Appendix A:
Water Right Applications and Change of Use Application

PERKINS COIE LLP

1110 CAPITOL WAY SOUTH, SUITE 405 · OLYMPIA, WASHINGTON 98501-2256
TELEPHONE: 360 956-3300 · FACSIMILE: 360 956-1208

June 20, 2000

Mr. J. Mike Harris
Southwest Regional Office
Water Resources Manager
Department of Ecology
Post Office Box 47775
Olympia, WA 98504-7775

52-29921

Re: White River Water Right Application

Dear Mike:

On behalf of Puget Sound Energy, I am filing the enclosed application for a surface water right from the White River. This water right will provide a regional water supply for current and future population needs in the central Puget Sound area. As you know Puget Sound Energy (PSE) has been informally discussing this opportunity with the Department of Ecology over the last year. Because of its current White River Hydropower Project, PSE is in the unique position to provide this public water supply without further impacts during the low stream flows currently being experienced on the Puyallup River. In fact, with the requirement of bypass flows under the new FERC license, PSE will be providing significant flows and environmental enhancement to the White and Puyallup Rivers.

The application provides you with the basic information requested on the form. PSE recognizes that the application is only the filing document and additional information and analysis are necessary to support the standards set forth in the water code for obtaining a water right. PSE has done extensive research and analysis that supports the application, including the important elements of determining the beneficial use of the water and the lack of impairment to existing rights and the instream flows. I discuss these in more detail below. PSE looks forward to reviewing the result of its work with you and your staff. Additionally, PSE will be filing necessary documents under the State Environmental Policy Act (SEPA).

PSE recognizes the Department's desire to have all interests in the basin involved in decisions related to the allocation of water through basin planning. Through its application, PSE is not rejecting basin planning efforts, but wants to remain involved. Because PSE is in a position under its FERC relicensing process to act now on this unique opportunity to obtain a water supply, I have discussed with

your staff the ability to have PSE support basin planning needs through the application itself. If the application is approved, PSE can offer a supply of water that will be a key tool in future planning efforts in the basin. PSE will agree that a limited quantity of water will not be committed until 2006 or when basin plan is adopted and approved by the Department, whichever comes first. If the plan is adopted and approved, the water will be available to address the recommendations of the basin plan for water allocation. We believe that the reasonable quantity of water reserved for basin needs should not exceed 10 cfs.

PSE agrees that a new permit will be conditioned to protect existing water rights and instream flows. PSE is developing a water management plan that will be implemented as a condition of the permit during that period of time instream flows have historically not been met at the Puyallup gauge. Based on its analysis, PSE has determined that even during low flow periods historically recorded, it can supply the quantity of water it is requesting under the permit without causing any net impact on the instream flows. PSE will utilize Lake Tapps to store sufficient water and when the stream flow at the Puyallup gauge is not meeting minimum flows, PSE will either use water only out of the Lake to satisfy the beneficial uses under the new permit, or for any water diverted under the new permit, PSE will be mitigate one-for-one with water stored in Lake Tapps, causing the drafting of Lake Tapps. In other words, the plan will assure that there will be a beneficial or neutral impact on the White and Puyallup Rivers during the low flow periods to be described in the permit.

PSE also agrees that the water right will be conditioned on an instream flow that is equivelent to the flows that Puget will be required to provide in the bypass under its new FERC license. Further, PSE will agree that as a condition of the new permit, the new water right can only be exercised if PSE is exercising its current hydropower 2000 cfs water right in compliance with the instream flow conditions of the FERC license. The flow requirements will be determined by the requirements of applicable law, but as a going forward assumption, it is expected that different points of view as to the appropriate flows will be resolved through the ongoing Lake Tapps collaborative process.

As I indicate above, the beneficial use element of the application is supported by research and analysis on the demand for current and future regional public water supplies. PSE has been meeting with major regional water purveyors, including the Cities of Seattle and Tacoma. PSE has also had discussions with the Cascade Water Alliance. Based on these discussions, PSE is confident that a new regional water

supply is necessary and supports prudent growth management planning. This is supported by PSE's independent consultant's analysis of public water supply demand.

The preparation of water forecasts is a quantitative tool used to determine the likelihood of a water district or region to meet all the needs of all the users in the future. Within the central Puget Sound Region (Pierce, King, and Snohomish Counties), some regions are unable to meet the current demands placed upon the resource. To help prepare for the future, the central Puget Sound regional water supply purveyors have come together to plan to meet the needs through an array of alternatives and options that will reduce demands and increase supplies. Although no regional water planning authority exists in the central Puget Sound Region, representatives from water suppliers in King, Pierce, and Snohomish Counties are participating in a water supply planning forum and have recently produced *Central Puget Sound Regional Supply Outlook Technical Memoranda and Progress Report* (*Outlook*, February 2000). This document, while still in progress, provides a recent compilation and analysis of the regional forecasted water demand.

Forecasted demand published in the *Outlook* report were analyzed for the two largest water suppliers in King and Pierce Counties: Seattle Public Utilities (SPU) and Tacoma Water (TW), respectively. The population of King County (1.7 million in 2000) is forecast to increase to 2.1 million in 2020. Similarly, the population of Pierce County (0.73 million in 2000) is forecast to increase to 0.94 million in 2020. Considering the combined demand of SPU and TW are about 68% of the demand in King and Pierce Counties, the documentation shows that forecast water demand exceeds available supplies.

PSE will continue to divert water from the White River, subject to the bypass flows, and operate the Project to maintain Lake Tapps. A "viable lake" analysis is being conducted by the Lake Tapps Task Force, and this analysis will likely lead to a viable lake profile that restricts draw downs for revenue generating purposes. Within these parameters, Lake Tapps will be used for storage and release of water to mitigate when necessary any net impacts during low flow periods caused by the diversion of water under the new water right permit.

To allow for the diversion of water from the White River, an amendment to the White River rule is necessary. Currently, the rule provides that when new information is available or conditions have changed within the basin, the rule should be reviewed and amended to address those new conditions. WAC 173-510-100. Puget submits

that the conditions for the new FERC license including the bypass flows, and the necessary changes to the White River Project, meet the standard for amending the rule. A proposed rule amendment will be filed with the Department.

The water right will be conditioned to require Puget or its contract agent (i.e., major basin purveyor) to offer a limited quantity of water authorized under the permit for potential water users in the White River Basin. In addition, PSE will agree, as stated above, to provide a certain quantity of water reserved for future use by persons/entities that, through a future basin planning process, are recommended in the final basin report as candidates for water supply. As I state above, we believe that 10 cfs is a reasonable quantity to reserve for basin needs. This is not, however, to be a limitation on the quantity of water that may eventually be provided to the basin.

The condition on the permits requiring PSE to address the water demands in the White River Basin must be reasonably limited so as to provide the opportunity to purvey the water regionally within a reasonable amount of time. Therefore, this condition must include a schedule that authorizes Puget to sell water regionally if certain time and financial conditions are not met. PSE will work diligently with the Department of Ecology to provide water to resolve the basin needs within a timely process. However, the permit must provide that if the efforts to work with the entities in the basin do not result in an agreement within two years of initiating contact (2006 for adoption of a basin plan), PSE may begin to commit the water to regional purveyors.

I look forward to discussing the application with you in the near future. Please do not hesitate to call if you have any questions.

Very truly yours,

Tom McDonald

Tom McDonald

TM/sc

cc: Ed Schild √
Markham A. Quehrn

Rec'd 6/20/00

APPLICATION FOR PERMIT

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

washington state department of ECOLOGY

[X] SURFACE WATER ☐ GROUND WATER

$10.00 MINIMUM STATUTORY EXAMINATION FEE REQUIRED WITH APPLICATION

(GRAY BOXES FOR OFFICE USE ONLY)

APPLICATION NO.	W.R.I.A	COUNTY	PRIORITY DATE	TIME	ACCEPTED
S2-29920	10	PIERCE	~~6/19/2000~~ 6/20/2000		

APPLICANT'S NAME--PLEASE PRINT

PUGET SOUND ENERGY, INC. CONTACT: EDWARD R. SCHILD

Bus. Tel. (425) 462-3022
Home Tel.
Other Tel. (360) 956-3300

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
P.O. BOX 97034 MAIL STOP: OBC-14N	BELLEVUE	WA	98009-9734

DATE & PLACE OF INCORPORATION IF APPLICANT IS A CORPORATION

9/12/60 STATE OF WASHINGTON SUCCESSOR TO CORPORATION INCORPORATED 7/8/12 STATE OF MASSACHUSETTS

1. SOURCE OF SUPPLY

IF SURFACE WATER	IF GROUND WATER
SOURCE (Name of stream, lake, spring, etc.) (If unnamed, so state) WHITE RIVER	SOURCE (Well, tunnel, infiltration trench, etc.)
TRIBUTARY PUYALLUP RIVER	SIZE AND DEPTH

2. USE

USE TO WHICH WATER IS TO BE APPLIED (DOMESTIC SUPPLY, IRRIGATION, MINING, MANUFACTURING, ETC.)

PUBLIC WATER SUPPLY AND MUNICIPAL WATER SUPPLY PURPOSES INCLUDING INDUSTRIAL AND COMMERCIAL PURPOSES

ENTER QUANTITY OF WATER REQUESTED USING UNITS OF:	CUBIC FEET PER SECOND (CFS)	*OR*	GALLONS PER MINUTE (GPM)	ACRE FEET PER YEAR
	Qa = 100 CFS AVERAGE ANNUAL FLOW RATE Qi = 2000 CFS PEAK INSTANTANEOUS FLOW RATE			72,400

TIMES DURING YEAR WATER WILL BE REQUIRED

YEAR-ROUND

IF IRRIGATION, NUMBER OF ACRES	IF DOMESTIC USE, NUMBER OF UNITS BY TYPE, e.g., 1-HOME, 1-MOBILE HOMES, 2 CAMPSITES, etc.	IF MUNICIPAL USE, ESTIMATED POPULATION 20 YEARS FROM TODAY
		3,040,000 (EST. POPULATION FOR PIERCE AND KING COUNTIES IN 2020)

DATE PROJECT WAS OR WILL BE STARTED	DATE PROJECT WAS OR WILL BE COMPLETED	
MANY PROJECT FACILITIES ARE BUILT. ADDITIONAL CONSTRUCTION WILL BEGIN APPROXIMATELY 2006 TO 2010	ESTIMATED 2030	

3. LOCATION OF POINT OF DIVERSION / WITHDRAWAL

3A. IF IN PLATTED PROPERTY

LOT	BLOCK	OF (Give name of plat or addition)	SECTION	TOWN	RANGE	

3B. IF NOT IN PLATTED PROPERTY

ON ACCOMPANYING SECTION MAPS, ACCURATELY MARK AND IDENTIFY EACH POINT OF DIVERSION, SHOW NORTH-SOUTH AND EAST-WEST DISTANCES FROM NEAREST SECTION CORNER OR PROPERTY CORNER.

