STATE OF WASHINGTON
**DEPARTMENT OF ECOLOGY**

***REPORT OF EXAMINATION***
*Change of Points of Withdrawal*
***WRTS File No.*** CG4-30506@1

| PRIORITY DATE | CLAIM NO. | PERMIT NO. | CERTIFICATE NO. |
|---|---|---|---|
| November 30, 1990 | | G4-30506P | |

NAME

Candy Mountain, LLC (formerly John Michel)

| ADDRESS/STREET | CITY/STATE | ZIP CODE |
|---|---|---|
| 8428 W Gage Blvd Ste E | Kennewick WA | 99336-7116 |

**PUBLIC WATERS TO BE APPROPRIATED**

SOURCE

Two wells

TRIBUTARY OF (IF SURFACE WATERS)

| MAXIMUM CUBIC FEET PER SECOND | MAXIMUM GALLONS PER MINUTE | MAXIMUM ACRE-FEET PER YEAR |
|---|---|---|
| | 2080 | 780.7 |

QUANTITY, TYPE OF USE, PERIOD OF USE

780 acre-feet per year for irrigation of 260 acres from March 1 to October 31 each year;
0.7 acre-feet per year for continuous single domestic supply.

**LOCATION OF DIVERSION/WITHDRAWAL**

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL

280 feet west and 960 feet north of the SE corner of Section 5, T. 8 N., R. 28 E.W.M.
2340 feet south and 2210 feet east from the NW corner of Section 9, T. 8 N., R. 28 E.W.M.

| LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) | SECTION | TOWNSHIP | RANGE | WRIA | COUNTY |
|---|---|---|---|---|---|
| SE¼SE¼ | 5 | 8 N. | 28 E.W.M. | 37 | Benton |
| SE¼NW¼ | 9 | 8 N. | 28 E.W.M. | 37 | Benton |

| PARCEL NUMBER | LATITUDE | LONGITUDE | DATUM |
|---|---|---|---|
| 105881000000002 | 46.20286 N | 119.32805 W | |
| 109884000001000 | 46.19364 N | 119.31772 W | |

**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED**
**[Attachment 1 shows location of the authorized place of use and point(s) of diversion or withdrawal.]**

Section 5, T. 8 N., R. 28 E.W.M, lying south of Interstate 82, except land delivered water or claimed for service by Kennewick Irrigation District.

**DESCRIPTION OF PROPOSED WORKS**

Water will be withdrawn from two wells located in the SE¼SE¼ of Section 5, T. 8 N., R. 28 E.W.M. and SE¼NW¼ of Section 9, T. 8 N., R. 28 E.W.M.

Acres to be irrigated will be done so with two half-circle center pivots and temporary above ground steel sprinkler pipe that will later be converted to permanent polyvinyl chloride (PVC) solid sets.

**DEVELOPMENT SCHEDULE**

| BEGIN PROJECT BY THIS DATE | COMPLETE PROJECT BY THIS DATE | WATER PUT TO FULL USE BY THIS DATE |
|---|---|---|
| Began | Complete | December 30, 2010 |

## PROVISIONS

**Wells, Well logs and Well Construction Standards**

1. All wells constructed in the State shall meet the construction requirements of chapter 173-160 WAC entitled "Minimum Standards for the Construction and Maintenance of Wells" and chapter 18.104 RCW titled "Water Well Construction".

2. A completed well report of the well(s) shall be submitted by the driller to the Department of Ecology within 30 days of completing the well(s) authorized herein. All pump test data for the well(s) shall be submitted to the Department as it is obtained.

3. The subject well has been tagged with a well identification number. This unique well number shall remain attached to the well. Please reference this number when submitting data.

4. In addition to the required access port, the applicant shall install and maintain, in operating condition, an airline and pressure gage. The pressure gage shall be equipped with a standard tire valve and placed in a location accessible to Department of Ecology personnel. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Department of Ecology upon completion of the pump system.

**Measurements, Monitoring, Metering and Reporting**

5. An approved measuring device shall be installed and maintained for each of the sources authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", chapter 173-173 WAC. http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html

6. Water use data shall be recorded weekly. The maximum monthly rate of diversion/withdrawal and the monthly total volume shall be submitted to Ecology by January 31st of each calendar year. Ecology is requiring submittal of monthly meter readings to collect seasonal information for water resource planning, management and compliance.

