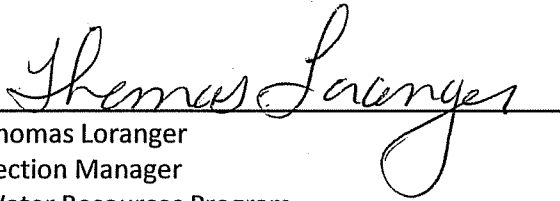
| | | |
|--|----|--|
| Mail appeal to: | OR | Deliver your appeal in person to: |
| The Department of Ecology Appeals & Application for Relief Coordinator P.O. Box 47608 Olympia WA 98504-7608 | | The Department of Ecology Appeals & Application for Relief Coordinator 300 Desmond Dr SE Lacey WA 98503 |

3. And send a copy of your appeal to:

Thomas Loranger
Section Manager
Water Resources Program - Department of Ecology
Southwest Region
P.O. Box 47775
Lacey WA 98504-7775

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>.

Signed at Lacey, Washington, this 15th day of September, 2010.



Thomas Loranger
Section Manager
Water Resources Program
Southwest Region

INVESTIGATOR'S REPORT

This report concerns R2-29935, one of four related water right applications that Puget Sound Energy ("Puget") submitted to the Washington State Department of Ecology ("Ecology") for the same project, known as the "Lake Tapps Reservoir Water Rights and Supply Project" ("Project"). These include three municipal water rights applications for new appropriations (S2-29920, R2-29935, and S2-29934) filed in 2000 and a change/transfer application (CS2-160822CL) filed in 2005 for existing pre-code water right claim number 160822 ("Puget Claim"). These four applications are referred to collectively as the "Applications."

Puget originally filed the Applications. On December 18, 2009, Puget conveyed its interest in the Applications through an asset purchase agreement to Cascade Water Alliance ("Cascade"). Through the Asset Purchase Agreement Cascade also acquired Lake Tapps Reservoir, the Puget Claim, and associated hydroelectric project ("Hydro Project") facilities. Cascade is the current Applicant for the Project. By letter dated December 15, 2009, Ecology accepted the assignment of the Applications from Puget to Cascade (Ecology 2009).

The three municipal water rights applications are necessary for the new consumptive appropriations for municipal supply. Each of the three new municipal applications addresses a component of the Project. The three applications are:

- Application S2-29920 requests authorization to 1) divert water for municipal supply purposes from the White River into Lake Tapps Reservoir for the Project and 2) establish a separate Regional Reserved Water Program for future use by the cities of Auburn, Bonney Lake, Buckley, and Sumner. For clarity, Ecology has issued two separate ROEs corresponding to S2-29920: S2-22920(A) for the diversion from the White River into Lake Tapps Reservoir, and S2-22920(B) for the Regional Reserved Water Program.
- Application R2-29935 requests authorization to store the quantity of water diverted under Application S2-29920 in Lake Tapps Reservoir.
- Application S2-29934 requests authorization to withdraw the annual quantity of water diverted under Application S2-29920 and stored in Lake Tapps Reservoir under Application R2-29935 for municipal supply.

Puget submitted the application for a change in use of the Puget Claim to confirm that it continues to have the right under the Puget Claim to divert and use the water for multiple beneficial purposes, including, but not limited to recreation, reservoir maintenance, fish passage, flow augmentation, and water quality. The application to change the Puget Claim is a significant component of the Project because it confirms that Cascade may continue to use the Puget Claim as it has historically been used.

Table 1 lists the water rights applications and the change of use application. In addition, Table 1 explains the minor changes from Cascade's original proposal.

Because the three new water right applications are interrelated elements of the same Project, the primary investigation is contained in one report associated with the diversion from the White River. The 2010 Report of Examination for S2-29920(A) ["2010 ROE for S2-29920(A)"] includes the full investigation of the three applications for new water rights including a description of the Project; protestants' concerns; demand and supply analysis; evaluation of hydrologic, hydrogeologic, water quality,

recreation and fisheries effects of the Project; evaluation of the potential effects of climate change on the Project; conclusions regarding water availability, beneficial use, impairment, public interest and overriding considerations of public interest ("OCPI"); and provisions of the authorization. This Report of Examination refers to the 2010 ROE for S2-29920(A) for many components of the investigation.

LEGAL REQUIREMENTS

Public Notice (RCW 90.03.280)

Puget published Public Notice for this project in the Tacoma News Tribune on October 5 and 12, 2000.