ALSO, ENTER BELOW THE DISTANCES FROM THE NEAREST SECTION OR PROPERTY CORNER TO THE DIVERSION OR WITHDRAWAL.

EXISTING DIVERSION FACILITY UNDER WATER RIGHT CLAIM NO. 160322 IN CITY OF BUCKLEY: 200 FEET EAST AND 200 FEET SOUTH FROM N1/4 SECTION CORNER OF SECTION 2. SEE MAP, ATTACHMENT "A"

LOCATED WITHIN (smallest legal subdivision)	SECTION	TOWNSHIP N.	RANGE (E. OR W.) W.M.	COUNTY
NE 1/4 SECTION	2	19	6 E	PIERCE

4. DO YOU OWN THE LAND ON WHICH THIS SOURCE IS LOCATED. IF NOT, INSERT NAME & ADDRESS OF OWNER. YES

5. LEGAL DESCRIPTION OF PROPERTY *ON WHICH WATER IS TO BE USED*

ATTACH A COPY OF THE LEGAL DESCRIPTION OF THE PROPERTY (ON WHICH THE WATER WILL BE USED) TAKEN FROM A REAL ESTATE CONTRACT, PROPERTY DEED OR TITLE INSURANCE POLICY, OR, COPY CAREFULLY IN THE SPACE BELOW.

THE WATER WILL BE USED WITHIN PIERCE, KING, AND SNOHOMISH COUNTIES. THE LAKE TAPPS WATER SUPPLY IS PROPOSED TO BE CONNECTED TO THE MAJOR PIERCE AND KING COUNTY REGIONAL WATER SUPPLY SYSTEMS OPERATED BY TACOMA WATER (TW) AND SEATTLE PUBLIC UTILITIES (SPU). THE TW AND SPU SERVICE AREAS ARE DEFINED IN THEIR RESPECTIVE COMPREHENSIVE WATER SUPPLY PLANS. THE SPU SYSTEM SERVES PORTIONS OF BOHTELL AND A FEW OTHER SMALL AREAS THAT ARE ACTUALLY LOCATED IN SOUTHERN SNOHOMISH COUNTY, ADJACENT TO THE KING COUNTY LINE. THE PLACE OF USE WILL INCLUDE THE AREA SERVED BY THE FUTURE INTERCONNECTION OF THE SNOHOMISH COUNTY REGIONAL WATER SUPPLY SYSTEM OPERATED BY EVERETT PUBLIC WORKS (EPW) WITH THE KING COUNGY REGIONAL WATER SUPPLY SYSTEM OPERATED BY SPU. WHEN THE EPW REGIONAL WATER SUPPLY SYSTEM INTERCONNECTS WITH THE KING AND PIERCE COUNTY REGIONAL WATER SUPPLY SYSTEMS, THE LAKE TAPPS WATER SUPPLY PROJECT WILL COVER THE MAJORITY OF THE NON-RURAL/NON-FORESTRY AREAS OF KING, PIERCE AND SNOHOMISH COUNTIES.

ECY 040-1-14
Rev. 8/91 F
[09901-8179/PSE WHITE RIVER00167.0041.doc]

WHAT IS YOUR INTEREST IN THE PROPERTY ON WHICH THE WATER IS TO BE USED (PROPERTY OWNER, LESSEE, CONTRACT PURCHASER, ETC.)

NONE, PSE OWNS PROPERTY WITHIN THE AREAS OF USE.

ARE THERE ANY EXISTING WATER RIGHTS RELATED TO THE LAND ON WHICH THE WATER IS TO BE USED (INCLUDING WATER PROVIDED BY IRRIGATION DISTRICTS OR DITCH COMPANIES) [X] YES [ ] NO

IF YES, FROM WHAT SOURCE (i.e., SURFACE OR GROUND WATER) AND UNDER WHAT AUTHORITY

PUGET SOUND ENERGY HAS A WATER RIGHT CLAIM NO. 160322; THE CURRENT WATER PURVEYORS INCLUDING THE MUNICIPALITIES WITHIN PIERCE, KING, AND SOUTHERN PORTIONS OF SNOHOMISH COUNTIES ALL HAVE EXISTING WATER RIGHTS AS PROVIDED IN THEIR WATER SYSTEM PLANS ON FILE WITH THE DEPARTMENT OF ECOLOGY.

6. DESCRIPTION OF SYSTEM PROPOSED OR INSTALLED

(FOR EXAMPLE: SIZE OF PUMP, CAPACITY OF PUMP, PUMP MOTOR HORSE POWER, PIPE DIAMETER, NUMBER OF SPRINKLERS, ETC.)

SEE ATTACHMENT "B"

7. REMARKS

A WATER FLOW MANAGEMENT PLAN WILL BE PROVIDED. PROCESSING THE APPLICATION IS SUBJECT TO AMENDMENT OF THE CURRENT BASIN RULE WAC 173-510.

8. COMPLETE THIS SECTION ONLY IF THIS APPLICATION INCLUDES IRRIGATION AS A USE

IN ORDER TO IMPLEMENT THE PROVISIONS OF INITIATIVE MEASURE NUMBER 59, THE FAMILY FARM WATER ACT WHICH WAS PASSED BY THE VOTERS ON NOVEMBER 3, 1977, WE MUST ASK THE FOLLOWING QUESTIONS.

1. LANDS THAT ARE BEING IRRIGATED UNDER WATER RIGHTS ACQUIRED AFTER DECEMBER 8, 1977. [ ] YES [ ] NO
2. LANDS THAT MAY BE IRRIGATED UNDER APPLICATIONS NOW ON FILE WITH THE DEPARTMENT OF ECOLOGY. [ ] YES [ ] NO
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W. A. GAINES, VICE-PRESIDENT, ENERGY SUPPLY

LEGAL LANDOWNER'S NAME (PLEASE PRINT)

LEGAL LANDOWNER'S SIGNATURE (OWNER OF PROPERTY DESCRIBED ON ITEM NUMBER 5)

LEGAL LANDOWNER'S ADDRESS

FOR OFFICE USE ONLY

STATE OF WASHINGTON)
) ss
DEPARTMENT OF ECOLOGY)

This is to certify that I have examined this application together with the accompanying maps and data, and am returning it for correction or completion as follows: .....

.....

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In order to retain its priority date, this application must be returned to the Department of Ecology, with corrections, on or before ....., *19* ....

Witness my hand this ..... *day of* ..... *19* ....

Department of Ecology

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00 JUN 20 AM 7:47

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STATE OF WASHINGTON)
) ss.
DEPARTMENT OF ECOLOGY)

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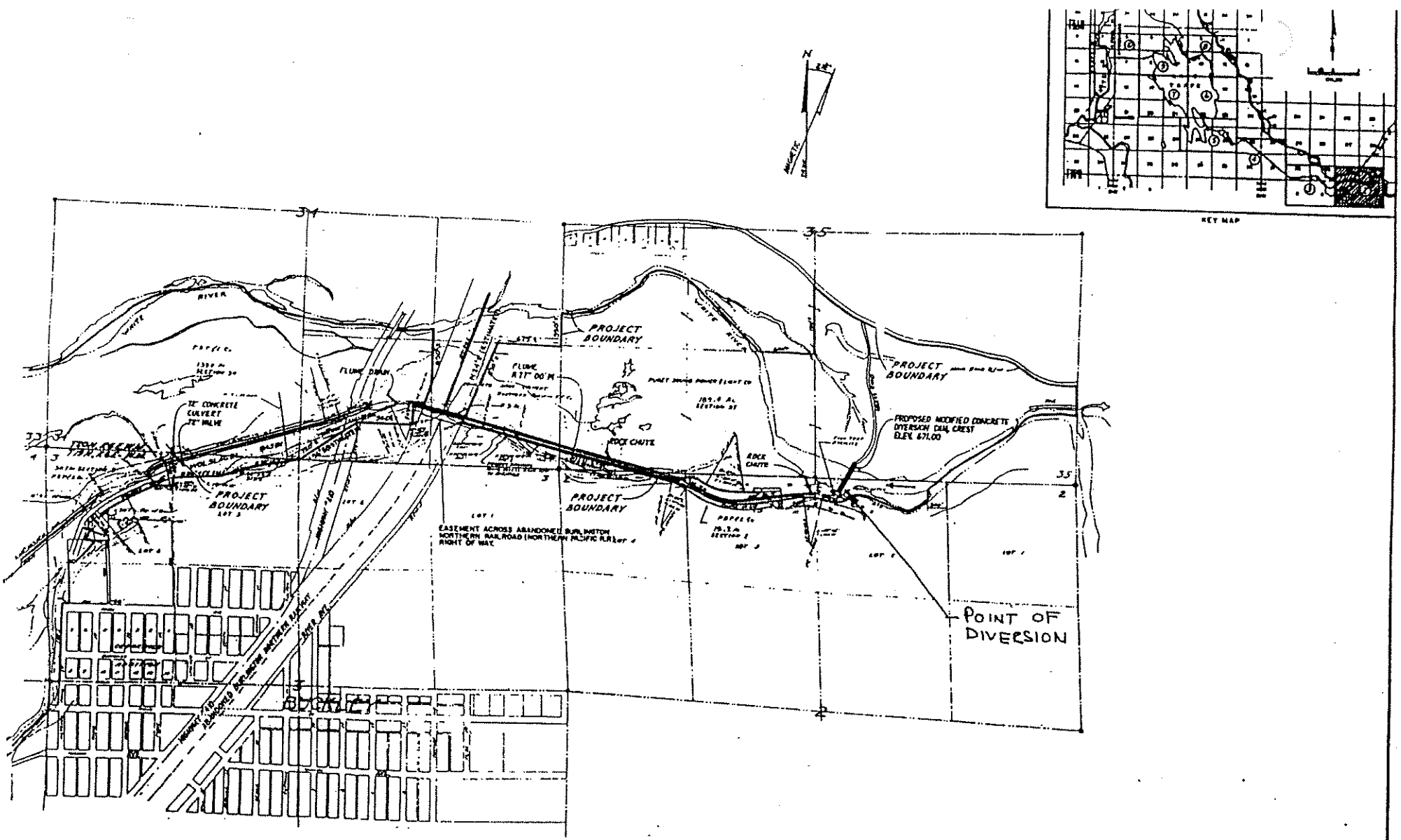
In order to retain its priority date, this application must be returned to the Department of Ecology, with corrections, on or before _____, 19____.