7. The following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, WRIA, Permit/Certificate/Claim No., source name, annual quantity used including units, maximum rate of diversion including units,

    1. monthly meter readings including units
    2. peak monthly flow including units
    3. purpose of use
    4. well tag number
    5. other

    and, period of use.

    In the future, Ecology may require additional parameters to be reported or more frequent reporting. Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information. http://www.ecy.wa.gov/pubs/ecy070170.pdf

8. Chapter 173-173 WAC describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements". http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html

9. For purposes of regulation, the Permittee shall identify which use areas are to be considered served from each well, as determined by the production capabilities of the well, and the system.

10. Before a certificate issues, the Permittee shall provide the department with a final as-built drawing for the water delivery system, including mainline, lateral, and hook-up locations, pipe sizes and lengths, storage location and capacity, meter locations, and pump sizes.

11. As part of efforts to monitor aquifers in the area, the department may, at its discretion, require that the well be pump tested at such future time that nearby wells become equipped for water level measurement. The pump test would be conducted in a manner prescribed by the department.

**Schedule and Inspections**

12. The certificate of change will reflect the extent of the project perfected within the limitations of the change authorization. Elements of the inspection may include as appropriate the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

**Family Farm Development Permit**

13. This authorization to use public waters of the state is classified as a Family Farm Development Permit in accordance with Chapter 90.66 RCW. Whenever an interest in this land is transferred by the holder of this Family Farm Development Permit to a person who can qualify for a Family Farm Permit, the Department shall issue a Family Farm Permit upon request.

**Family Farm Irrigation**

14. This authorization to use public waters of the state is classified as Family Farm Permit in accordance with chapter 90.66 RCW. This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the state of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

**Proof of Appropriation**

15. The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use, no later than December 30, 2010. The certificate will reflect the extent of the project perfected within the limitations of the superseding permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions. According to the Stipulated Agreement and Order of Dismissal, section 1(b), the Proof of Appropriation is due December 30 of the first full irrigation season after final approval of the Application to Change.

**Other Conditions**

Any future replacement wells for Water Right Nos.G4-30506 and G4-30509 must be constructed within the upper aquifer as identified by the well constructed for G4-30505, Unique Ecology Well Id Tag No. AHP 763, Well Log ID 454059 and completed on July 31, 2006.

16. Any new well constructed as a result of a change and transfer of Water Right No. G4-30509 must be constructed within the upper aquifer as identified by the well constructed for G4-30505.

17. Any repairs or modifications to the existing G4-30509 well, Well Log Id 354755 and completed on December 9, 1991, shall not include further deepening or in any other manner alter the aquifer from which the well withdraws.

No additional water rights, whether based on an application for change or an application for a new water right or any other process including, but not limited to, permit exempt water rights, will be authorized to be withdrawn from the current G4-30509 well.

## FINDINGS OF FACT AND ORDER

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I find the change of water right as recommended will not be detrimental to existing rights or the public welfare.

Therefore, I ORDER the requested change of point of withdrawal under Ground Water Change Application No. G4-30506, subject to existing rights and the provisions specified above.

You have a right to appeal this. To appeal this you must:

- File your appeal with the Pollution Control Hearing Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

**1. To file your appeal with the Pollution Control Hearings Board:**

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey WA 98503

**2. To serve your appeal on the Department of Ecology:**

Mail appeal to:

The Department of Ecology
Appeals & Application for Relief Coordinator
PO Box 47608
Olympia WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals & Application for Relief Coordinator
300 Desmond Dr SE
Lacey WA 98503

**3. And send a copy of your appeal packet to:**

Mark C. Schuppe, Section Manager
Department of Ecology
15 W Yakima Ave Ste 200
Yakima WA 98902-3452

*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.*

Signed at Yakima, Washington, this 8TH day of June 2010.