State Environmental Policy Act (SEPA)

Cascade assumed lead agency status for the environmental review of the Project under SEPA. On June 30, 2008, Cascade published a Determination of Significance and Request for Comments on Scope of Environmental Impact Statement and Environmental Checklist (Cascade 2008a). Cascade published a Draft Environmental Impact Statement ("DEIS") on January 29, 2010 (Cascade 2010a). The comment period for the Draft Environmental Impact Statement ("DEIS") was extended from January 29, 2010 until May 21, 2010, providing an overlapping comment period with the Draft ROEs. The Final Environmental Impact Statement ("FEIS") was published on June 16, 2010 (Cascade 2010c).

The FEIS reviewed potential impacts to earth, surface water quantity and quality, groundwater, plants and wildlife, fisheries, recreation and aesthetics, shoreline use and land use, as well as the impacts of climate change on the proposal. The FEIS concludes that the Project would have no significant adverse impacts.

Additional detail about SEPA review is provided in the 2010 ROE for S2-29920(A).

Consultation with the Department of Fish and Wildlife

In accordance with RCW 77.57.020, Ecology provided notice to the Washington State Department of Fish and Wildlife ("WDFW") of the water right applications associated with the Project. WDFW participated in review and evaluation of the Project at various phases. On February 17, 2010, WDFW was provided prior notification of the publication of the Draft ROEs.

Determinations

Chapter 90.03 RCW authorizes the appropriation of public water for beneficial use and describe the process for obtaining water rights. Laws governing the water right permitting process are contained in RCW 90.03.250 through 90.03.340. The authority for granting a water right for diversion and storage is set forth in RCW 90.03.370, which provides:

All applications for reservoir permits are subject to the provisions of RCW 90.03.250 through 90.03.320. But the party or parties proposing to apply to a beneficial use the water stored in any such reservoir shall also file an application for a permit, to be known as the secondary permit, which shall be in compliance with the provisions of RCW 90.03.250 through 90.03.320.

Table 1 – Water Rights Applications and Change of Purpose of Use Application

| Application No. (Filing Date) | Type | Description of Original Application | Description of Current Proposal |
|---|--|--|--|
| S2-29920 ¹ (Jun 20, 2000) | Permit for: Diversion from the White River | <p><u>Quantity:</u> Qa = Maximum Annual Quantity Qa = 72,400 acre-feet/year [equivalent to a 100 cubic feet per second ("cfs") continuous rate]</p> <p>Qi = Maximum Instantaneous Quantity Qi = 2,000 cfs</p> <p><u>Purpose:</u> Public water supply for consumptive municipal, industrial and commercial purposes.</p> | <p>Lake Tapps Reservoir Water Rights and Supply Project [S2-29920(A)]: <u>Quantity:</u> Qa = 54,300 acre-feet/year (equivalent to a 75 cfs continuous rate) Qi = 1,000 cfs from February 15 until the Refill date or July 1, whichever is earlier; 400 cfs from the Refill date until September 15 or the subsequent date the Fall Drawdown commences, whichever is later; and 150 cfs from the date the Fall Drawdown commences to February 15 per WRMA</p> <p><u>Purpose:</u> Unchanged from Original Application.</p> <p>Regional Reserved Water Program [S2-29920(B)]: <u>Quantity:</u> Qa = 5,060 acre-feet/year (equivalent to a 7 cfs continuous rate) Qi = 10 cfs Quantities are additive with Lake Tapps Reservoir Water Rights and Supply Project [S2-29920(A)].</p> <p><u>Purpose:</u> Unchanged from Original Application.</p> |
| R2-29935 ¹ (Sep 15, 2000) | Permit for: Storage in Lake Tapps Reservoir | <p><u>Quantity:</u> Storage of up to 46,700 acre-feet of water in Lake Tapps Reservoir</p> <p><u>Purpose:</u> Public water supply for consumptive municipal, industrial and commercial purposes.</p> | <p><u>Quantity:</u> Unchanged from Original Application.</p> <p><u>Purpose:</u> Unchanged from Original Application.</p> |
| S2-29934 ¹ (Sep 15, 2000) | Permit for: Withdrawal from Lake Tapps Reservoir | <p><u>Quantity:</u> Qa = 72,400 acre-feet/year (equivalent to a 100 cfs continuous rate) Qi = 150 cfs</p> <p><u>Purpose:</u> Public water supply for consumptive municipal, industrial and commercial purposes.</p> | <p><u>Quantity:</u> Qa = 54,300 acre-feet/year (equivalent to a 75 cfs continuous rate) Qi = 135 cfs</p> <p><u>Purpose:</u> Unchanged from Original Application</p> |
| CS2-160822CL (Nov 22, 2005) | Change of: Puget Claim | <p><u>Quantity:</u> Qa = 1,440,000 acre-feet/year (equivalent to a 2,000 cfs continuous rate) Qi = 2,000 cfs</p> <p><u>Purpose:</u> Hydropower and other beneficial uses including recreational reservoir levels; winter reservoir levels to maintain reservoir; protect and enhance fish and wildlife; maintenance of water quality for recreational purposes in the reservoir and to meet other regulatory requirements.</p> | <p><u>Quantity:</u>² Qa = 931,281 acre-feet/year (perfected) (equivalent to a 1,286 cfs continuous rate) Qi = 1,988 cfs (perfected) Qi to be diverted from the White River under the changed Claim for non-hydropower purposes would be identical to Qi for S2-29920(A) per WRMA.</p> <p><u>Purpose:</u> Unchanged from Original Application of Change</p> |