Witness my hand this _____ *day of* _____ 19____.

Department of Ecology



PUGET SOUND POWER & LIGHT COMPANY
APPLICATION FOR LICENSE
WHITE RIVER PROJECT
FERC PROJECT NO. 2494

PROJECT BOUNDARY MAP

EXHIBIT G-2

Waterright
Attachment A
June 19, 2000

I. EXISTING WHITE RIVER HYDROELECTRIC PROJECT FEATURES

The principal project features necessary to divert and convey water from the White River near Buckley to the place of use consist of both existing (installed) features and proposed features. The proposed features are further subdivided into common features and alternative specific features dependent on which regional supply system interconnection point(s) are ultimately selected. The following description of the system is based on this categorizing of facilities. The project holds a vested year-round water right that pre-dates the state water code of 1917, to divert 2,000 cfs from the White River at the existing diversion dam and intake location. Diverted water flows through a series of lined and unlined canal, pipeline, and basins over a distance of about 8-miles where it flows into Lake Tapps. From Lake Tapps the water is withdrawn via an intake to a one-half-mile-long tunnel and then into penstocks that supply four water turbines. After passing through the turbines, the water flows down a one-half-mile-long tailrace canal and returns to the White River. The reach of White River between the diversion dam and the tailrace canal return is about 23-miles long and is referred to as the "bypass reach" of the White River.

The existing principal project features that the proposed water supply project will Utilize are identified and briefly described here:

1. Diversion Dam – The dam is 352 feet wide and is comprised of a 4-foot high rock filled timber crib base structure, and 7-foot high flashboards. When installed, the flashboards have a crest elevation of 671 feet mean sea level (fmsl).

2. Intake – The intake is located on the left bank of the river and diverts water from the White River, as ponded behind the diversion dam. The intake is a concrete structure with no over-water operation deck. The intake has no debris rack. Water diversion is regulated by two vertical roller gates located at the down stream end of the intake, just prior water entering the flow line.

3. Flume – The first 1.1 miles of flowline consists of 2,600 lineal feet of concrete structure followed by 2400 lineal feet of wooden structure. The final section of flume consists of a 900 foot long concrete structure.

4. Earthen Canal – The next 2.4 miles of flowline are a series of earthern canals and basins (pond-like water bodies).

5. Fish Screens & Bypass Pipeline – Located within the earthen canal section of the flowline, about 2.5 miles downstream of the intake, is the 2,000 cfs fish screen and fish bypass pipeline. The vertical screen structure was put into service in 1996 and safely screens out all downstream migrating fish transporting them back to the White River via a 3000-foot-long, 31-inch diameter, 20 cfs fish bypass pipeline. Fish removed from the flowline re-enter the river and continue down the bypass reach of the White River at the discharge end of the bypass pipeline.

6. Twin Pipelines – Twin 10-foot diameter concrete pipelines convey water from a point approximately 3.5 miles downstream of the intake for a distance of 2 miles.

7. Twin Howell Bunger Valves – These valves are located at the downstream end of the pipelines and safely break the head in the pipes prior to the release of water into the downstream reach of the flowline.

8. Earthen Canal – The remaining 2 miles of flowline is a series of earthen canals and basins that end where the water enters the southeast corner of Lake Tapps.

9. Lake Tapps – Covering a surface area of roughly 2,700 acres, Lake Tapps is about 4.5 miles long by 2.5 miles wide. Lake Tapps has a storage capacity of 46,700 acres-feet at the normal maximum high pool elevation of 542.2 fmsl, and has a normal minimum low pool elevation of 515 fmsl. Therefore, Lake Tapps has a range of operating level equal to about 28.5 feet, between normal high and normal low pool elevations.

10. Tunnel Intake – Water exits Lake Tapps through a tunnel intake structure located along the northwest shore of the lake. The bottom of the intake structure is at approximate elevation 490 fmsl and the intake deck is at approximate elevation 544 fmsl.

11. Tunnel – Lake Tapps water is conveyed from the intake structure through a 2,842-foot long, 12-foot diameter concrete tunnel to a concrete forebay structure.

12. Forebay – The 30-foot diameter vertical shaft forebay structure is located near the top of the hill overlooking the White River Valley to the west. The forebay connects the 12-foot diameter tunnel from Lake Tapps to the three penstocks that supply water to the powerhouse located at the base of the hill. The forebay includes 3 slide gates that may be closed to isolate the 3 penstocks from Lake Tapps.

II. PROPOSED NEW WATER SUPPLY SYSTEM FEATURES

1. Pipeline – A pipeline is proposed to connect the proposed new water supply System to the existing Lake Tapps Project. The connection will be made on the north side of the forebay and convey raw water to a proposed water treatment plant.

2. Treatment Plant – A water treatment plant is proposed to treat Lake Tapps water Potable drinking water standards. This plant is currently planned to be located downhill and approximately 500 feet north of the forebay structure.
Alternate Specific Features

3. Regional Inter-connection Points – Currently four alternative potential points of Delivery are being examined. These are:

   Delivery to Tacoma Water's regional supply system at McMillin Reservoir;

   Delivery to Tacoma Water and Seattle Public Utilities' (SPU) regional supply system at the interconnection point of the North Branch of the Second Supply Project (SSP) with Pipeline No. 5 of the SSP;

   Delivery to SPU's regional supply system at the north end of Lake Youngs;

   Delivery to SPU's regional supply system serving the recently formed Cascade Water Alliance (CWA) near the site of the Eastside Reservoir.

4. Pipelines – Large, regional transmission pipelines are required to convey finished Water from the treatment plant near Lake Tapps to any of the potential points of delivery. These pipelines could range in diameter from 48-inches to 60-inches or larger, depending on delivery location(s).

5. Pump Stations- Due to the elevation of Lake Tapps relative to the potential points delivery, and the long distances required for water conveyance, booster pump stations will be required at various points along the pipeline alignments. The necessary pump station size ranges from 2.7 megawatt to 4.7 megawatt, depending on delivery location, alignment, and pipeline diameter.

PERKINS COIE LLP

1110 CAPITOL WAY SOUTH, SUITE 405 · OLYMPIA, WASHINGTON 98501-2251
TELEPHONE: 360 956-3300 · FACSIMILE: 360 956-1208

September 12, 2000

Mr. J. Mike Harris
Department of Ecology
S.W. Regional Office
P.O. Box 47775
Olympia, WA 98504-7775

Re: Water Right Applications for the Lake Tapps Reservoir

Dear Mike:

Enclosed please find two additional applications for the proposal described in Application No. S2-29921. I am also enclosing two documents that provide necessary information for processing the applications. These applications and documents supplement the information necessary for the Department to commence review of Puget Sound Energy's proposal to divert water from the reservoir for public water supply purposes.

The enclosed application for a reservoir permit is to allow for an additional right to store water in Lake Tapps for the water diverted for municipal/public water supply purposes under Application No. S2-29921. This right would be in addition to and not in derogation of PSE's existing storage right. As proposed, the additional use of the reservoir for municipal supply will not increase the maximum storage level (545 msl). As with the Water Right Application No. S2-29921, this application is made with a full reservation of rights as to PSE's existing diversion and storage rights.

The application for the secondary permit is filed to authorize the diversion of water from Lake Tapps reservoir for delivery to a treatment facility for use by the contracted purveyors of the water. PSE is currently in discussions with several purveyors that would be expected to be purveying the water subject to the terms of the permits.

The enclosed documents include a memorandum report by HDR Engineering Inc. that summarizes the water demand for municipal/public water supply in King and Pierce Counties. This report substantiates the need for and the expected beneficial

use of the water within the area described in the application. Attached to this report are preliminary figures and engineering plans depicting options for the diversion, processing, and delivery of the water. The second report is the Lake Tapps Reservoir Water Management Plan, which describes how the diversion and storage of water will be managed to enhance instream flows in the White and Puyallup Rivers.

Please do not hesitate to call if you have any questions.

Very truly yours,

for Tom McDonald

TM:no

Enclosures

cc: Sue Mauermann
Mark Quehrn
Ed Schild
Jill Walsh

PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE (RCW 34.05.330)

Petitioner's Name (please print) Puget Sound Energy Telephone (425) 462-3022

Address PO Box City State Zip Code

P.O. Box 97034 Mail Stop OBC-14N Bellevue WA 98009-9734

Agency Responsible for Administering the Rule, If Known:

The Department of Ecology

Check all that apply below and explain on the back of this form with examples. Whenever possible, attach suggested language. You may attach other pages, if needed.

☐ **1. NEW: I am requesting that a new WAC be developed.**

I believe that a new rule should be developed.

- ☐ The subject of this rule is:
- ☐ The rule will affect the following people:
- ☐ The need for this rule is:

☒ **2. AMEND: I am requesting that a change to existing *WAC 173-510.***

☐ **3. REPEAL: I am requesting existing WAC_____ be removed.**

I believe this rule should be changed or repealed because (check one or more):

- ☐ It does not do what it was intended to do.
- ☐ It imposes unreasonable costs.
- ☐ It is applied differently to public and private parties.
- ☐ It is not clear.
- ☐ It is no longer needed.
- ☐ It is not authorized. The agency has no authority to make this rule.
- ☐ It conflicts with another federal, state, or local law or rule. Please list number of the conflicting law or rule, if know:

- ☐ It duplicates another federal, state or local law or rule. Please list number of the duplicate law or rule, if known:

- ☒ Other (please explain): *The current rule closing streams from further appropriations unnecessarily restricts Ecology' authority to consider water right applications for projects that will meet the intent of stream "closures" and will otherwise be in the public interest. See Attachment A.*

Petitioner's Signature: [signature] Date: 9/14/2000

Attachment A

The Petition to amend WAC 173.510 is being filed to allow the Lake Tapps reservoir to be developed as a source of municipal and public water supply. The rule change is necessary to allow an application for a much needed regional resource of water to be considered by the Washington State Department of Ecology ("Ecology"). This petition is being filed to reflect the significant changes that are occurring in the White River Basin and is supported and offered pursuant to the specific language of the existing rule that provides:

> The Department of Ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions. WAC 173-510-100.

In 1980, Ecology adopted the Puyallup River Basin Instream Flow Management Plan that provided for the allocation and management of water in the Puyallup River Basin. WAC 173-510. The Puyallup River Basin has been designated Water Resource Inventory Area (WRIA) 10. WAC 173-500. Based on the information at the time the rule was adopted Ecology determined minimum levels of instream flows for the rivers and streams in WRIA 10. These flows were established by Ecology to protect, as it saw appropriate, these instream flow values.

Having decided that many of the streams were experiencing such low flows, Ecology decided to simply "close" these streams from further appropriations. Specifically, the rule states:

> The Department, having determined that further consumptive or appropriations would harmfully impact instream values, closes the following streams and lakes in WRIA 10 to further consumptive appropriations. WAC 173-510-040(3).

The White River is "closed" under the rule.

Since the early 1900's PSE has exercised a pre-code water right to divert up to 2000 cubic feet per second (cfs) of water from the White River, store water in the Lake Tapps reservoir, and eventually run the water through a power house, and return the water back into the White River. Between the point of diversion and the point of discharge back to the White River, there exists a "by-pass" reach of the river of over 20 miles. It has been Ecology's position that this by-pass reach has insufficient flow to allow further appropriation.

A FERC license was issued in December of 1997 for the Project, a license which PSE has not accepted. Among other things, the license would require PSE to adjust its diversion, and provide more flows in the by-pass reach. These flows will, according to

federal and state resource agencies, enhance the fishery resource and the instream flow values. This change also creates circumstances justifying consideration of amending the rule related to the White River.

The petition does not however request that the closure on the White River be repealed, although this is an option. Rather, this petition requests a rule change that would allow for Ecology to consider water right applications for the use of water in "closed basins" if the applicant can support the application with evidence that the proposed project would provide substantial environmental enhancement to the Basin or support a comprehensive regional public water supply, and under no circumstances would cause additional impairment to the river during times that the flows are currently known not to meet the minimum flows established for the Puyallup River. This rule amendment will therefore recognize the purpose of the rules and meet the intent of a "closure" in the Puyallup River Basin, and will also provide Ecology with the flexibility to consider applications that, while not causing additional impairment to the instream flows during low flow times, will provide enhancement of the environmental resources or support a regional public water supply. Processing applications under this standard is consistent with the Basin planning adopted by the legislature in Chapter 90.54 RCW. See RCW 90.54.020(2), (3), (5) and (7).

The petitioner's suggest the following amendment to Chapter 173-510.

Insert at WAC 173-510-040 the following:

> **(4) Notwithstanding the closures set forth in subsections (2) and (3) of this section, the department shall process applications for the appropriation of water from surface waters and ground waters affected by such closures if the applications propose a project and use of water that: (a) will not cause any additional impact to the instream flows established for the Puyallup River at a time when the Puyallup River is not meeting the minimum flows set forth in subsection (1) of this section; and (b) will substantially enhance the quality of the natural environment or will result in providing public water supplies to meet the general needs of the public for regional areas.**

We believe that the standards set forth in the proposed amendment are consistent with the criteria that Ecology has included in current rules that allow for expediting applications. See WAC 173-152 (the Hillis Rule) and WAC 173-532 (the Walla Walla Rule). Both of these rules have allowed Ecology the flexibility to prioritize the processing of competing applications if the project would "substantially enhance or protect the quality of the natural environment" or "would result in providing public water supplies to meet the general needs of the public for regional areas." See WAC 173-152-050(3).

Washington State Department of ECOLOGY

State of Washington
Application for a Water Right

For Ecology Use
Rec'd Date
Date

Please follow the attached instructions to avoid unnecessary delays.

SECONDARY PERMIT APPLICATION FOR RESERVOIR PERMIT APPLICATION FOR LAKE TAPPS FOR APPROPRIATION FROM WHITE RIVER—SEE APPLICATION NO. S2-29921

Section 1 - APPLICANT - PERSON, ORGANIZATION, OR WATER SYSTEM

Name *Puget Sound Energy, Inc. : Edward Schild* Home Tel: (_____)_____ - _____

Mailing Address *PO Box 97034 MS: OBC-14N* Work Tel: *(425) 462-3022*

City *Bellevue* State *WA* ZiP+4 *98009 + 9734* FAX: *(425) 462-3175*

Section 2 - CONTACT PERSON TO CALL ABOUT THE APPLICATION

☒ Same as above

Name *Edward R. Schild* Home Tel: (_____)_____ - _____

Mailing Address *same as above* Work Tel: (_____)_____ - *same as above*

City _____ State ____ ZiP+4 _____+____ FAX:(_____)_____ - _____

Relationship to applicant _____

Section 3 - STATEMENT OF INTENT

The applicant requests a permit to use not more than *150 cfs* (☐ gallons per minute or ☒ cubic feet per second) from a ☒ surface water source or ☐ ground water source (check only one) for the purpose(s) of ____ *municipal and public water supply*. **ATTACH A "LEGAL" DESCRIPTION OF THE PLACE OF USE. (See instructions.)** *NOTE: a tax parcel number or a plat number is not sufficient*

Estimate a maximum annual quantity to be used in acre-foot per year: *72,400*

☐ Check if the water use is proposed for a short-term project. Indicate the period of time that the water will be needed:

From ____/____/____ to ____/____/____

Section 4 - WATER SOURCE

IF SURFACE WATER	IF GROUNDWATER
Lake Tapps Reservoir Number of diversions: *one*	A permit is desired for _____ well(s).
Source flows into (name of body of water): *White River*	Size and depth of well(s):

LOCATION

For location of diversion from Lake Tapps Reservoir, see Application S2-29921 and see Attachment A hereto

1/4 of	1/4 of	Section	Township	Range E/W	County	If location or source is platted, complete below: Lot	Block	Subdivision
NW	*NW*	*7*	*20*	*5E*	Pierce			

For Ecology Use: Date Received ____ Priority Date ____
SEPA: Exempt/Non-Exempt ____ NPDES/Consult ____ Dept. of Health ____
Date Accepted As Complete ____ By ____ Date Returned ____ By ____ WRIA ____

APPLICATION Appl. No. ____

Section 5. CENTRAL WATER SYSTEM INFORMATION

A. Name of system, if named: _____

Briefly describe your proposed water system. (See instructions.)

See Application No. S2-29921

C. Do you already have any water rights or claims associated with this property or system? ☒ YES ☐ NO
PROVIDE DOCUMENTATION.

See Application No. S2-29921. Puget Sound Energy has a Water Right Claim No. 160322; the current water purveyors including the municipalities within Pierce, King, and southern portions of Snohomish Counties all have existing water rights as provided in their water system plans on file with the Department of Ecology. This application is made with a full reservation of rights as to PSE's existing diversion and storage rights.

Section 6. DOMESTIC/PUBLIC WATER SUPPLY SYSTEM INFORMATION

(Completed for all domestic/public supply uses.)

A. Number of "connections" requested: _____ Type of connection: _____

See Application No. S2-29921 and supporting documentation on demand analysis.

B. Are you within the area of an approved water system? N/A ☐ YES ☐ NO

If yes, explain why you are unable to connect to the system. ***As stated in the application S2-29921 and supporting documents, this water supply will be a regional water supply.***

Complete C. and D. only if the proposed water system will have fifteen or more connections.

C. Do you have a current water system plan approved by the Washington State Department of Health? ☐ YES ☒ NO
If yes, when was it approved? Prospective purveyors of the water will have approved plans. Please attach the current approved version of your plan.

D. Do you have an approved conservation plan? ☐ YES ☒ NO
If yes, when was it approved? See C., above. Please attach the current approved version of your plan.

Section 7. IRRIGATION/AGRICULTURAL/FARM INFORMATION

(Completed for all irrigation and agricultural uses.)

A. Total number of acres to be irrigated: N/A

B. List total number of acres for other specified agricultural uses:

Use _____ Acres _____
Use _____ Acres _____
Use _____ Acres _____

C. Total number of acres to be covered by this application: _____

D. Family Farm Act (Initiative Measure Number 59, November 3, 1977)
Add up the acreage in which you have a controlling interest, including only:
I Acreage irrigated under water rights acquired after December 8, 1977;
I Acreage proposed to be irrigated under this application;
I Acreage proposed to be irrigated under other pending application(s).

1. Is the combined acreage greater than 2000 acres? ☐ YES ☐ NO
2. Do you have a controlling interest in a Family Farm Development Permit? ☐ YES ☐ NO
If yes, enter permit no.: _____

E. Farm uses:
Stockwater – Total # of animals _____ Animal Type _____ (If dairy cattle, see below)
Dairy -- # Milking _____ # Non-Milking _____

Section 8: WATER STORAGE

Will you be using a dam, dike, or other structure to retain or store water? ☒ YES ☐ NO

NOTE: If you will be storing 10 acre-feet or more of water and/or if the water depth will be 10 feet or more at the deepest point; and some portion of the storage will be above grade, you must also apply for a reservoir permit. You can get a reservoir permit application from the Department of Ecology.

This application is being filed with a reservoir permit application and an application to appropriate from the White River, Application No. S2-29921.

Section 9: DRIVING DIRECTIONS

Provide detailed driving instructions to the project site:

Because of the size and scope of the project, specific driving instructions are not feasible. Please contact Mr. Schild's office for instructions to the particular location you wish to visit.

Section 10: REQUIRED MAP

A. ***See Attachment A of Application for storage permit.***

Section 11: PROPERTY OWNERSHIP

A. Does the applicant own the land on which the water will be used? ☐ YES ☒ NO

If no, explain the applicant's interest in the place of use and provide the name(s) and address(es) of the owner(s):

See Application S2-29921 and supporting documents.

B. Does the applicant own the land on which the water source is located: ☒ YES ☐ NO

If no, submit a copy of agreement:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though I may have been assisted in the preparation of the above application by the employees of the Department of Ecology, all responsibility for the accuracy of the information rests with me.

