File NR CS4-16312(A1)P@3
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DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
Seasonal Change Authorization
CS4-16312(A1)P@3

Transfer of 213 acres in Place of Use and Add a Point of Diversion for 2013 Season Only

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APPLICATION SUBMITTAL
12/21/2012

SEASONAL CHANGE AUTHORIZATION NUMBER
CS4-16312(A1)P@3

MAILING ADDRESS
Farmland Reserve Inc.
Attn: Thomas Mackay
7404 W Hood PL. Ste. B
Kennewick, WA 99336

SITE ADDRESS (IF DIFFERENT)
Generally, the place of use of the transferred acres is about four miles WNW of Plymouth, WA, south of Bing Canyon.

Quantity Authorized for Diversion

DIVERSION RATE	UNITS	ANNUAL QUANTITY (Acre-feet per year)
3.97	CFS	571

Purpose

PURPOSE	DIVERSION RATE ADDITIVE	DIVERSION RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Irrigation	3.97		CFS	571		4/1 – 10/31

IRRIGATED ACRES ADDITIVE	IRRIGATED ACRES NON-ADDITIVE	PUBLIC WATER SYSTEM INFORMATION WATER SYSTEM ID	PUBLIC WATER SYSTEM INFORMATION CONNECTIONS
213	0	N/A	

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Benton	Columbia River	Pacific Ocean	31-Rock-Glade

SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Columbia River	115572000001001	05N	27E.W.M.	15	NWNW		

Place of Use

PARCELS

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE
213 acres within the E½ Sec. 33 T. 6 N., R. 27 E.W.M.

Proposed Works

Irrigation system is already in place and operable.

FILE COPY

Measurement of Water Use	
How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume in acre-feet
What rate should be reported?	Annual Peak Rate of Diversion in cfs

Provisions

Measurements, Monitoring, Metering and Reporting

An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Department of Fish and Wildlife Requirement(s)

The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. http://wdfw.wa.gov/about/contact/.

No dam or weir shall be constructed in connection with this diversion.

Quantity Limits, Flow and Regulation

This change does not authorize an enlargement of those quantities in cubic feet per second or acre-feet per year as described under S4-16312(A1)P.

Two hundred thirteen (213) acres of the original place of use of Surface Water Permit S4-16312(A1)P shall be fallowed for the duration of the 2013 irrigation season. As such, only 1,000 acres remain authorized under S4-16312(A1)P for 2013. Irrigation occuring during the 2013 irrigation season within the fallowed 213 acres of the place of use of S4-16312(A1)P shall constitute a violation of the terms of this authorization, and will result in its immediate termination. Other enforcement actions, including but not limited to fines and/or penalties, may also follow as a result of a violation.

Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

Schedule and Inspections

This seasonal change shall expire at the end of the 2013 irrigation season, being October 31, 2013, at which time the transferred 213 acres of the place of use shall automatically revert back to that described under S4-16312(A1)P.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

General Conditions

The applicant is advised that the issuance of this seasonal change by Ecology does not convey a right of access to, or other right to use land, which you do not legally possess. Obtainment of such a right is a private matter between the applicant and the owner of the land.

Use of water under this authorization shall be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances or regulations.

Ecology assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this seasonal change authorization. Applicants for seasonal change should not construe that a seasonal change will result in the granting of a permanent change of water right.

Authorization

Subject to existing rights and the provisions specified above, I ORDER the requested seasonal changes to transfer 213 acres to a new place of use under Change Application No. CS4-16312(A1)P@3, for the 2013 irrigation seasons only.

Signed at Yakima, Washington, this 30th day of April, 2013.

Mark C. Schuppe, Operations Manager
Office of Columbia River

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. 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 the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order 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 Order 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.

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 RD SW Ste 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

For additional information visit the Environmental Hearings Office Website: http://www.eho.wa.gov. To find laws and agency rules visit the Washington State Legislature Website: http://www1.leg.wa.gov/CodeReviser.

INVESTIGATOR'S REPORT
Application for Seasonal Change to S4-16312(A1)P -- Farmland Reserve Inc
Water Right Control Number CS4-16312(A1)P@3
Thomas Perkow, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Seasonal Change Application Number CS4-16312(A1)P@3.

Table 1: Summary of Requested Seasonal Change

Applicant Name:	Farmland Reserve Inc
Date of Application:	12/21/2012
Place of Use	Temporary transfer of 213 acres within E½ Sec. 33 T. 6 N., R. 27 E.W.M.

County	Waterbody	Tributary To	WRIA
Benton	Columbia River	Pacific Ocean	31-Rock-Glade

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Irrigation	3.97	CFS	571	04/01	10/31

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Columbia River	115572000001001	05N	27 E.W.M.	15	NW NW		

CFS = Cubic Feet per Second; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum: NAD83/WGS84.

Legal Requirements for Approval of Appropriation of Water

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Tri-City Herald on February 14 and 21 of 2013.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e. an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met:

(a) It is a surface water right application for more than 1 cfs, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cfs, so long as that irrigation project will not receive public subsidies;
(b) It is a groundwater right application for more than 2,250 gallons per minute;
(c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
(d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g. the need to obtain other permits that are not exempt from SEPA);
(e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

Proposed Change

The applicant proposes to transfer 213 acres approximately nine miles west and use a point of diversion (POD) on the Columbia River located approximately eight miles downstream. The proposed POD is already authorized under the parent document, S4-16312(A1)P.

Other Rights Appurtenant to the Place of Use

An existing water right certificate, S4-01335C, covers the proposed place of use. This certificate authorized the irrigation of 203 acres. By email, it was determined that the applicant has only need for a total of 235acres of irrigation in the subject area. Any surplus water resulting from this change would be placed into the State's Trust Water Right Program (Trust) under a separate application.

Impairment Considerations

Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection. A change to a water right may not be approved if it would:

- Interrupt or interfere with the availability of water to an adequately constructed groundwater withdrawal facility of an existing right. An adequately constructed groundwater withdrawal facility is one that (a) is constructed in compliance with well construction requirements and (b) fully penetrates the saturated zone of an aquifer or withdraws water from a reasonable and feasible pumping lift.
- Interrupt or interfere with the availability of water at the authorized point of diversion of a surface water right. A surface water right conditioned with instream flows may be impaired if a proposed use or change would cause the flow of the stream to fall to or below the instream flow more frequently or for a longer duration than was previously the case.
- Interrupt or interfere with the flow of water allocated by rule, water rights, or court decree to instream flows.
- Degrade the water quality of the source to the point that the water is unsuitable for beneficial use by existing users (e.g. via sea water intrusion).

For this change, no impairment is expected. The proposed POD is already authorized by the parent water right document, in use, and within the same pool on the Columbia River; the change is seasonal in POU only; and no enlargement to the instantaneous diversion rate and annual quantity is authorized by this change. Indeed, a large portion of surplus water may result from this change and placed into Trust to augment instream flows under a separate application.

Beneficial Use and Tentative Determination

The proposed use of water, irrigation, is defined in statute as a beneficial use (RCW 90.54.020(1)). No change in purpose is proposed. The instantaneous rate of diversion and annual quantity were not entered in the application and derive from last year's seasonal change authorization, CS4-16312(A1)P@2, as the same two circles are proposed for transfer under this application. Metering data submitted by the applicant provided a basis to calculate the tentative determination of these values. An in-depth discussion on the derivation of these values for that year can be found in the change authorization for CS4-16312(A1)@2. Restating that discussion here is of limited value

Public Interest Considerations

Consideration of Protests and Comments

No protests were filed against this application.

The continued use of agricultural irrigation is considered a beneficial use and will continue to augment the economic vitality of the local area. Any surplus water resulting from this change may be placed into Trust, a benefit to aquatic species in the Columbia River.

Conclusions

Legal requirements for processing this seasonal change application for year 2013 have been met:

1) The notice of the proposal was correctly published,
2) A tentative determination on the rate and quantity of water to be diverted made,
3) Impairment is not expected, and
4) Detriment to the public interest is not expected.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above

Purpose of Use and Authorized Quantities

The amount of water seasonally transferred to the proposed place of use is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

3.97 cfs
571 acre-feet per year
For the irrigation of 213 acres

Point of Diversion Location

NW¼,NW¼, Sec. 15, T. 05 N., R. 27 E.W.M.

Place of Use Location

E½ Sec. 33 T. 6 N., R. 27 E.W.M.

Report Writer *Date* 4/24/13

If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.