¹ The original S2-29934 and R2-29935 applications submitted by Puget erroneously referred to the S2-29920 application as S2-29921.

² An application for a temporary donation of a portion of CS2-160822CL into the State Trust Water Rights Program was accepted by Ecology on October 26, 2009.

When applying for a reservoir permit, an applicant must give information related to the height of the dam, the capacity of the reservoir and the uses to be made of the impounded waters.
RCW 90.03.260.

Under WAC 508-12-260, a reservoir permit is required for a reservoir "adjacent to a stream channel when water will be required to fill the reservoir in addition to a constant diversion to keep it full."

In accordance with RCW 90.03.290, favorable determinations must be made on the following four criteria in order for an application for Ecology to approve a new water right 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

Under WAC 173-510-040, the White River is closed to further consumptive appropriations. Stream "closures" are determinations by Ecology under RCW 90.54.020 that water is not available for further appropriations. See *Postema v. Pollution Control Hearings Board*, 142 Wn.2d 68, 95, 11 P.2d 726 (2000). However, a stream closure under the authority of RCW 90.54.020(3)(a) may in certain circumstances be overridden under an exception that authorizes a new appropriation from a closed stream "in those situations where it is clear that overriding considerations of the public interest will be served."

BACKGROUND

Project Description

The Project has three main components:

1. **New municipal appropriations** to divert water from the White River into Lake Tapps Reservoir, store water in the reservoir, and withdraw water from Lake Tapps for municipal water supply purposes. The new municipal water supply would provide 48.5 million gallons per day ("mgd") (75 cfs) Average Day Demand for the Members of Cascade.
2. **Recommended flow regime for the Reservation Reach of the White River**, which includes minimum flow rates, diversion limits, limitations on tailrace discharge, and ramping rates. The recommended flow regime was established in the White River Management Agreement ("WRMA") negotiated between Cascade and the Puyallup Tribe of Indians and Muckleshoot Indian Tribe (Cascade 2008b).
3. **Maintenance of Recreational Lake Levels** in accordance with the 2009 Agreement Regarding Lake Tapps between Cascade Water Alliance and the Lake Tapps Community. (Cascade 2009).

Project Infrastructure

The Project would use many of the existing structures from Puget's former Hydro Project. Cascade would divert water from the White River at the location of the existing diversion dam and intake. The diverted water would travel down the existing flow line where it would be stored in Lake Tapps Reservoir. Cascade would withdraw water from the forebay of the hydropower facility or another location to be determined, and treat it to meet drinking water standards before conveying it to a regional water distribution system.

Diversion Dam. The existing diversion dam on the White River is an 11-foot-high structure consisting of a 4-foot-high concrete and rock-filled timber crib dam 352 feet long, with 7-foot-high flashboards on top of the crib. The spillway extends the entire length of the dam. The flashboard system normally raises the water level 7 feet above the timber crib structure to elevation 671 feet. The flashboards are periodically lost in flooding events.

The concrete intake is located just upstream of the dam on the left bank of the White River, and contains two stony gates, each 13 feet high by 15.5 feet wide, separated by a concrete pier. The rack gearing is motor-operated, with an emergency 4-horsepower gasoline engine drive. There is also a manual means of lowering the gates if both of the other systems fail.