W. A. Gaines, Vice-President, Energy Supply, Puget Sound Energy for Applicant — Date 9/14/2000

Landowner for place of use (if same as applicant, write "same") — Date

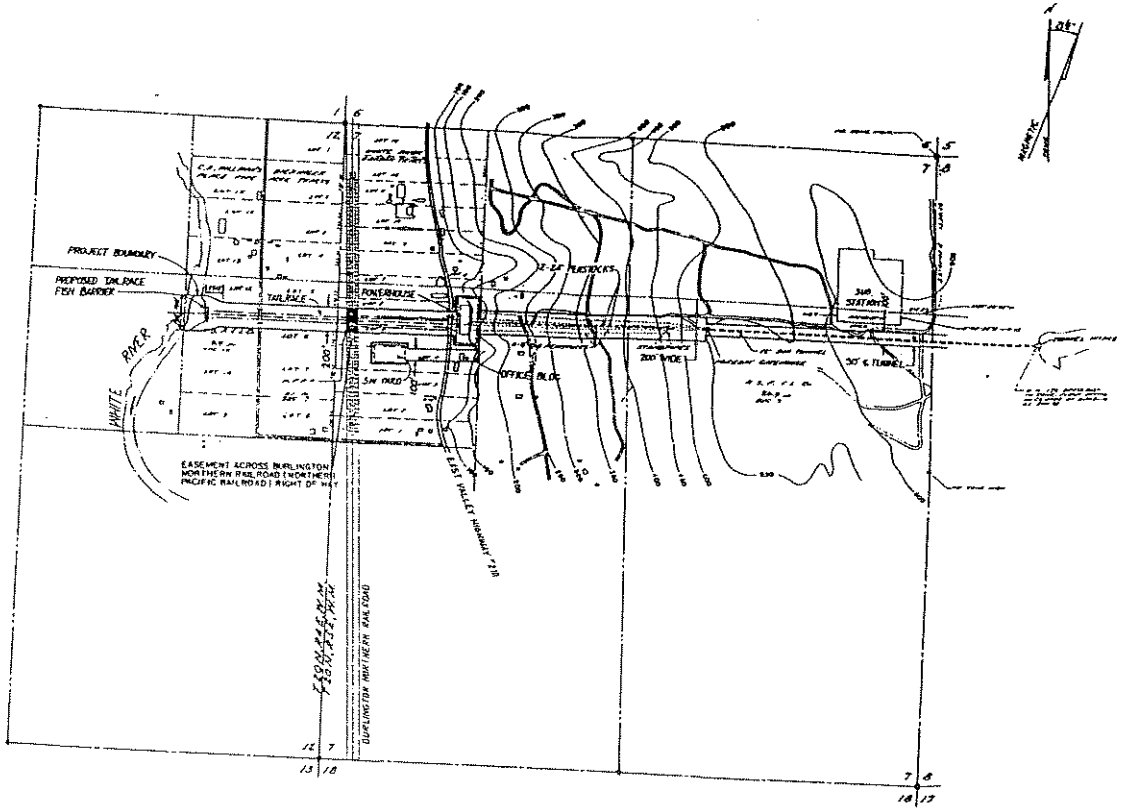
Use this page to continue your answers to any questions on the application. Please indicate section number before answer.

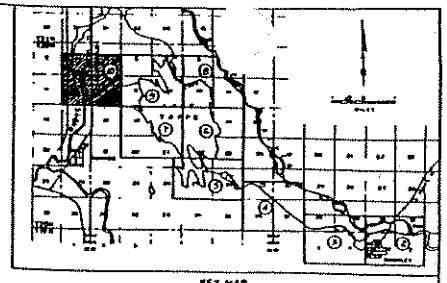
We are returning your application for the following reason(s):	
Examination fee was not enclosed.	APPLICANT PLEASE RETURN TO CASHIER, PO BOX 5128, LACEY, WA 98509-5128
Section number(s) _____ are incomplete	APPLICANT PLEASE RETURN TO THE APPROPRIATE REGIONAL OFFICE
Explanation:	
Please provide the additional information requested above and return your application by _____ *(date).*	

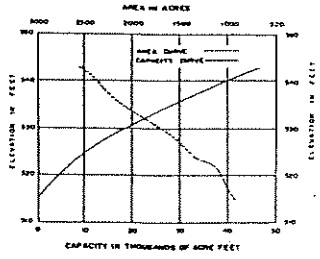
Ecology staff _____ _____ Date _____

Ecology is an Equal Opportunity and Affirmative Action employer.

To receive this document in alternate format, contact the Water Resources Program at (360) 407-6604 (Voice) or (360) 407-6006 (TDD).







AREA & CAPACITY CURVES

T. 20 N., R. 4 & 5 E. W. M.
PIERCE CO., WASHINGTON

SCALE IN FEET

LEGEND

NOTE: ALL ELEVATIONS ARE GIVEN IN FEET MEAN SEA-LEVEL (MSL), UNITED STATES COAST AND GEODETIC SURVEY DATUM.

12/83

PUGET SOUND POWER & LIGHT COMPANY
APPLICATION FOR LICENSE
WHITE RIVER PROJECT
FERC PROJECT NO. 2494

PROJECT BOUNDARY MAP

EXHIBIT G-10

ATTACHMENT A

169317

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

$10.00 MINIMUM STATUTORY FILING FEE REQUIRED WITH APPLICATION
(GRAY BOXES FOR OFFICE USE ONLY)

APPLICATION NUMBER	W.R.I.A.	COUNTY	PRIORITY DATE	TIME	ACCEPTED

APPLICANT'S NAME	TELEPHONE NUMBER
Puget Sound Energy Inc. Contact: Edward R. Schild	*425-462-3022*

DATE AND PLACE OF INCORPORATION, IF APPLICANT IS A CORPORATION
9/12/60 State of Washington Successor to Corporation Incorporated 7/8/12 State of Massachusetts

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
PO Box 97034 Mail Stop OBC-14N	*Bellevue*	*Washington*	*98009-9734*

1. SOURCE, USE AND CAPACITY OF RESERVOIR

NAME OF ~~PROPOSED~~ RESERVOIR
Lake Tapps Reservoir (existing)

NAME OF STREAM OR OTHER SOURCE FOR RESERVOIR SUPPLY	TRIBUTARY OF
White River	Puyallup River

USE(S) TO BE MADE OF IMPOUNDED WATER (IRRIGATION, POWER, FISH PROPAGATION, ETC.)
Public water supply and municipal water supply purposes including industrial and commercial purposes (see application S2-29921)

NUMBER OF ACRE FEET TO BE STORED AT MAXIMUM OPERATING LEVEL
46,700 acre feet

MONTHS OF YEAR DURING WHICH RESERVOIR IS TO BE FILLED
Year round – continuous

NUMBER OF ACRES TO BE IRRIGATED, IF USED FOR IRRIGATION
N/A

TYPE AND CAPACITY OF DIVERSION WORKS IF WATER IS TO BE WITHDRAWN
See Application S2-29921

2. LOCATION OF POINT OF DIVERSION OR WITHDRAWAL

ON ACCOMPANYING PLATS OR MAPS, ACCURATELY MARK AND IDENTIFY EACH POINT OF DIVERSION.
GIVE MEASURED DISTANCE AND BEARING, OR NORTH-SOUTH AND EAST-WEST DISTANCES FROM NEAREST SECTION CORNER.

COMPLETE EITHER A OR B	A	THE RESERVOIR IS TO BE LOCATED IN THE CHANNEL OF (NAME OF STREAM)
	B	THE RESERVOIR IS TO BE FILLED THROUGH A FEEDER CANAL (OR PIPELINE) HAVING ITS POINT OF DIVERSION (INTAKE) LOCATED AS FOLLOWS: *See Water Right Application S2-29921 Existing diversion facility under water right claim No. 180322 in the City of Buckley.*

DISTANCE AND BEARING TO SECTION CORNER
200 feet east and 200 feet south from NE ¼ Section corner of Section 2

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE (E. OR W.) W.M.	COUNTY
NE ¼ Section	*2*	*19*	*6E*	Pierce

3. IF THIS IS WITHIN THE LIMITS OF A RECORDED PLATTED PROPERTY, COMPLETE THIS SECTION

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION

4. LOCATION OF IMPOUNDING STRUCTURE

IMPOUNDING STRUCTURE LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE (E. OR W.) W.M
See Below			

LEGAL SUBDIVISION OF LANDS IN WHICH THE SUBMERGED AREA IS TO BE LOCATED
(THE OUTLINE OF THIS LAND IS TO BE SHOWN ON THE MAP TO ACCOMPANY THIS APPLICATION)

The fifteen saddle dikes surrounding Lake Tapps Reservoir are located on the attached maps from PSE's 1983 White River Project FERC Project No. 2494 License Application, Exhibits G5-G9. SEE ATTACHMENT A.

DO YOU OWN THIS PROPERTY?	IF NO, HAVE YOU SECURED FLOOD RIGHTS FOR LANDS TO BE INUNDATED?
☒ YES ☐ NO	☒ YES ☐ NO

5. CONSTRUCTION OF IMPOUNDING STRUCTURE

HEIGHT OF DAM (FEET)	LENGTH ON TOP (FEET)	LENGTH ON BOTTOM (FEET)	WIDTH ON TOP (FEET)
SEE LAKE TAPPS RESERVOIR EMBANKMENT CHARACTERISTICS-ATTACHMENT B.			

CONTINUED ON REVERSE SIDE

SLOPE OF FRONT OR WATER SIDE (NUMBER OF FEET HORIZONTAL TO ONE FOOT VERTICAL.)	SLOPE OF BACK SIDE (NUMBER OF FEET HORIZONTAL TO ONE FOOT VERTICAL.)
SEE ATTACHMENT A	*SEE ATTACHMENT A*
HEIGHT OF DAM ABOVE WATER LINE AT MAXIMUM FLOOD FLOW (FEET)	TYPE OF CONSTRUCTION OF DAM AND MATERIAL OF WHICH IS TO BE BUILT
See Below	*SEE PAGES II-2 AND II-3, ATTACHMENT B*

The structure is already constructed and operating under a vested water right for hydro-power. The height of the dikes above the water line is determined for of the dikes. The height of the dike crests above the water elevation at full pool (elevation 543.00 ft msld) is calculated by subtracting 543.00 from the elevations in the Lake Tapps Reservoir Embankment Characteristics. Attachment B. The dikes are subject to FERC's exclusive jurisdiction; dike safety is regulated by FERC pursuant to 18 CFR § 12.