Mark C. Schuppe

Mark C. Schuppe, Section Manager
Water Resources Program
Central Region Office

## BACKGROUND

### Description and Purpose of Requested Change

On August 29, 2006, Candy Mountain, LLC of Kennewick, Washington, filed a water right change application to change the point of withdrawal and to add points of withdrawal to Permit No. G4-30506. The application was accepted as complete on August 29, 2006, and assigned Application No. CG4-30506@1. The existing authorized point of withdrawal is described as being within the SW¼SE¼ corner of Section 5, T. 8 N., R. 28 E.W.M., although this well was never drilled. Originally the additional wells proposed were wells already constructed and in use under other permits owned by Candy Mountain, LLC. Refer to the Table 1 below.

**Table 1** – Original Wells Proposed in Change Application

| Well No. (associated Permit) | Location |
|---|---|
| 1 (G4-30505) | NE¼ of Section 5, T. 8 N., R. 28 E.W.M. |
| 2 (G4-30509) | SE¼NW¼ of Section 9, T. 8 N., R. 28 E.W.M. |
| 3 (G4-30507) | NW¼NW¼ of Section 9, T. 8 N., R. 28 E.W.M. |
| 4 (G4-30508) | NE¼NW¼ of Section 9, T. 8 N., R. 28 E.W.M. |
| 5 (G4-30510) | SW¼NE¼ of Section 9, T. 8 N., R. 28 E.W.M. |

Per an email from Tom McDonald, applicant contact, Candy Mountain, LLC amended their application to reflect a change in proposed points of withdrawal from the five points of withdrawal originally proposed to two locations for this Water Right Change Application No. CG4-30506@1, they are as follows:

1. SE¼SE¼ of Section 5, T. 8 N., R. 28 E.W.M.
2. SE¼NW¼ of Section 9, T. 8 N., R. 28 E.W.M.

According to the Stipulated Agreement and Order of Dismissal submitted to the State of Washington Pollution Control Hearings Board by Candy Mountain, LLC and State Department of Ecology, Ecology shall expedite processing of this application according to WAC 173-152-050.

**Table 1.1** - Attributes of CG4-30506@1 and Proposed Change

| Attributes | Existing | Proposed |
|---|---|---|
| Name | Candy Mountain, LLC | No change |
| Priority Date \| Date of Application for Change | November 30, 1990 \| August 29, 2006 | No change |
| Instantaneous Quantity | 2080 gallons per minute | No change |
| Annual Quantity | 780 acre-feet per year for irrigation purpose<br>0.7 acre-feet per year for domestic purpose | No change |
| Source | One well | Two wells |
| Point of Withdrawal | SW¼SE¼ of Section 5, T. 8 N., R. 28 E.W.M. | SE¼SE¼ of Section 5 and the SE¼NW¼ of Section 9, both within T. 8 N., R. 28 E.W.M. |
| Purpose of Use | Irrigation of 260 acres | No change |
| Period of Use | March 1 – October 31 (irrigation)<br>Year-Round (domestic) | No change |
| Place of Use | Section 5, T. 8 N., R. 28 E.W.M., lying south of Interstate 82, except land delivered water or claimed for service by Kennewick Irrigation District. | No change |

**Legal Requirements for Proposed Change**

- **Statement of Authorities**
  RCW 90.44.100(2) requires that the combined total withdrawal from the original well and any additional well shall not enlarge the right defined by the original permit or certificate.

  RCW 90.44.100(2) requires that any well or wells added to a ground water permit must tap the same body of public ground water as the original well on the permit.

  RCW 90.44.100 states that a ground water permit holder may construct wells or other means of withdrawal at a new location. The new well(s) may substitute or add to those at the original location.

  RCW 90.44.100(1) states that a ground water permit can be amended to replace or add wells.

- **Public Notice**
  Notice of the application was published in the Prosser Record-Bulletin on March 21 and 28, 2007. No comments or protests were received during the 30-day comment period.

  A second public notice was published again in the Prosser Record-Bulletin on December 9 and December 16, 2009. No comments or protests were received during the 30-day comment period.

- **State Environmental Policy Act (SEPA)**
  According to WAC 197-11-800(4), the change application CG4-30506@1 is exempt from SEPA review due to a withdrawal less than 2,250 gallons per minute (gpm) and is not part of a larger project requiring SEPA.

