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March 22, 2010

Mark C. Schuppe, Section Manager
Water Resources Program
Washington Department of Ecology
15 W. Yakima Ave., Suite 200
Yakima, WA 98902

Dear Mr. Schuppe:

Subject: Hillis Rule Priority Water Right Processing for S4-35271 - New Off-channel Salmonid Rearing Habitat on lower Rattlesnake Creek

The Washington Department of Fish & Wildlife (WDFW) is the fisheries resource co-manager with the Yakama Nation (YN). The YN is working with landowners, **Robert** and **Carol Inouye**, to develop salmonid side channel rearing habitat on their property adjacent to lower Rattlesnake Creek, tributary to the Naches River. The applicants propose to use the existing McDaniels Ditch (adjudicated water right (Q_i) for irrigation/stock water = 3.47 cfs) to divert an additional 4 cfs during the April 15-Oct. 15 irrigation season and up to 7 cfs during the non-irrigation season to supply water to the new side channel on a year-round basis. The side channel will flow between the creek and the irrigation ditch following a relic high flow channel and return to Rattlesnake Cr. approximately 0.75 miles downstream from the McDaniels Ditch point-of-diversion (see attachments). The project will create low velocity side channel rearing habitat which will benefit juvenile steelhead (ESA listed), spring chinook, coho, and resident rainbow trout, westslope cutthroat trout and bull trout (ESA listed) year-round. The Inouye's are requesting a maximum Q_i of 7 cfs for non-consumptive fish rearing use, but will only divert the flow necessary to provide downstream passage/egress to the creek for fish rearing in the side channel. Late summer low creek flows in the 30-35 cfs range are sufficient to satisfy this request, while still maintaining sufficient flow in the bypass reach to provide good passage for adult bull trout and spring chinook salmon headed upstream to spawn. Side channel conveyance losses to the coarse alluvial substrate near the creek will quickly return to Rattlesnake Cr. within the bypass reach, or at least, upstream of the confluence with the Naches River. There are no other adjudicated water rights diverting surface flow from the bypass reach that could be adversely impacted by approving S4-35271. Approval will substantially enhance the quality of the natural environment in lower Rattlesnake Creek by creating complex, high quality, off-channel rearing habitat that will increase survival of juvenile salmon, steelhead and bull trout, particularly during winter flood events. Consequently, WDFW supports the Inouye's (and YN's) request for Hillis Rule priority processing of S4-35271.

If you have any questions, please give me a call.

Sincerely,

A handwritten signature in cursive script that reads "John A. Easterbrooks".

John A. Easterbrooks
Regional Fish Program Manager