LOCATION AND DIMENSIONS OF SPILLWAYS (STATE WHETHER OVER, AROUND OR THROUGH DAM)

There is no spillway at Lake Tapps Reservoir because it is an off channel storage project with controlled inlet.

NUMBER OF ACRES TO BE SUBMERGED BY RESERVOIR WHEN FULL	MAXIMUM DEPTH (FEET)	APPROXIMATE AVERAGE DEPTH (FEET)
2700 acres at normal full pool, at 543.00 ft msld	*91 ft.*	*25 ft at full pool*
ESTIMATED COST OF PROPOSED WORK – EXISTING RESERVOIR	CONSTRUCTION WILL BEGIN ON OR BEFORE (DATE)	
No additional costs are expected for the physical storage of the water for municipal supply	*N/A*	

CONSTRUCTION WILL BE COMPLETED ON OR BEFORE (DATE)

Reservoir is complete and currently used under a vested water right for hydropower purposes.

SIZE AND TYPE OF OUTLET STRUCTURE

The outlet structure is described in Sections 2.3, 2.4, and 2.5, pages A-7 through A-9 of the 1983 FERC License Application. See Attachment C.

6. LEGAL DESCRIPTION OF PROPERTY *ON WHICH WATER IS TO BE USED (IF DIFFERENT THAN ABOVE)*

COPY LEGAL DESCRIPTION FROM DEED: OR ATTACH COPY OF DEED. TAX STATEMENT DESCRIPTIONS NOT ACCEPTABLE.
ALSO OUTLINE THIS PROPERTY ON THE MAPS OR PLATS SUBMITTED WITH THIS APPLICATION

See Application S2-29921

YOU OWN THIS PROPERTY?	IF NO, GIVE NAME AND ADDRESS OF OWNER
☐ YES ☒ NO	*N/A*

This application is being filed with an application for appropriation of water from the White River, See application No. S2-29921, and an application for a secondary permit to divert water from Lake Tapps. Lake Tapps is an existing reservoir that is used for the applicant's current hydro electric power plant that operates under a vested water right. The storage of water in Lake Tapps Reservoir for public and municipal water supply purposes will be under a right that is in addition to and not in derogation of PSE's existing diversion and storage rights; this application is made with a full reservation of rights as to PSE's existing diversion and storage rights.

W. A. Gaines, Vice-President, Energy Supply Puget Sound Energy
APPLICANT

STATE OF WASHINGTON)
) ss.
DEPARTMENT OF ECOLOGY)

This is to certify that I have examined the foregoing application together with the accompanying maps and data and return the same for correction or completion as follows: _____

In order to retain its priority, this application must be returned to the Department of Ecology, with corrections, on or before _____, *20*_____

Witness my hand this _____ *day of* _____, *20*_____

Department of Ecology

APPLICATION

Lake Tapps Embankment Characteristics

Dike Number	Washington ID Number	Crest Elevation (ft)	Base Elevation (ft)	Embank-ment Height (ft)	Embank-ment Width (ft)	Crest Length (ft)
1	WA418	550.8	533.0	17.8	47	200
2A	WA419	545.5	534.0	11.5	25	350
2B	WA420	547.1	530.7	16.4	16	300
3	WA421	545.4	530.3	15.1	39	500
4	WA296	545.1	500.2	44.9	40	4000
5	WA422	545.6	521.5	24.1	55	500
6	WA423	545.6	519.5	26.1	51	500
7	WA435	546.2	540.0	6.2	52	20[illegible]
8	WA424	545.9	525.8	20.1	55	35[illegible]
9	WA425	545.8	530.6	15.2	55	200
10	WA426	546.0	526.6	19.4	48	700
11	WA427	545.4	522.8	22.6	53	1500
12	WA428	545.0	531.1	13.9	42	1250
13	WA429	547.0	539.3	7.7	20	350
14	WA430	547.2	524.0	23.2	74	1450
15	WA431	547.4	524.0	23.4	53	1500

ATTACHMENT B

Currently, Wolslegal and Dingle Basins are actively worked for sediment removal. Sediment removed from the basins is stockpiled adjacent to the canal. Stockpiled sediment at Wolslegal Basin is sold for commercial and residential uses.

The dike adjacent to Wolslegal and Wickersham Basins is approximately 2,500 feet long and is oriented roughly east-west. The crest of the dike is at elevation 668 to 673 fmsl with a width of 20 to 25 feet. The outboard slope of the dike is at an angle of approximately 35 degrees down to the toe which is at an elevation of approximately 635 to 645 fmsl. The inboard dike slope angles between 35 to 45 degrees down to the canal. The dike fill material is reported to be loose to very loose silty sand with some gravels and cobbles, and founded on alluvium and mudflow deposits (Woodward-Clyde 1995).

A concrete lined rock chute is also present at Wolslegal Basin. This chute consists of a 72-inch-diameter concrete intake conduit that discharges to a concrete spillway.

The dike adjacent to McHugh Basin is approximately 1,400 feet long and is oriented roughly southeasterly. The crest of the dike is at elevation 668 to 670 fmsl with a width of 35 to 45 feet. The outboard slope of the dike is at an angle of approximately 35 to 50 degrees. The inboard dike slope angles between 20 to 40 degrees down to the canal. The dike fill material is reported to be loose to very loose silty and clayey sands with gravels and cobbles, and founded on alluvium and mudflow deposits (Woodward-Clyde 1995).

Printz Basin

Printz Basin is located between Lake Tapps and the buried pipeline and was constructed as the final sedimentation basin in the flowline. Two dikes (Dikes 14 and 15) are located on the basin. The Printz Basin Dikes are comprised primarily of two dike fill materials. The upper dike fill is very loose to loose fine sand with silt to silty sand. The lower dike fill is primarily very loose to loose gravelly fine to coarse silty sand. Dike dimensions are listed on **Table II-1**.

Lake Tapps Dikes

Lake Tapps is impounded by a series of 13 dikes ranging in length from a few hundred to a few thousand feet and from a few feet in height up to 40 feet. The lake, once a series of smaller lakes (including 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 is approximately 4.5 miles long and 2.5 miles wide. The lake has an area of 2,700 acres and a storage capacity of 46,700 acre-feet at normal maximum pool elevation (543 feet fmsl) (Puget Power 1983b). The main outlet of the

reservoir is through a 12-foot-diameter, concrete lined tunnel that leads to a forebay from which penstocks divert flow through the White River powerhouse.

As previously discussed, there are 13 dikes that impound the reservoir. The dikes contain approximately 600,000 cubic yards of material (Puget Power 1983a). Documentation developed during the construction of the dikes indicate that the topsoil was first stripped to the impervious strata (till) beneath each dike. Steam rollers were then used to prepare the foundation. Fill material, consisting of cemented gravels obtained from nearby excavations, was transported to the site by dump cars on railway trestles. Large scrapers and donkey engines were then used for placement of the fill.

The dikes were then finished using horse-drawn slip scrapers and wheelers. Initial design specifications required that the dikes have a minimum crest width of 40 feet, upstream slopes of 2.5 horizontal to 1 vertical, and downstream slopes of 2 horizontal to 1 vertical. Subsequent field investigations conducted by Ebasco Services Incorporated in 1983 (Puget Power 1993) and Squire Associates (**Appendix D**) have further defined the characteristics of each dike. The dike fill material typically consists of loose to medium dense silty sandy gravel with silt or clay. The dike dimensions are included in **Table II-1**.

B. SPILLWAY

The Diversion Dam is essentially a continuous spillway and is described in **Section IIA**. There are no other spillway structures on Lake Tapps. Discharge of flow from Lake Tapps if the powerhouse is out of service can be accomplished using four 16-inch penstock drain valves.

C. POWERHOUSE

The concrete powerhouse building is 85 feet wide, 225 feet long, and 55 feet high.

The initial two-unit development at the powerhouse was completed in 1911 and produced 25,000 kVA. The capacity was increased by 7,600 kVA in 1917 by rewinding the existing two units. A third 20,000-kVA unit was added in 1924. An increase of 5,000 kVA was accomplished in 1952 and 1956 by rewinding units 3 and 4, respectively, thus giving a total rated capacity of 25,000 kVA for each unit. The present rated generator capacity is 82,600 kVA. Each generator is directly connected to a single horizontal Francis-type turbine that operates 360 revolutions per minute (RPM) (Puget Power 1983b).

A conduit for collection of downstream migrants is provided and extends the entire length of the fish screens. Downstream migrants enter into the conduit and pass through a 2.0 foot diameter pipeline which discharges into a bypass channel that returns the fish to the White River. The downstream migrants enter the conduit, thus bypassing the Lake Tapps reservoir, and the powerhouse.

A gravity operated emergency gate at the fish screens is located in the south bank of the flowline. This gate is tripped automatically by differential water pressure if the screens become clogged by debris. In case of a trip, an alarm carried over telephone wires is sounded in the powerhouse.

2.2.5 Timber Lined Canal

The canal between Dingle and Printz Basins, the last basin in the flowline, is an 18,600-foot long canal of which 11,800 feet is timber lined. The cross section of the lined portion is rectangular with dimensions of 26 feet in width and 7 feet in depth.

2.2.6 Unlined Canal

From Printz Basin, an unlined canal approximately 2,600 feet long conveys flows to Lake Tapps. Typically, the unlined canal is 13 feet deep and 74 feet wide (measured across the top) and is parabolic in cross section. Flow depth and width vary with Lake Tapps elevations.

2.3 Existing Project Reservoir - Lake Tapps

Lake Tapps serves as the reservoir for the Project. It is approximately 4.5 miles long and 2.5 miles wide. Water diverted from the White River through the diversion system previously described flows into the lake at the south end. The main outlet from the lake is through the White River Powerplant. This outlet, located on the northwestern side of the lake, begins as a 12-foot-diameter, concrete-lined tunnel that leads to a forebay from which the penstocks extend. The only other outlet from the lake is a 2-foot-diameter pipe which is used to satisfy a 1 cfs downstream water right, but which can discharge 5 to 10 cfs if fully opened. The reservoir has no spillway.