## INVESTIGATION

**History of Water Use**

Application No. G4-30506 was approved by the Department of Ecology to appropriate 2080 gpm, 780 acre-feet per year (ac-ft/yr) for the irrigation of 260 acres, and 0.7 ac-ft/yr for domestic use on August 30, 1993.

On November 30, 1990, John B. Michel of Kennewick, Washington, filed seven applications to appropriate public ground water including Application No. G4-30506. On August 30, 1993, Department of Ecology (Ecology), Central Region Office, issued Ground Water Permit No. G4-30506P. The permit required construction to begin by April 1, 1994. This was later extended to April 1, 1995. The permit was found to be out of compliance with the construction schedule and an Order of Cancellation was signed on October 8, 2001. John Michel appealed the Order of Cancellation to the Pollutions Control Hearing Board on November 6, 2001.

A Settlement Agreement was signed by Department of Ecology and John B. Michel on January 12, 2003. The Settlement Agreement stated that John B. Michel was responsible for beginning well construction by January 1, 2005, and for filing a Proof of Appropriation by January 1, 2007. Within the Settlement Agreement, Department of Ecology agreed to rescind its Order of Cancellation.

Ecology received an "Assignment of Application or Permit to Appropriate or Store Water", (Ecology 040-1-61 (REV.05/04)) from John B. Michel stating that he had sold his property located in Section 5 and 9, T. 8 N., R. 28 E.W.M. and transferred his Water Right Permits (Nos. G4-30279, G4-30505, G4-30506, G4-30507, G4-30508, G4-30509, and G4-30510) to Candy Mountain, LLC, signed July 13, 2004. The sale of this property was complete in May 2004.

On October 28, 2004, an Order of Cancellation was issued to Candy Mountain, LLC, by the Department of Ecology, due to the construction schedule being out of compliance. Candy Mountain, LLC appealed the Order of Cancellation to the Pollution Control Hearings Board on November 23, 2005. A Stipulated Agreement was signed by both Department of Ecology and Candy Mountain, LLC, on July 20, 2006. According to the Stipulated Agreement, Candy Mountain could drill a well as authorized by Permit No. G4-30506P, submitting a start card to drill a well in Section 5 and to be submitted by November 1, 2006. Instead of drilling this well Candy Mountain opted to use a well drilled in July 2006 for Permit No. CG4-30505@3, in addition to the well authorized in Permit No. G4-30509.

Candy Mountain, LLC is authorized, per the Stipulated Agreement, under Permit No. G4-30506, to change the point of withdrawal from its current point in Section 5 to wells in Section 9 as authorized under Permit Nos. G4-30507 through G4-30510, and the well in Section 5 authorized under Permit No. G4-30505. The well authorized in G4-30505 was recently changed (Board Decision No. BENT-09-02, Ecology File No. CG4-30505@3) through the Benton County Conservancy Board (BCCB), modified and approved by Ecology on January 5, 2010. This water right change was approved and changed the well location to a point within the SE¼SE¼ of Section 5, T. 8 N., R. 28 E.W.M.

*Note: G4-30505 was involved in the above actions in conjunction with G4-30506 with similar agreements, see Water Right Permit File No. G4-30506P for additional information.

**Other Rights Appurtenant to the Place of Use**
There are no other rights appurtenant to the place of use.

However, Candy Mountain, LLC, owns six other water rights:

- **G4-30279**
  **Claimant Name**: Candy Mountain, LLC, dba Summit View Water System
  **Use**: Domestic multiple
  **Period of Use**: Continuous community domestic supply for up to 100 homes
  **Quantity**: 100 gpm, 70 ac-ft/yr
  **Priority Date**: May 29, 1990
  **Point of Withdrawal**: SW¼SW¼ of Section 9, T. 8 N., R. 28 E.W.M.
  **Place of Use**: Section 9, T. 8 N., R. 28 E.W.M. lying south of Interstate 82 and within Summit View Plat.