The U.S. Army Corps of Engineers ("USACE") is currently planning to replace the diversion dam with a more modern structure. The diversion works to the flowline would likely be reconstructed when the diversion dam is replaced.

Flowline. The existing eight-mile-long flowline consists of a series of flumes and canals lined with wood, concrete, or earth, five settling basins, and two 10-foot-diameter pipelines.

A concrete and wood flume conveys water from the headworks to the sedimentation basins over a distance of approximately 5,000 feet with a gradient of 7 feet to the mile. The concrete portion of the flume was constructed in 1986 and runs for approximately 1,700 feet between the headworks and the wood-lined canal. Two rock chutes are located in this section for removal of entrained rocks and gravels. One chute is located adjacent to the headworks and consists of an 80-inch-wide gate with a maximum opening of 3 feet. The other chute is located near the transition of the concrete canal to the wood canal. The flume transitions from concrete to a wood lining for the remaining 3,300 feet. The wood flume is approximately 28 feet wide and 9 feet high with an approximate capacity of 2,000 cfs.

Lake Tapps Reservoir. This permit will allow use of the existing impounding structure of Lake Tapps Reservoir in Sections 4, 5, 8, 9, 10, 14, 15, 16, 17, 21, 22, 23, 27 and 28, Township 19 N, Range 5 E.W.M.

The Lake Tapps Reservoir is impounded by a series of 13 dikes ranging in length from a few hundred to a few thousand feet, and from a height of a few feet up to 48 feet. The reservoir, once a series of four small lakes (Lake Tapps, Lake Kirtley, Crawford Lake, and Church Lake), was created by the construction of the dikes and the diversion of water from the White River into the reservoir. Lake Tapps Reservoir is approximately 4.5 miles long and 2.5 miles wide. Lake Tapps has a surface area of 2,740 acres and active storage capacity of 46,700 acre-feet. Water surface elevations can range from a normal maximum of 542.5 feet National Geodetic Vertical Datum 1929 ("NGVD 29") to a minimum of 515 ft, which corresponds with the bottom of the outlet works.

The main outlet from Lake Tapps is the 12-foot-diameter concrete tunnel leading to the forebay, penstocks, and ultimately the powerhouse associated with the former Hydro Project. After water is released from Lake Tapps it flows through a 0.5-mile-long tailrace canal into the White River.

Relationship of New and Existing Rights

The Puget Claim for the Hydro Project dates back to 1895 and pre-dates the adoption of the surface water code in 1917. In June 1974, Puget filed a statement of claim to document the Puget Claim consistent with the Water Rights Registration Act, chapter 90.14 RCW. Historically, the Puget Claim has been used to fulfill a variety of purposes, including maintaining water quality and recreation in Lake Tapps, and providing flows for the fish bypass structure and for fish or wildlife habitat enhancement. Accordingly, Puget continued to divert water pursuant to the Puget Claim even after it ceased operation of the Hydro Project in 2004. In 2005, Puget submitted an application for a change in use of the Puget Claim to confirm that it continues to have the right under the Puget Claim to divert and use the water for these beneficial purposes.

Cascade would continue to use the Puget Claim in parallel with the new water rights. The Puget Claim would be used to provide multiple beneficial purposes, including, but not limited to recreation, reservoir maintenance, fish passage, flow augmentation, and water quality. The new water rights would be used solely for municipal water supply. The new and existing rights to divert water from the White River would not be additive in that the combined diversion would be limited according to the Provisions and Conditions of the 2010 ROE for S2-29920(A).

Cost Reimbursement

This application has been processed by Aspect Consulting, LLC and other consultants under two cost-reimbursement contracts. Initial processing of the Applications occurred through Ecology Cost-Reimbursement Project No. 9E52, under agreement between Ecology and Puget. This initial processing resulted in issuance of the Reports of Examination in 2003 that were appealed to the Pollution Control Hearings Board. The procedural history of the Applications and the appeal is more fully described in the 2010 ROE for S2-29920(A). Subsequent processing of the Applications was performed by Aspect Consulting under Expert Agreement with the Washington State Office of the Attorney General.

INVESTIGATION

The Investigation is described in the 2010 ROE for S2-29920(A) and is incorporated here by reference. The Investigation included evaluation of demand and supply; hydrologic, hydrogeologic, water quality, recreation and fisheries effects of the Project; and the potential effects of climate change on the Project.