Lake Tapps originally consisted of several natural lakes; Lake Tapps, Lake Kirtley, Crawford Lake, and Church Lake. By constructing earthen dikes totalling two and ½ half miles in length, the water level was raised 35 feet above the original elevation. This created the present reservoir, Lake Tapps, having a surface area of approximately 2,700 acres and an active storage capacity of approximately 46,700 acre-feet at normal maximum pool elevation 543 fmsl. The active storage is based on normal minimum pool elevation 515 fmsl.

2.4 Existing Tunnel

2.4.1 Tunnel Intake

The portal to the main tunnel at the outlet of Lake Tapps reservoir is screened with a vertical rack bar screen, 50 feet high and 45 feet wide. The bars are provided with motor operated cleaning devices divided into six separate bays with selective clutches. Debris is deposited on the tunnel intake deck and disposed of manually.

The tunnel entrance is provided with a Stoney gate, 12.5 feet high by 12 feet wide. A 24 inch square Stoney bypass gate is provided in the face of the main gate for filling tunnel. The main gate and the auxiliary gate are motor operated. Vertical air shafts lead from the gate house to the tunnel in back of the gate for venting during the closing of the main gate.

2.4.2 Tunnel Structure

The concrete lined tunnel, located on the northwest shore of the reservoir, is 12 feet in diameter and 2,842 feet in length. The invert elevation is 490 fmsl at the tunnel intake and drops to elevation 477 fmsl at the forebay well.

2.5 Existing Forebay and Penstock

The forebay well, 30 feet in diameter and 73 feet deep, is located at the brow of the hill above the powerhouse. A collection basin is provided at the top of the forebay well to accept surges at this point.

Three 96-inch diameter steel penstocks, each controlled by a 96-inch diameter standard Coffin sluice gate, direct the flow from the west side of the forebay well to the powerhouse below. Three of the penstocks are 2,135 feet long. Just below the forebay, two of the penstocks are tapped forming a supply to a fourth penstock, which is 1,791 feet long. Two 84-inch diameter butterfly valves control the flow into the fourth penstock. These valves and the sluice gates are motor operated either locally from the gatehouse or remotely from the powerhouse control panels.

2.6 Existing Powerhouse

The concrete powerhouse building is 85 feet wide, 225 feet long and 55 feet high.

The initial two unit development at the powerhouse was completed in 1911 and produced 25,000 kVA. The capacity was increased by 7,600 kVA in 1917 by rewinding the existing two units. A third 20,000 kVA unit was installed in 1918, and a fourth 20,000 kVA unit was added in 1924. An increase of 5,000 kVA was accomplished in 1952 and 1956 by rewinding units 3 and 4, respectively, thus giving a total rated capacity of 25,000 kVA for each unit. The present rated generator capacity is 82,600 kVA. Each generator is directly connected to a single horizontal Francis-type turbine that operates at 360 revolutions per minute (RPM).

2.6.1 Hydraulic Turbines

The powerhouse contains four reaction-type horizontal shaft turbines that operate at 360 RPM. Units 1 and 2 are rated at 18,000 HP and Units 3 and 4 are rated at 23,000 HP. Speed is controlled by four gate shaft type governors, the oil pressure being supplied by individual 50 gallon per minute (GPM) governor oil pumps. Each unit is provided with a 30 inch relief valve discharging water from the scroll cases into the tailrace in case of a sudden closing of the gates. Four 78 inch motor operated butterfly valves are located just upstream from the turbines. Two 8 inch bypass valves, one hydraulically operated and the other manually operated, are used to equalize the water pressure during the operation of each butterfly valve.

Large supplies of ground water are available from the post-glacial alluvium deposited in the lower White River valley. Yields of 500-1,500 gpm are typical for wells in the flood plain alluvium along the White River. In the Auburn area, exceedingly high yields in excess of 1,500 gpm can be obtained from wells tapping the deeper alluvium.

Although substantial ground water resources are present in the Project area, the actual utilization of this resource is confined primarily to the larger community systems due to economic considerations. The presence of the Osceola mud flow over much of the area generally necessitates well depths of 200 feet or more for reliable supplies. In addition, state policies generally favor development of areawide water supply systems in order to assure good water quality control. In the Lake Tapps area, this has resulted in a number of former individual wells being relegated to non-potable uses, such as lawn irrigation, with potable water supplies being imported from the larger adjoining water districts and communities, such as Bonney Lake. To the extent that the larger communities are dependent on ground water, they tap the more productive and deeper aquifers along the Lower White, Green or Puyallup valleys. For example, the cities of Sumner and Puyallup both utilize Salmon Springs 1 mile northeast of Sumner for municipal supply. The city of Auburn's utilization of Coal Creek Springs, with a yield of 4,200 gpm (Luzier, 1969), has eliminated what was formerly a highly productive salmon stream tributary to the lower White River. The city of Enumclaw utilizes Boise Creek Springs, 600-1,000 gpm, and Watercress Springs, 800 gpm (Luzier, 1969). In many instances, the larger communities are in part dependent on imported purveyed water supplies, either as a primary source or as backup.

The continued operation of the White River Project should not alter the viability of these existing ground water supplies. Indeed, insofar as leakage from Lake Tapps supports the discharge at nearby Salmon Springs, the continued diversion of water enhances existing ground water supplies.

2.4 Existing Water Uses and Project Water Rights

Instream uses of water in the vicinity of the Project include power production, fish and wildlife, recreation, aesthetics, and stock watering. Power production occurs at the Project's Dieringer power plant at the present time. Under this license additional power production will occur on the Project flow line as well. The assimilative capacity of

the surface waters of Boise Creek and the White River below the diversion dam is also used for the disposal of treated municipal and industrial waste discharges. In addition to the aforementioned instream uses, surface waters in the Project area are diverted and utilized for irrigation, stock watering, and domestic, municipal and industrial water supplies (WDOE, 1980).

For the White River Project, Puget holds a vested year-around water right claim to 2,000 cfs from the White River at the current point of diversion, within the NE 1/4 of the SW 1/4, Section 25, T. 20 N., R. 7 E. The right is based on claims dated April 17, 1895; April 27, 1901; and from the adjudicated Pacific Coast Power Company vs. Peter Quilquilion, dated April 13, 1910. Puget Power, or its predecessors, has, since 1911, consistently diverted this amount of water, subject to the availability, passing 30 cfs, which is required to be released downstream at all times under terms of the April 13, 1910, Pierce County Superior Court decree (No. 28120). This claim for riparian and water rights was acquired prior to the State of Washington Water Code of June 15, 1917. This water rights claim was registered in June, 1974, and was assigned a water right claim #160822 by the State of Washington Department of Ecology.

Other water rights held in connection with the Project include a registered water rights claim (#160812) to divert an average of 43 gpm from an unnamed spring in the NE 1/4 SW 1/4, Section 7, T. 20 N., R. 5 E. This water is used for domestic water for the power plant and three Company houses owned by Puget Power. The Company also claims rights for water storage in Lake Tapps in the amount of 46,700 acre-feet. The basis for this storage right is under claims dating to October 30, 1902; November 3, 1902; and August 3, 1909, and riparian and property rights acquired prior to the establishment of the state water code of June 15, 1917. Under this claim, a valved release of 1 cfs is provided from Lake Tapps to a former outlet stream to provide water for stock watering and irrigation.

Puget Power makes no other consumptive use of the Project waters; however, unregistered usage of the waters of Lake Tapps for lawn and garden watering is known to occur, and shallow wells along the 47 miles of lakeshore may draw more or less directly from the lake. Since much of the water so used is returned to the lake, no attempt has been made to quantify any consumptive water loss due to this usage. A water budget for Lake Tapps suggests that between 1963 and 1981, the average outflow from the reservoir at 949 cfs exceeded the measured canal inflow by 37 cfs. Thus,

Attachment B – Preliminary Permit

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

March 20, 2001

Ed Schild
Puget Sound Energy
PO Box 97034 OBC-14W
Bellevue WA 98009

Dear Mr. Schild:

Re: Preliminary Permit for Water Right Applications S2-29920, S2-29934, and R2-29935

On June 20 and September 15, 2000, Puget Sound Energy filed the above referenced water right applications. The intent of all three applications is to secure permits to appropriate public waters, subject to existing rights, from the White River and Lake Tapps for public and municipal water supply purposes including industrial and commercial uses. The water would be used in portions of Pierce, King and Snohomish counties. The diversion and storage of water would operate in conjunction with the applicant's current diversion and storage facilities that are used under the applicant's claimed rights to divert 2000 cfs from the White River and store water in Lake Tapps for its hydroelectric operation. The proposal includes provisions designed to mitigate for adverse impacts including, but not limited to, protection and restoration of instream flows in the White River.

Under the provisions of Chapter 173-510 WAC - Instream Resource Protection Program for the Puyallup-White River Basin, Water Resource Inventory Area 10, minimum flows have been established for the Puyallup River and the White River is closed to further consumptive withdrawals. The Department of Ecology's (Department) authority under RCW 90.54.020(3)(a) allows for approval of a further appropriation where, "it is clear that over-riding considerations of public interest will be served", even in cases of closure. RCW 90.03.290 authorizes the Department to issue a Preliminary Permit, for a period not to exceed three (3) years (subject to limited renewal) requiring the applicant to make needed surveys, investigations, and studies. Accordingly, this letter serves as a preliminary permit to collect and provide additional information.

This preliminary permit is subject to the following conditions:

1) The effective date of this preliminary permit is March 20, 2001. The preliminary permit is valid for one year and will expire on March 20, 2002, unless extended pursuant to RCW 90.03.290 prior to the date of expiration.

2) All studies and requested information will be made available to the Department, in report form, before this date. Per RCW 90.03.290, failure to comply with the conditions of the preliminary permit within the time period allowed will result in the preliminary permit and the applications on which it is based being automatically canceled and the applicant so notified.

In order to comply with this preliminary permit the applicant will need to provide the Department with the following information regarding the feasibility of the project. The applicant shall provide information

to the Department as it becomes available, and shall work with the appropriate Department staff on an ongoing basis to insure the information meets the conditions of the preliminary permit. As a result of this coordination, the Department may revise the information request. The Department reserves the discretion to determine whether a condition has been met if sufficient information is provided to make a determination under RCW 90.03.290 and 90.54.020. All analyses conducted must be accompanied by descriptions of methods, assumptions and inputs, confidence intervals, associated products (such as hydrographs), discussion sections, as well as conclusions.