- **G4-30505**
  **Claimant Name**: Candy Mountain, LLC
  **Use**: Irrigation of 270 acres and continuous single domestic supply
  **Period of Use**: 810 ac-ft/yr from March 1 to October 31 each year; 0.7 ac-ft/yr continuously
  **Quantity**: 2160 gpm, 810.7 ac-ft/yr
  **Priority Date**: November 30, 1990
  **Point of Withdrawal**: NE¼, Section 5, T. 8 N., R. 28 E.W.M.
  **Place of Use**: Section 5, T. 8 N., R. 28 E.W.M., lying north of Interstate 82.
  ***NOTE:*** A change application for this water right (CG4-30505@3) was accepted by the Benton County Conservancy Board on April 3, 2009. This application proposes to change the POW from the NE¼ to the SE¼SE¼ of Section 5, T. 8 N., R. 28 E.W.M. The same well is proposed for change through this Water Right Change Application No. CG4-30506@1. Ecology issued a Modification on the Conservancy Board Decision on November 4, 2009 that contained a typographical error. The PCHB issued an order confirming the quantity as 681 maximum ac-ft/yr on December 17, 2009, PCHB No. 09-143.

- **G4-30507**
  **Claimant Name**: Candy Mountain, LLC
  **Use**: Irrigation of 300 acres and continuous community domestic supply for 260 services
  **Period of Use**: 900 ac-ft/yr from March 1 to October 31; and 182 ac-ft/yr for domestic supply
  **Quantity**: 2200 gpm, 1082 ac-ft/yr
  **Priority Date**: November 30, 1990
  **Point of Withdrawal**: NW¼NW¼ of Section 9, T. 8 N., R. 28 E.W.M.
  **Place of Use**: Section 9, T. 8 N., R. 28 E.W.M., except Interstate 82

- **G4-30508**
  **Claimant Name**: Candy Mountain, LLC
  **Use**: Irrigation of 300 acres and continuous community domestic supply for 260 services
  **Period of Use**: 900 ac-ft/yr from March 1 to October 31; and 182 ac-ft/yr for domestic supply
  **Quantity**: 2200 gpm, 1082 ac-ft/yr
  **Priority Date**: November 30, 1990
  **Point of Withdrawal**: NE¼NW¼ of Section 9, T. 8 N., R. 28 E.W.M.
  **Place of Use**: Section 9, T. 8 N., R. 28 E.W.M., except Interstate 82

**G4-30509**
**Claimant Name**: Candy Mountain, LLC
**Use**: Irrigation of 300 acres and continuous community domestic supply for 260 services
**Period of Use**: 900 ac-ft/yr from March 1 to October 31; and 182 ac-ft/yr for domestic supply
**Quantity**: 2200 gpm, 1082 ac-ft/yr
**Priority Date**: November 30, 1990
**Point of Withdrawal**: SE¼NW¼ of Section 9, T. 8 N., R. 28 E.W.M.
**Place of Use**: Section 9, T. 8 N., R. 28 E.W.M., except Interstate 82
*NOTE:* Per the terms set forth in the April 8, 1999 Settlement Agreement regarding the construction of this well, Ecology will manage this well as completed in the upper aquifer. However, through this Report of Examination (ROE) additional conditions have been placed on this well (see "Other Conditions" under the Provisions section of this ROE).

- **G4-30510**
**Claimant Name**: Candy Mountain, LLC
**Use**: Irrigation of 300 acres and continuous community domestic supply for 260 services
**Period of Use**: 900 ac-ft/yr from March 1 to October 31; and 182 ac-ft/yr for domestic supply
**Quantity**: 2200 gpm, 1082 ac-ft/yr
**Priority Date**: November 30, 1990
**Point of Withdrawal**: SW¼NE¼ of Section 9, T. 8 N., R. 28 E.W.M.
**Place of Use**: Section 9, T. 8 N., R. 28 E.W.M., except Interstate 82

***Note**: Permit Nos. G4-30507 through G4-30510, quantities not to exceed 5040 gpm, 1740 ac-ft/yr for irrigation of up to 580 acres, and 182 ac-ft/yr for non-irrigation community domestic supply for up to 260 units.