Recommendation of the Department of Fish and Wildlife

RCW 77.57.020 requires that Ecology give notice to the Department of Fish and Wildlife of applications to divert or store water. Ecology initially consulted with WDFW when the Applications were filed with Ecology. Ecology periodically with WDFW throughout the evaluation of the Applications. WDFW issued three comment letters to Ecology. These letters were dated November 8, 2000, July 28, 2006, and July 16, 2010. Additional detail on the WDFW's comment letters is provided in the 2010 ROE for S2-29920(A).

WDFW's July 16, 2010 letter affirms that the most recent Draft ROEs addressed WDFW's concerns regarding minimum flows, ramping rates, stream gaging, and fish screens on lake outlets.

Consideration of Protests and Comments

Formal protests regarding the Applications associated with the Project were submitted to Ecology by the Puyallup Tribe of Indians, the Muckleshoot Indian Tribe, the City of Auburn, and the Center for Environmental Law and Policy. Comment letters were received from WDFW, the Muckleshoot Indian Tribe, Puyallup Tribe of Indians, and other interested parties. Ecology and cost-reimbursement consultant staff also engaged and interacted with protestants and commenters in multiple meetings through the course of the investigation. The protests and comments were considered during review of the Applications. A summary of issues raised in protest and comments received with responses is included in the 2010 ROE for S2-29920(A).

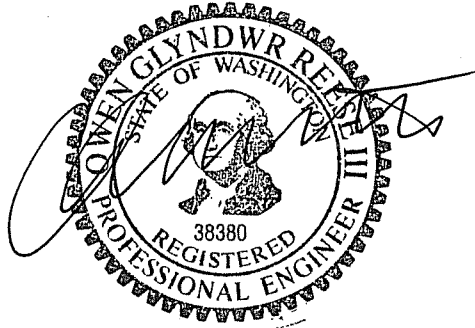
CONCLUSIONS

The conclusions of the investigation are described in the 2010 ROE for S2-29920(A) and are incorporated here by reference. Briefly, those conclusions found that:

1. Water is not available for appropriation as the White River is closed to further consumptive appropriation by WAC 173-510-040(3), but it is clear that overriding considerations of the public interest will be served by the new appropriation;
2. The proposed use would be a beneficial use;
3. The proposed appropriation would not impair existing water rights; and
4. The proposed appropriation would not be detrimental to the public interest.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this application be approved to store 46,700 acre feet of public surface water diverted from the White River pursuant to application S2-29920 in Lake Tapps Reservoir for municipal water supply purposes, including industrial and commercial purposes, subject to the Development Schedule, and Provisions and Conditions in the 2010 ROE for S2-29920(A).



Report by: _____

Owen Reese, PE
Aspect Consulting, LLC

9/2/2010

Date

If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6300. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6341.

References

Cascade (Cascade Water Alliance). 2008a. *Determination of Significance and Request for Comments on Scope of Environmental Impact Statement and Environmental Checklist*. June 30, 2008.
http://www.cascadewater.org/PDFs/Lk_Tapps_ChkList_DS_June_2008.pdf.

Cascade (Cascade Water Alliance). 2008b. *White River Management Agreement Between The Puyallup Tribe of Indians, The Muckleshoot Indian Tribe and Cascade Water Alliance*. August 6, 2008.

Cascade (Cascade Water Alliance). 2009. *2009 Agreement Regarding Lake Tapps between Cascade Water Alliance and the Lake Tapps Community*. May 13, 2009.

Cascade (Cascade Water Alliance). 2010a. *DRAFT Environmental Impact Statement, Lake Tapps Reservoir Water Rights and Supply Project*. January 29, 2010.

Cascade (Cascade Water Alliance). 2010b. *Lake Tapps Area Water Resources Agreement between Cascade Water Alliance and the Cities of Auburn, Bonney Lake, Buckley, and Sumner*. February 5, 2010.

Cascade (Cascade Water Alliance). 2010c. *Final Environmental Impact Statement, Lake Tapps Reservoir Water Rights and Supply Project*. June 16, 2010.

Ecology (Washington State Department of Ecology). 2009. *Letter to Cascade Water Alliance Re: Water Right Application Nos. – CS2-160822CL, S2-29920, S2-29934, and R2-29935*, December 15, 2009.