1. Feasibility Information:

a) Infrastructure Analysis - The applicant must provide a report on the proposed diversion and conveyance system for the use of water requested in the application. This report should include engineering and construction diagrams, and proposed construction schedules for the water diversion structures, treatment system, and transmission lines including existing and new facilities.

b) Public Water Quality Analysis - The applicant must provide information about the construction and operation of the treatment plant. This should include an assessment as to whether the proposed treatment system would be able to address the specific water quality concerns associated with Lake Tapps water sufficient to meet the Washington State Department of Health (DOH) standard as set forth in WAC 246-290-130.

c) Description of Place of Use - The applicant must provide a map with defined boundaries that shows the proposed place of use, including a legal description of those boundaries. To the extent the proposed place of use is described and mapped as a large area that may be narrowed or limited in the future, the applicant must provide a proposal describing the manner and a schedule that would be a condition in any permit for narrowing place of use. The place of use must be consistent with the demonstration of future demand.

d) Demonstration of a Future Demand for this Water Within the Place of Use – The applicant must provide demand projections for specified purveyors or wholesale customers that are anticipated to receive water, and state the basis and provide evidence for such anticipated receipt of water. Such demand projections must take into account land use, population density, customer service type, and current rates of water use measured by utility metering data. Such analysis must also take into account at least one scenario which incorporates conservation standards based upon the best practices in the service areas and include demand side conservation measures (such as increasing block, conservation based pricing structures). The demonstration of future demand must also take into consideration other sources of water that are available to serve the same demand. Insofar as applicable, this information can be provided by summarizing current studies including but not limited to the most updated water system plans approved by DOH for the specific purveyors.

2. Puyallup River Basin Flow Analysis:

a) Flow Modeling for the White and Puyallup Rivers - The applicant must perform simulations for normal, dry and drought conditions using watershed and reach-specific models to simulate the hydrologic effects of the project using routing and reservoir management models that account for water availability and use. Prior to running these simulations the applicant shall confer with the

Department as to the normal, dry and drought conditions the applicant intends to model and obtain the Department's written approval of such conditions, which approval shall not be unreasonably withheld. Hydrologic effects shall be assessed using daily time-step increments throughout the year for projected daily flows at the USGS Buckley gauge (12098500), in the White River below the diversion dam, in the White River below Deringer, in the Lake Tapps tailrace at Deringer, and at the USGS lower Puyallup gauge (12101500). Such analyses shall require a flow modeling approach, where travel time and hydraulic routing are accounted for between gauging stations.

b) Modeling Considerations - The applicant's modeling must take into account the minimum instream flow levels and ramping rates set forth in the forthcoming NMFS Biological Opinion, the flows set forth in FERC Order 2494, the flows recommended by NMFS during that FERC proceeding and such flows as may be established under the Lake Tapps Task Force settlement (if any), and assuming all proposed water reserves or spills for mitigation. Delay in the completion of these flow recommendations by NMFS and/or the Task Force may be grounds for extension of or amendment to this component of the preliminary permit. The applicant must also take into account daily operations at Mud Mountain Dam and the applicant's Electron Powerplant. Additionally, the Department's Watershed Assessment for the Puyallup-White Watershed (OFTR 95-08) indicated a downward trend in low flows in the Puyallup River as of 1993. To the extent possible these effects should be accounted for in the model.

c) Description of the Proposed Reservoir Operations - The applicant shall produce a reservoir hydrologic budget for normal, dry and drought conditions, which considers the projected flows, the minimum instream flows and ramping rates discussed in the previous section, leakage, and evaporation. Using these results, the applicant shall then quantify the volume of reservoir water that would be available for public water supply, mitigation flows in the lower White and Puyallup rivers, hydropower purposes, and obligations set forth in any Lake Tapps homeowner's agreement. To accomplish this task the applicant shall produce a preliminary reservoir operations management plan which shall define how the reservoir would be operated during various hydrologic (normal, dry and drought) conditions, particularly with respect to prioritization of reservoir water use for public water supply, mitigation flows in the lower Puyallup, and hydropower purposes. Such analyses shall include an analysis of the timing and quantity of waters that would be diverted from the White River both for public water supply under the new water supply project and for use in the hydroelectric facility under the existing water right claim.

d) Predicted River Conditions with the Water Supply Project - Incorporating all the above, the applicant shall then construct predicted hydrographs with the effect of the water supply project on a daily, weekly and monthly basis for all above mentioned White River and Puyallup River locations during normal, dry and drought conditions. The applicant shall then conduct an analysis of current flow conditions, utilizing USGS flow records when available, and compare these to projected, post project flows. In both instances such analyses shall predict how often and with what exceedance probability minimum flows will not be met in the lower Puyallup River during normal, dry and drought conditions.

3. Specific Environmental Concerns:

a) Augmentation/Instream Flows - The applicant's applications include a proposal to condition diversions based upon FERC approved instream flows in the White River, to use water stored in

Lake Tapps to augment low flows in the lower Puyallup River, and to provide water for basin needs. Accordingly, the applicant must clarify when such water would be made available to augment and the anticipated timing of releases from the reservoir.

b) Effect on Water Quality - The applicant must provide Ecology with an analysis of how water quality (under Chapter 173-201A-030 WAC) in the lower White and Puyallup rivers would be affected by the proposed water supply project. Specifically, the applicant must analyze what effects changes in flow regimes would have on the diurnal pH cycle, nutrient concentrations ammonia-N, nitrate+nitrite-N, total nitrogen, total phosphorus, and soluble reactive phosphorus, dissolved oxygen levels, 5-day BOD, water temperatures, fecal coliform bacteria, and residual chlorine in normal, dry, and drought years.

The applicant must describe how changes in freshwater releases from the reservoir will affect bed sediment movement as it relates to the water column stratification in the lower Puyallup River in August and September.

The water quality analysis must address the effects of temperature, oxygen and oxygen demand levels of water leaving the reservoir on the lower White and Puyallup rivers. Accordingly, data must be collected from the tailrace during August, September and October of 2001 to provide a basis for prediction of the effects of discharges of reservoir water on both temperature and dissolved oxygen levels in the rivers. Tailrace monitoring must include continuous monitoring for dissolved oxygen, pH, conductivity and temperature, and weekly samples for Total Organic Carbon, Biochemical Oxygen Demand, ammonia-N, nitrate+nitrite-N, total nitrogen, total phosphorus, soluble reactive phosphorus, fecal coliform bacteria, and chlorophyll-a. If sampling in the tailrace indicates potential water quality concerns further studies of reservoir water may be necessary.

Changes in the amount of water discharged on a daily basis to the lower White River may affect dilution factors associated with mixing zones for downstream NPDES permit holders. The applicant must analyze what the effects of the proposed water supply project will have on effluent pollutant limits for downstream NPDES permit holders.

c) Effect of Water Supply Project on Fish Habitat - The applicant shall evaluate how the proposed water supply project would affect the ecosystem and fishery downstream of the project, particularly in the lower Puyallup River/estuary. Such analyses shall build upon the flow modeling described previously, and shall evaluate such things as ramping rates, changes to sediment transport and channel geometry, and influences on water quality, as these relate to fish. This analysis shall also examine the probabilities of increased mortality, stranding, susceptibility to predation, as well as altered fish migration, potential loss in communication with off-channel wetland habitat, reductions in suitable habitat, changes in food sources, and disruption of life cycle needs (spawning, recruitment, migration). Prior to undertaking this analysis, the applicant shall confer with the Department and obtain its written approval of the scope and methods of analysis and data collection proposed, which approval shall not be unreasonably withheld. The above analyses shall address both the effects of augmentation of lower White/Puyallup river summer flows and the diversion/changes in storage from Lake Tapps as they relate to consumptive use. The Puyallup Tribe has been working with Pierce County and others in implementing several restoration projects involving inundation of side channels and oxbows in the lower Puyallup River. Correspondingly, any habitat alterations that would result from the

applicant's water supply project need to be considered with respect to current and future habitat changes associated with such salmon restoration efforts.

If it is anticipated that providing water under the proposed water supply project would have any offsite (out of watershed) effects on fish, these too should be identified and evaluated. Such considerations may include surface water sources used by other purveyors, which are or will be subject to Endangered Species Act restrictions and would experience higher flows as a result of the applicant providing an alternate source of water. Additionally, if environmental benefits are anticipated as a result of the water supply project not described elsewhere, such as maintenance of wildlife lands associated with Lake Tapps itself, these should be identified and analyzed.

d) Effects on Ground Water - The applicant must analyze the effects that changes in White River flows and Lake Tapps storage would have on groundwater recharge and the regional ground water supply. Such work shall include a characterization of groundwater and surface water interactions, and discharge to the Puyallup and White rivers and their tributaries. This work shall also include an analysis of any potentially affected surface water and ground water rights, as well as effects on Coal Creek Springs, flows in the Green River, and ground water underlying the Auburn valley and the Muckleshoot Tribe and Puyallup Tribe Indian reservations. This analysis may be done based upon existing data to the extent that it is sufficient for these purposes.

It is the responsibility of the applicant to ensure that all other needed permits and approvals for this project have been identified and are being pursued. All expenses, liabilities and risks incurred as a result of providing the information requested under this preliminary permit shall be borne by Puget Sound Energy. In issuing this preliminary permit, the Department in no way guarantees or implies that a formal permit will be granted to divert water from the White River if the above information is provided. The Department reserves the right to request additional information from the applicant as needs arise.

Issuance of this preliminary permit is an appealable decision. Your appeal must be filed with the Pollution Control Hearings Board, PO Box 40903, Olympia, WA 98504-0903 within thirty (30) days of the date this decision was mailed. At the same time your appeal must be sent to the Department of Ecology c/o Appeal Coordinator, PO Box 47600, Olympia, WA 98504-7600. Your appeal alone will not stay the effectiveness of the Order. These procedures are consistent with Chapter 43.21B RCW.

Sincerely,

J. Mike Harris
Water Resources Supervisor
Southwest Regional Office

JMH:TC:th

Cc: Bob James, WA State Department of Health
Bill Sullivan, Puyallup Indian Tribe
Carla Carlson, Muckleshoot Indian Tribe
Mayor Chuck Booth, City of Auburn