

CLEAN, FLOWING WATERS FOR WASHINGTON

The Center for
Environmental Law & Policy

January 22, 2015

Washington Department of Ecology
Eastern Regional Office
Attn: Keith Stoffel and Gene Drury
Spokane, WA

Via e-mail to ksto461@ecy.wa.gov and gdru461@ecy.wa.gov

Re: City of Spokane draft Change ROEs 504-D and 548-A

Dear Mr. Stoffel & Mr. Drury:

Please accept these comments from the Center for Environmental Law & Policy regarding the City of Spokane's proposed applications to add a point of withdrawal to two existing water rights.

- (1) The intent of the change application is, in part, to facilitate increased groundwater pumping by the City of Spokane to provide water to areas not currently served by the City, thus increasing the City's use of its inchoate (unused) water rights. Granting this water right change will also have the effect of evading protections for the Spokane River that will come with adoption of the instream flow rule (see draft WAC 173-557, presumably to be adopted on or before March 17, 2015).
- (2) The draft ROEs are inadequate for failure to discuss the increase in pumping that will occur and the consequent adverse impacts to the Spokane River.
- (3) The draft ROEs are inadequate for failure to discuss and address the City of Spokane's lack of diligence in putting its rights to use, and/or the excessive quantities of water that have been granted to the City in excess of its reasonable future needs.
- (4) The draft ROEs are flawed for failure to conduct a tentative determination of the extent and validity of the two water rights, pursuant to RCW 90.03.330(2), and to relinquish or rescind or declare abandoned the unperfected portions of the City's water rights.
- (5) The ROEs is inadequate for its failure to discuss and address the City of Spokane's lack of reasonable efficiency, including the City's failure to meet its water system plan conservation goals.

- (6) The SEPA documents fail to discuss the impact of increased pumping on surface flows in the Spokane River. Ecology cannot rely on these incomplete environmental documents as a substitute for its own analysis of the impacts of the proposed change.
- (7) It is improper to issue a permanent water right to the City when it has not yet determined where the new point of withdrawal (POW) will be located. Under these circumstances, the appropriate process is to issue a preliminary permit to allow the City to undertake whatever investigations are necessary to determine where the new POW will be located.

Please feel free to contact me if you have any questions regarding these comments. CELP would appreciate receiving a copy of the final ROEs if/when they are issued.

Sincerely,



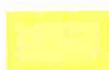
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Attachment: City of Spokane Place of Use Map (2006)

**CITY OF SPOKANE
WATER DEPARTMENT**

**PLACE OF USE FOR
CITY OF SPOKANE
WATER RIGHTS**

Area Index	
W.D.	Water District
I.D.	Irrigation District
S.C.W.D. #3	Spokane County Water District #3
V.W.D. #13	Vel View Water District #13
K.N.	Kaiser North
K.S.	Kaiser South
N.S.I.D. #8	North Spokane Irrigation District #8
Mt. S.M.	Mt. Saint Michaels
C.I.D. #7	Carnhope Irrigation District #7
E.S.W.D. #1	East Spokane Water District #1
O.A.I.D. #6	Orchard Avenue Irrigation District #6

-  City of Spokane Limits
-  Total ultimate City of Spokane water service area for water rights place of use
-  Present City of Spokane retail service area
-  Present City of Spokane wholesale customers service areas for water rights place of use
-  Adjoining service areas for existing emergency interties or future wholesale for water rights place of use
-  Adjoining service areas for future emergency interties or future wholesale for water rights place of use

Note: Small private water systems located within or contiguous to the primary purveyor service areas are included for water right place of use.

-  Highways
-  Railroads
-  Major Arterials
-  Rivers

0 1 2 4 Miles



THIS IS NOT A LEGAL DOCUMENT:
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc

City of Spokane GIS
Date: November 29, 2006

Figure 1.6.2

