



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

September 27, 2012

Carrson Ag. LLC
28 Pasco-Kahlotus Highway
Pasco, WA 99301

Dear Sirs:

Re: Application for Change/Transfer under Ground Water Permit No. G3-21801P
(FRAN 11-02)

On March 9, 2012, our office received from the Franklin County Water Conservancy Board a Record of Decision and Report of Examination for the above referenced application for change/transfer of a water right. In accordance with RCW 90.80.080 the Department of Ecology has reviewed the Record of Decision and Report of Examination and has considered all comments, protests, objections, and other relevant information.

On May 21, 2012 Ecology issued a letter of decision denying the original Franklin County Water Conservancy Board's decision. Pasco Industrial Properties, LLC, appealed Ecology's denial on June 18, 2012. (PCHB No. 12-067)

Enclosed is the Department of Ecology's amended decision pursuant to the Stipulated and Agreed Order of Dismissal submitted to the Pollution Control Hearings Board in September of 2012.

The Department has **modified** the decision of the Board and the proposed change of water right is **approved** under the following conditions;

Summary of Ecology's Final Order

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 450	MAXIMUM ACRE-FT/YR 295	TYPE OF USE, PERIOD OF USE Seasonal irrigation of 70 acres from March 1 to November 30, each year				
SOURCE Two (2) Wells			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
Well #8 (113-710-084)	S½	NE¼	27	9 N	30 E	36	Franklin
Well #8A (113-710-075)	NW¼	NE¼	27	9 N	30 E	36	Franklin



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

That portion of the Northeast quarter of Section 27, Township 9 North, Range 30 East, W. M., in Franklin County, Washington, more particularly described as follows:

Beginning at the Northeast corner of said Section 27, which is the True Point of Beginning; thence North 89° 33' 25" West along the North line of said Section 27, a distance of 172.45 feet; thence South 43° 56' 54" West a distance of 2973.39 feet to a point of curve; thence Northwesterly along a curve to the right having a radius of 1250.00 feet, a central angle of 24° 24' 38" and a chord bearing of South 33° 50' 47" East, a distance of 532.56 feet; thence north 89° 33' 25" West a distance of 124.30 feet to a point on the West line of said Northeast quarter; thence South 00° 05' 46" along said West line to the Southwest corner of said Northeast quarter; thence Easterly along the South line of said Northeast quarter to the Southeast corner thereof; thence Northerly along the East line of said Northeast quarter to the True Point of Beginning;

EXCEPT the South half of the Southwest quarter of the Southeast quarter of said Northeast quarter,

AND EXCEPT that portion of the Southwest quarter of the Northeast quarter of Section 27, Township 9, Range 30 East, W.M., Franklin County, Washington, more particularly described as follows:

Commencing at the Southeast corner of said Northeast quarter; thence North 89° 36' 16" West along the South line thereof a distance of 2057.75 feet to the True Point of Beginning and the Westerly line of an easement for a BPA transmission line; thence continuing North 89° 36' 16" West a distance of 560.80 feet to the Southwest corner of said Northeast quarter; thence North 00° 05' 46" East along the West line thereof a distance of 651.22 feet to a point on curve and the Easterly right-of-way of Kahlotus Road; thence along said right-of-way on a curve to the left having a central angle of 20° 31' 51", a radius of 766.25 feet, an arc length of 274.57 feet and a chord bearing of North 11° 02' 17" East; thence South 89° 33' 25" East a distance of 18.68 feet to a point on a curve; thence along said curve to the left having a central angle of 25° 18' 04", a radius of 1300.00 feet, an arc length of 574.07 feet and a chord bearing of South 33° 24' 04" East; thence South 89° 36' 16" East a distance of 181.86 feet to the Westerly line of an easement for a BPA transmission line; thence South 00° 50' 44" West along said easement a distance of 446.42 feet to the South line of said Northeast quarter and the True Point of Beginning, records of Franklin County, Washington.

AND EXCEPT those portions conveyed to the State of Washington for Highway purposes.

A parcel of land located in the Northeast quarter of Section 27, Township 9 North, Range 30 East, W.M., Franklin County, Washington, being more particularly described as follows:

Beginning at the Northeast corner of said Section 27; thence North 89°33'25" West along the North line of said Section 27, a distance of 172.5 feet to the True Point of Beginning; thence North 89°33'25" West a distance of 1719.45 feet; thence South 00°05'46" West a distance of 72.06 feet to a point on a curve; thence Southwesterly along a curve to the left having a central angle of 25°26'41", a radius of 1293.00 feet and a chord bearing of South 53°25'08" West on an arc distance of 574.22 feet; thence North 89°33'25" West a distance of 303.24 feet to a point on the West line of the Northeast quarter of said Section 27; thence South 00°05'46" West along said West line, a distance of 1305.00 feet; thence South 89°33'25" East a distance of 12.38 feet to a point of a curve; thence Southeasterly along a curve to the left having a radius of 1250.00 feet, a central angle of 24°24'38", and a chord bearing of South 33°50'47" East a distance of 532.56 feet; thence North 43°56'54" East parallel with an existing transmission line, a distance of 2973.39 feet to the True Point of Beginning.

EXCEPT Kahlotus Road, AND EXCEPT those portions being conveyed to the State of Washington for Highway purposes.

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE
113-710-084			27	9 N.	30 E.
113-710-075					

On page 3 of the Report of Examination under the heading "DESCRIPTION OF PROPOSED WORKS" the second paragraph reads: "The intent of this Change/Transfer is to: 1) Add a point of withdrawal within the Pasco Industrial Properties, LLC parcel (Field 2) and 2) Identify the place of use as the entire 114 acres within Field 1 and Field 2 and 3) Identify Pasco Industrial Properties, LLC as the sole owner of the entire water right permit G3-21801. This will allow Pasco Industrial Properties, LLC sole control of the water right and allow them to use it on any portion of the 114 acres."

