



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

September 23, 2014

Columbia East LLC  
Attn: Robert Tippett  
P.O. Box 3027  
Pasco WA 99302-3027

**RE: Water Right Change Application No. CG3-01349C (BENT-13-07)**

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Benton County Water Conservancy Board (the Board) for the above referenced application for change.

Ecology has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

**Summary of Ecology's Final Order**

**Columbia East Portion**

MAXIMUM CUB FT/ SECOND		MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR		TYPE OF USE, PERIOD OF USE	
		2771		1097.5		Irrigation of 305.15 acres – March 1 to November 1	
SOURCE						TRIBUTARY OF (IF SURFACE WATER)	
2 wells							
¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.	
POW A: SE	NE	33	9	30 EWM	36	Franklin	
¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.	
POW B: SW	NE	34	9	30 EWM	36	Franklin	
AT A POINT LOCATED: PARCEL NO.							
POW A: 1300 feet north and 660 feet west from the E¼ corner of Section 33, T. 9 N., R. 30 E.W.M. (Parcel No. 112430021).							
POW B: 1310 feet north and 550 feet east from the center of Section 34, T. 9 N., R. 30 E.W.M. (Parcel No. 112520246).							

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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD

- Parcel 12: NE $\frac{1}{4}$  Sec.33, EXCEPT the northerly 330 feet thereof;
- Parcel 13: NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 33 lying northerly of the right of way of the Spokane, Portland and Seattle Railway Company, EXCEPT the following tract heretofore conveyed to the Northern Pacific Railway Company described as follows: That portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Sec. 33, northeasterly of and adjacent to the right of way of the Spokane, Portland and Seattle Railway Company lying between lines parallel with and distance respectively 200 feet and 320 feet northeastly measured at right angles from the centerline of the main track of the said Spokane, Portland and Seattle Railway Company, AND EXCEPT that portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 33 described as follows: Beginning at survey station 0+50.0 on the survey line of the Bonneville Power Administration's transmission line for the service to Pasco Reconsignment Depot, said point being south 330.7 feet and west 1,076 feet from the E $\frac{1}{4}$  corner of said Sec. 33; thence south 65 degrees 15' east 50 feet; thence south 24 degrees 45' west 100 feet; thence north 65 degrees 15' west 100 feet thence north 24 degrees 45' east 100 feet; thence south 65 degrees 15' east 50 feet to the point of beginning.
- Parcel 14: NE $\frac{1}{4}$  of Sec. 34 EXCEPT right of way of Primary State Highway as widened AND EXCEPT the northerly 330 feet of all that portion thereof lying west of the west line of said Primary State Highway #3 as widened, AND EXCEPT that portion lying east of Primary State Highway #3.
- Parcel 15: S $\frac{1}{2}$ NW $\frac{1}{4}$ , of Section 34;
- Parcel 16: S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , of Section 34;
- Parcel 17: NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 34 EXCEPT the northerly 330 feet thereof;
- Parcel 18: W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 34, EXCEPT the northerly 330 feet thereof;
- Parcel 19: NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 34, EXCEPT EXCEPT the S $\frac{1}{2}$ S $\frac{1}{2}$  thereof;
- Parcel 20: E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 34;
- Parcel 21: SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 34, EXCEPT that portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  lying southerly of the northerly line of the Bridge-Stockyard Road as the same now exists;

ALL in T. 9 N., R. 30 E.W.M.

PARCEL NO.	$\frac{1}{4}$	$\frac{1}{4}$	SECTION	TOWNSHIP N.	RANGE
112430021 112510079 112510051		NE	33	9	30
112530053 112530052 112530051 112530050		NW	34	9	30
112550106 112550080 112550026 112550035		SE	34	9	30

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PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE
112520228		NE	34	9	30
112520219					
112520282					
112520264					
112520246					
112520416					
112520419					
112520418					
112520239					
112520238					

### May Portion

MAXIMUM CUB FT/ SECOND		MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR		TYPE OF USE, PERIOD OF USE	
0.174				30		Irrigation of 25 acres— March 1 to November 1	
SOURCE						TRIBUTARY OF (IF SURFACE WATER)	
Columbia River (John Day Pool)						Pacific Ocean	
¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.	
NE	NE	6	4	24 EWM	31	Benton	
AT A POINT LOCATED: PARCEL NO.0							
740 feet west and 225 feet south of the northeast corner of Section 6, T. 4 N., R. 24 E.W.M.							
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
The E½SE¼ of Section 1, T. 4 N., R. 23 E.W.M., Klickitat County and the SW¼SW¼ of Section 6, T. 4 N., R. 24 E.W.M., Benton County.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		
04230100000500	E½	SE	1	4	23		
04230100000700							
106442000002000	SW	SW	6	4	24		
DEVELOPMENT SCHEDULE							
BEGIN PROJECT BY THIS DATE:			COMPLETE PROJECT BY THIS DATE:			WATER TO PUT TO FULL USE BY THIS DATE:	
Began			January 1, 2019			January 1, 2020	

Ecology has **MODIFIED** the decision of the Board as follows:

1. The Board's decision has been modified as noted in the table above.
2. The following is DELETED under *Provisions*:
  4. The total irrigation water use for the certificate shall not exceed 273.6 acres, 2487 gpm, 984 acre-ft., for the Columbia East site; 25 acres, 78 gpm, 30 acre-ft.,

for the May site. The temporary Trust Water allocation shall not exceed 31.55 acres equivalent, 284gpm, 113.5 acre-ft.

and REPLACED by:

4. The total water use for the certificate shall not exceed 2,771 gpm, 1,097.5 acre-ft., for irrigation of 273.6 acres at the Columbia East site and 0.173 cfs, 30 acre-ft., for the irrigation of 25 acres at the May site. The remaining 31.55 acres included in the ACQ analysis can be donated to the State Trust Water Right Program.

3. The following has been ADDED under *Provisions*:

This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the state Department of Revenue to obtain specific requirements for your project.

Department of Revenue  
Real Estate Excise Tax  
PO Box 47477  
Olympia WA 98504-7477

Phone: (360) 570-3265  
Internet: <http://dor.wa.gov/>  
E-mail: [REETSP@DOR.WA.GOV](mailto:REETSP@DOR.WA.GOV)

### YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearings 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 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
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW, Ste 301 Tumwater WA 98501	<b>Pollution Control Hearings Board</b> 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://www.leg.wa.gov/CodeReviser>



Robert F. Barwin, Acting Section Manager  
Water Resources Program  
Central Region Office

RFB:JM:ss/140919

Enclosures: Your Right to Be Heard

By Certified Mail: 7010 0290 0000 7127 1740

cc: Mark Dunbar, Department of Ecology, Central Region Office (email pdf)  
Dr. Darryll Olsen, Benton County Conservancy Board  
Philip Rigdon, Director Natural Resources Division Yakama Nation