



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

April 27, 2012

Mt Adams Orchards Corp
Don Gibson
PO Box 1588
Yakima WA 98907-1588

RE: Water Right Application No. CS4-25155 C Temporary Change of Point of Diversion.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A PERMANENT WATER RIGHT WILL ISSUE FOR THE WATER USE HEREIN AUTHORIZED.

Background

On October 20, 2011, Mt. Adams Orchards Corporation (Mt. Adams), of Yakima, WA filed an application to temporarily change the point of diversion (POD) of Surface Water Certificate No. S4-25155C from May 1 through October 1 2012. Mt. Adams also filed an application on January 19, 2012 with the Klickitat County Conservancy Board (KCCB) application No. CS4-25155C@1 to permanently change the POD and amend the place of use of Surface Water Certificate No. S4-25155C.

The certificate authorizes 0.70 cfs and 196 acre feet per year to be used from May 1 through October 1 for the irrigation of 65 acres. The authorized point of diversion was located on Northwestern Lake (Condit Dam impoundment) on the White Salmon River and is no longer useable due to the drawdown of the reservoir.

Mt. Adams has applied to change their POD to up to 3 points from the White Salmon River and 2 Points of Withdrawals (wells) that utilizes the bank storage of the White Salmon River. They have decided after filing this application not to pursue the two wells for this temporary application but will pursue the authorization for the wells with their application field with KCCB.

The two PODS' will be located on the White Salmon River:

- Point 1) 2400 feet west and 100 feet south of the NE corner of Section 10, within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 T. 3 N., R. 10 E.W.M (this is the current POD which they are asking to retain.)
- Point 2) 2800 feet west and 500 feet south of the NE corner Section 10 being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ or NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10 T. 3 N., R. 10 E.W.M.
- Point 3) 1900 feet west and 2650 feet south of the NE corner Section 10, within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ or SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 T. 3 N., R. 10 E.W.M.

Mt Adams may decide not to utilize all three of the PODs but to focus on the most feasible locations.

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Public Notice

Public notice of the application was published in the White Salmon Enterprise on January 26, 2012, and February 2, 2012. No letters of protest or comments were received during the 30-day protest period.

Beneficial Use

Based on reviewing 2011, 2009, 2006, and 2005 aerial photos it appears that 65 acres are planted with trees and place of use has been irrigated.

This review of the beneficial use does not represent a full Tentative Determination of the extent and validity of certificate CS4-25155C. The full Tentative Determination of the extent and validity of the Surface Water Certificate No. S4-25155C will be conducted by the KCCB.

Availability and Impairment

The applicant is proposing to divert from two new points on the White Salmon River and from two wells that will be in continuity with the White Salmon River.

The two POD will be located downstream of the authorized POD of Certificate S4-25155C and will not have any additional impacts the White Salmon River.

Subsequent to the filing of this temporary application, the applicant has opted to delay pursuing the authorization for the wells with their application filed with KCCB.

Conclusions and Decision

The water proposed for this temporary change is pursuant to 90.03.390, has been put to beneficial use, is available for the proposed project, is eligible for change and can take place on a temporary basis without impairing existing water rights.

Provisions

This Temporary Authorization is subject to the following limitations and provisions:

1. The priority date of this water right is April 21, 1977.
2. The three points of diversions will be located on the White Salmon River:
 - Point 1) 2400 feet west and 100 feet south of the NE corner of Section 10, within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 T. 3 N., R. 10 E.W.M
 - Point 2) 2800 feet west and 500 feet south of the NE corner Section 10 being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ or NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10 T. 3 N., R. 10 E.W.M.
 - Point 3) 1900 feet West and 2650 feet South of the NE corner Section 10, within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ or SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 T. 3 N., R. 10 E.W.M.
3. The place of use is located within Section 10, T. 3N., R. 10 E.W.M.; The NE $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, except that part thereof lying W of a line commencing at a point 212.5 feet east of the north

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quarter corner of said Section 10; thence S 703 feet; thence southeasterly 703.5 feet to the south line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 10, SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ except a strip of land along the E side thereof; that part of the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 10 T. 3 N., R. 10 E.W.M., lying E of a line beginning at a point in the S line of said tract 803.3 feet W of the SE corner of said tract; thence northerly to a point 752 feet W of the NE corner of said tract; less right of way.

4. The period of use will be **May 1, 2012** through **October 1, 2012**.
5. The duration of this Temporary Authorization shall expire on **October 1, 2012** or upon issuance of a final decision on CS4-25155C@1 whichever comes first.
6. The combined diversion shall not exceed 0.70 cubic feet per second (313.5 gallons per minute) and 196 Acre feet per year.
7. The purpose of use is for irrigation of 65 acres.
8. The diversion intake shall be tightly screened at all times with wire mesh having openings with dimensions not greater than 0.125 (1/8) inch.
9. The operator of the system under this authorization shall:
 - Be aware of the parameters and provisions and operate accordingly.
 - Have a copy of this Temporary Change Authorization.
 - Provide said copy of this authorization upon request of Department of Ecology staff.
10. Water use data shall be recorded shall be recorded weekly and shall be submitted to Department of Ecology, Central Region Office, Water Resources Program by January 31, 2013.
11. At a minimum, the following information shall be included with the submitted water use data: owner, contact name if different, mailing address, daytime phone number, WRIA 29, Seasonal Permit No. CS4-25155C, instantaneous and annual quantities water volume extracted and volume injected including units of measurement. In the future, Ecology may require additional parameters to be reported or more frequent reporting.
12. Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.
13. This Temporary Authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.
14. The water source and or transmission facility may not be located entirely upon land owned by the applicant. Therefore, the applicant is advised that issuance of a permit by the Department of Ecology for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess.
15. No water right in perpetuity shall result from this temporary authorization.

YOUR RIGHT TO APPEAL

You have a right to appeal this Decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Decision. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Decision:

- File your appeal and a copy of this Decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW, Suite 301 Tumwater WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

Sincerely,



Mark Kemner
Water Resources Program

MK:EH

ss/120428

Enclosures: Water Measuring Requirements
Your Right To Be Heard

cc: Dave McClure, Klickitat County Water Conservancy Board