**Hydrologic/Hydrogeologic Evaluation**
Below is an excerpt from a Technical Memorandum prepared by Anna Hoselton for this change application, dated May 11, 2009:

> "The well originally authorized under G4-30506P was never constructed. The original authorization allowed for construction in either the "upper aquifer zone" or the "lower aquifer zone" and stated that "...the requirement will be to only develop water-bearing zones of like head." Authorizations for G4-30505P (well #1) and G4-30509P (well #2), because they were written together as a group of related authorizations, contain similar language although these wells have been constructed. As noted above, well #1 is interpreted to be open to the Umatilla flow of the Saddle Mountains, while well #2 is interpreted to be open to the Umatilla flow of the Saddle Mountains and may be open to an upper unit(s) of the Wanapum Formation. However, shortly after construction, a plug was installed in the bottom of Well #2 to correct suspected flow in the well and later, when well #1 was drilled, static water levels (from drilling logs and well video records) appeared to be expressing "like head" conditions. Additionally, in an April 8th, 1999 settlement agreement, Ecology indicated that "the well as currently constructed... [is] in compliance with applicable Washington Well Construction Standards and in compliance with permit conditions. Within this physical and legal framework and in consultation with senior Ecology technical staff, it is determined that Well #1 and Well #2 will be managed as the same body of public groundwater consistent with the originating authorization; the wells are considered to be within the "upper aquifer zone" and will be managed as Saddle Mountain Formation Aquifer wells."

**Impairment Considerations**
Below is an excerpt from a Technical Memorandum prepared by Anna Hoselton for this change application, dated May 11, 2009:

> "In the vicinity of the proposed change, the closest non-project well is located within the SW ¼ SE ¼ of Section 4, T08N, R28E, approximately 250 ft north and 1950 feet west of the SE corner of Section 4. The non-project well is owned by the Badger Mountain Irrigation District (BMID) and is an additional point of withdrawal related to authorizations granted under G4-27884P, CG4-24119C and CG4-25178C. The well has a 16 inch casing at the land surface (~900 ft msl) and is drilled to a depth of 645 feet bgs (~255 msl). The driller recorded the swl as 468 ft bgs (~432 ft msl) on January 10th, 2002 and estimated well yield to be in the range of 400+gpm. The BMID well is authorized to withdraw from the Saddle Mountain Formation aquifer, however, appears to only partially penetrate this source.

The BMID well is located approximately 3600 ft southeast of project well #1 and approximately 2800 ft northeast of project well #2; project wells #1 and #2 are spaced approximately 4300 ft apart. Authorizations (identified above) for the BMID well acknowledge proximity of the closest Candy Mountain (aka John Michaels) project well and, in consultation with Ecology technical staff, estimated that mutual well interference between the BMID well and the closest project well would likely not exceed 10 to 20 feet of additional drawdown. The authorizations concluded that the additional drawdown would not constitute impairment and suggested that planning for ample separation between area wells could minimize effects.

This evaluation, likewise, agrees with the estimated range of mutual well interference and that the additional drawdown would not constitute impairment as a result of this proposed change. Further, since the BMID well appears to only partially penetrate its authorized source, the well is not currently a qualifying groundwater withdrawal facility and would have to be deepened before it can claim a condition of impairment. Other area wells are located at greater distances, utilize a different aquifer or are separated from the project wells by a geologic boundary."

**Public Interest Considerations**
The proposal has an additive Qi and Qa to Candy Mountain, LLC's existing water rights. This change will not result in negative environmental impacts and is not detrimental to the public interest.

**Consideration of Protests and Comments**
No comments or protests were received during the 30-day comment period for public notice.

## CONCLUSIONS

Approval of this request, under Ground Water Application No. CG4-30506@1 as provisioned and put to beneficial use, will not enhance water rights already approved for Candy Mountain, LLC, and will not cause impairment of existing rights.

## RECOMMENDATIONS

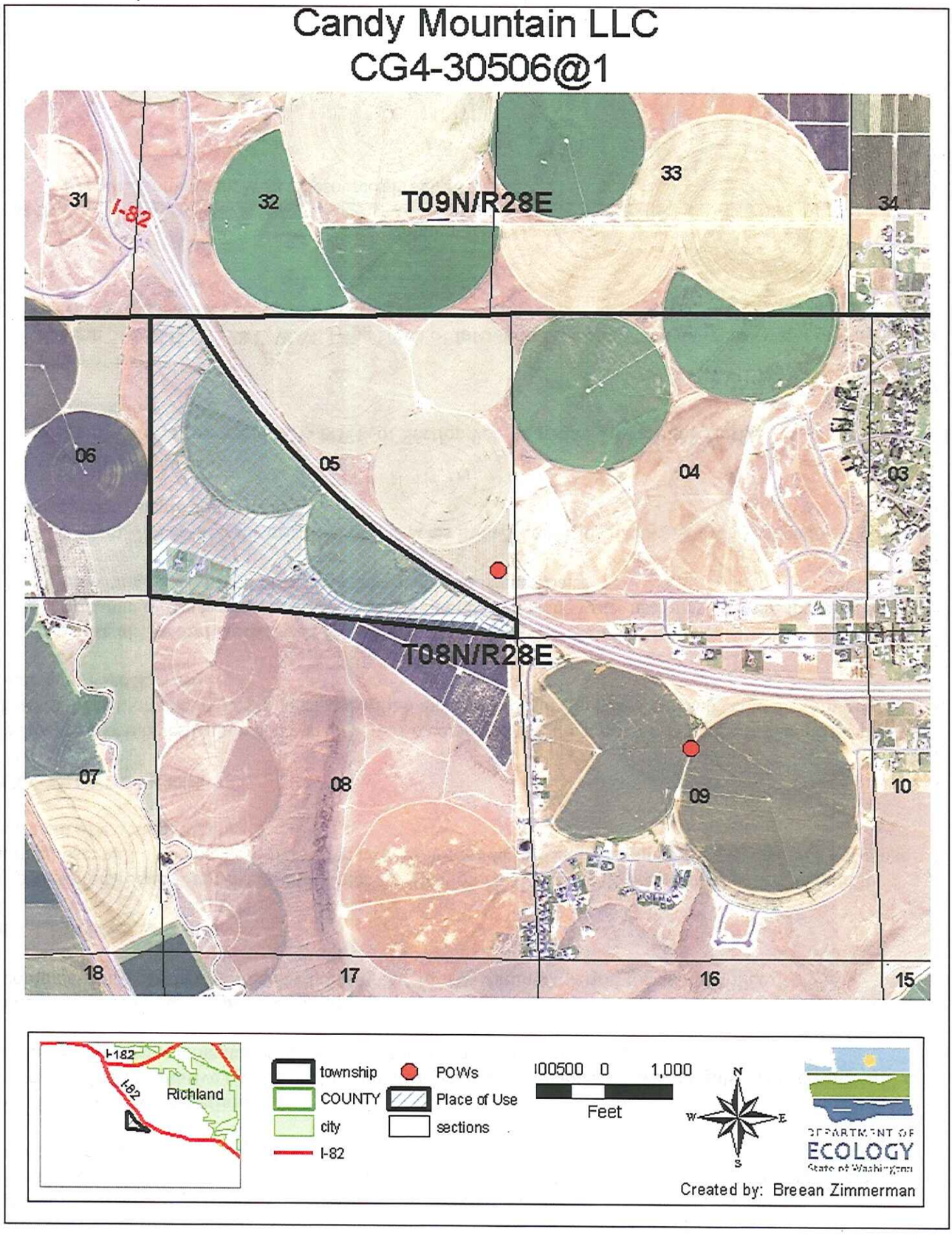
Based on the above investigation and conclusions, I recommend that the request for change to change the point of withdrawal be authorized, in the amounts and within the limitations listed below and subject to the provisions beginning on Page 2, et seq.

**Purpose of Use and Authorized Quantities**
The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial.

2080 gpm, 780 ac-ft/yr for irrigation of 260 acres from March 1 to October 31 each year and 0.7 ac-ft/yr for continuous single domestic supply.

**Point of Withdrawal**
SE¼SE¼ of Section 5 and SE¼ NW¼ of Section 9, both within Township 8 North, Range 28 East W.M.

**Place of Use**
Section 5, T. 8 N., R. 28 E.W.M, lying south of Interstate 82, except land delivered water or claimed for service by Kennewick Irrigation District.

Report by: Breean Zimmerman 6/8/2010
Breean Zimmerman, Water Resources Program Date

**Attachment 1**: Map