Ecology's amended decision addresses each of the three (3) stated intended changes to Ground Water Permit No. G3-21801P as described above.

First- *Add a point of withdrawal within the Pasco Industrial Properties, LLC parcel (Field 2).*

Subsequent information was provided by the applicant's consultant for a hydrogeologic analysis to confirm the existing new well will in fact be located in the same body of public groundwater as required by Chapter 90.44.100 RCW. Ecology's evaluation of the information concurs with this determination.

Second- *Identify the place of use as the entire 114 acres within Field 1 and Field 2.* On page 4 of the Report of Examination under the heading "History of Water use" the fifth paragraph reads; "Currently water is placed on Field 1 at 50 acres and Field 2 at 20 acres. Combining the water right into one applicant and one place of use clarifies the current confusion over where the water can be placed. This change was considered by the Board and found to not be water spreading since it does not expand the instantaneous or annual quantities of water use, nor does it increase the acreage allowed to be irrigated." **Ecology modifies this paragraph to read: Currently water is placed on Field 1 at 50 acres and Field 2 at 20 acres. Combining the water right into one place of use clarifies that Ground Water Right G3-21801P allows 70 irrigated acres within a 114 acre legal description. This change/transfer does not increase the acreage allowed to be irrigated during the irrigation season.**

On page 5 of the Report of Examination under the "Proposed project plans and specifications" the first paragraph reads: "This proposed Change/Transfer does not require construction or a construction schedule. The intent of this Change/Transfer is to add a point of withdrawal and to place the 70 acres of water right on the entire 114 acres of ownership. There is no increase in acreage allowed or instantaneous flows. This change simply clarifies ownership of the water right and clarifies place of use." Ecology modifies this paragraph to read: Construction of the proposed change/transfer has begun and is completed. The Proof of Appropriation shall be submitted by December 1, 2013. A request for extension to the perfection of this water right may be granted for full development of Ground Water Permit No. G3-21801P. The intent of this change/transfer is to add an existing point of

withdrawal and clarifies that Ground Water Right G3-21801P allows 70 irrigated acres within a 114 acre legal description. This change/transfer does not increase the acreage allowed to be irrigated during the irrigation season.

Third- Identify Pasco Industrial Properties, LLC as the sole owner of the entire water right permit G3-21801. This will allow Pasco Industrial Properties, LLC sole control of the water right and allow them to use it on any portion of the 114 acres.

Ecology deletes this paragraph.

The ownership of a Ground Water Permit does not change through an Application for Change/Transfer. RCW 90.03.310 states:

Any permit to appropriate water may be assigned subject to the conditions of the permit, but no such assignment shall be binding or valid unless filed for record with the department. Any application for permits to appropriate water prior to permit issuing, may be assigned by the applicant, but no such assignment shall be valid or binding unless the written consent of the department is first obtained thereto, and unless such assignment is filed for record with the department.

Subsequent "Assignment of Application or Permit to Appropriate or Store Water" was submitted to Ecology on August 23, 2012 with the required fee. Ground Water Permit G3-21801P was assigned from Ronald & Kathleen Johnson and Alexander Buxbaum to Carrson Ag LLC and Pasco Industrial Properties, LLC. The assignment was processed on September 4, 2012.

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 document. 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 document:

- File your appeal and a copy of this document 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 document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

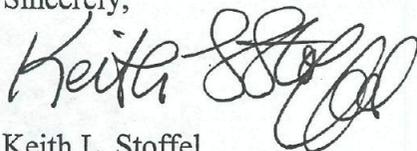
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

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 Road SW Suite 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> .*

DATED this 27th day of September, 2012, at Spokane, Washington.

Sincerely,



Keith L. Stoffel
Section Supervisor
Water Resource Program

KLS:HS:ka
Enclosure

By Certified Mail 7011 0110 0000 7276 2326

cc: Franklin County Water Conservancy Board

U.S. Postal Service™
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CARRSON AG. LLC
28 PASCO-KAHLLOTUS HIGHWAY
PASCO, WA 99301

PS Form 3800, August 2006

See Reverse for Instructions

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CARRSON AG. LLC
28 PASCO-KAHLLOTUS HIGHWAY
PASCO, WA 99301

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 S. Maddaloni Agent
 Addressee

B. Received by (Printed Name) *S. Maddaloni* C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Num (Transfer fr) 7011 0110 0000 7276 2326

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

September 27, 2012

Pasco Industrial Properties, LLC
1230 Bridle Drive
Richland, WA 99352

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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

*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> .*

DATED this 27th day of September, 2012, at Spokane, Washington.

Sincerely,



Keith L. Stoffel
Section Supervisor
Water Resource Program

KLS:HS:ka
Enclosure

By Certified Mail 7011 0110 0000 7276 2333

cc: Franklin County Water Conservancy Board

U.S. Postal Service™
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 Street, Apt. No.,
 or PO Box No. **PASCO INDUSTRIAL PROPERTIES, LLC**
1230 BRIDLE DRIVE
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PS Form 3800, August 2006 See Reverse for Instructions

7011 0110 0000 7276 2333

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PASCO INDUSTRIAL PROPERTIES, LLC
1230 BRIDLE DRIVE
RICHLAND, WA 99352

2. Article Number
 (Transfer from)

7011 0110 0000 7276 2333

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Debbie Moore* Agent
 Addressee

B. Received by (Printed Name)

Debbie Moore

C. Date of Delivery

10/2/12

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No



3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes