



STATE OF WASHINGTON
 DEPARTMENT OF ECOLOGY
IRRIGATION EFFICIENCIES PROGRAM
TRUST WATER RIGHT
REPORT OF EXAMINATION
Change of Purpose and Place of Use
WRTS File No. CS3-*34116J@1

PRIORITY DATE 1882 (Class 13)	CLAIM NO.	PERMIT NO.	CERTIFICATE NO. Touchet River Adjudicated Certificate No. 116
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NAME OF PARTY CONVEYING RIGHT TO TRUST WATER RIGHTS PROGRAM State of Washington for Westside Irrigation District No. 5 and Eastside Irrigation District No. 6		
ADDRESS/STREET 4601 N. Monroe Street	CITY/STATE Spokane, Washington	ZIP CODE 99205-1295

TRUST WATER RIGHT ATTRIBUTES

SOURCE Touchet River		
TRIBUTARY OF (IF SURFACE WATERS) Walla Walla River		
MAXIMUM CUBIC FEET PER SECOND 23.0	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE FEET PER YEAR 3133.95
QUANTITY, TYPE OF USE, PERIOD OF USE 1.853 cfs March 16 to April 30 5.0 cfs May 1 to June 30 1.853 cfs July 1 - 15 5.0 cfs September 1 - 15 9.0 cfs September 16 - 30 17.0 cfs October 1 - 15 22.0 cfs October 16 - 31 23.0 cfs November 1 - 15		
3133.95 acre-feet per year for the purpose of instream flows within the lower Touchet River permanently.		

AFFECTED REACHES

APPROXIMATE LOCATION OF HISTORIC DIVERSION Primary Reach Begins: 2000 feet north and 80 feet west of the southeast corner of Section 15, T. 7 N., R. 33 E.W.M. GPS: 46.08519° N., 118.65746° W. (Datum: WGS 84) Ends: Confluence with the Walla Walla River within Section 4, T. 6 N., R. 33 E.W.M.					
LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP	RANGE [E. or W.] W.M.	WRIA	COUNTY
NE¼SE¼	15	7 N.	33 E.	32	Walla Walla

DESCRIPTION OF PLACE OF USE

[See Attachment 1 for map of the trust water right location.]

Lands within the boundaries of the Westside Irrigation District No. 5 and the Eastside Irrigation District No. 6

PROJECT SUMMARY

This irrigation efficiencies project consists of the conversion of approximately 9.5 miles of pipeline replacing an open ditch conveyance system for the Touchet Westside and Eastside Irrigation Districts. The Westside Irrigation District piping project was completed in 2008 and the Eastside Irrigation District was completed in 2009. The pipeline is pressurized and includes piping of all laterals and modification of the turnouts as required. Saved water from this project will increase flows and habitat restoration within the lower reaches of the Touchet River which will improve adult access to the headwaters, an important spawning and rearing area for re-introduced Spring Chinook and ESA listed adult Mid-Columbia Steelhead. The increased in-stream flow eliminates a historic low flow impediment to passage between Hofer Dam, recently upgraded for fish passage, and the confluence of the Walla Walla River, resulting in approximately four (4) miles of more accessible tributary habitat for ESA listed salmonids.

TRUST WATER RIGHT TERM

BEGIN DATE January 15, 2011	END DATE Permanent
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**PORTION OF WATER RIGHT
NOT PLACED INTO TRUST**

PRIORITY DATE 1882 (Class 13)	CLAIM NO.	PERMIT NO.	CERTIFICATE NO. Touchet River Adjudicated Certificate No. 116
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NAME Westside Irrigation District No. 5 and Eastside Irrigation District No. 6		
ADDRESS/STREET 681 Touchet North Road	CITY/STATE Touchet, WA	ZIP CODE 99360

WATER RIGHT ATTRIBUTES

SOURCE Touchet River		
TRIBUTARY OF (IF SURFACE WATERS) Walla Walla River		
MAXIMUM CUBIC FEET PER SECOND 30.353	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE FEET PER YEAR 8703.75
QUANTITY, TYPE OF USE, PERIOD OF USE 28.5 cfs March 16 to April 30 25.353 cfs May 1 to June 30 28.5 cfs July 1-15 30.353 cfs July 16 to August 31 25.353 cfs September 1-15 21.353 cfs September 16-30 13.353 cfs October 1-15 8.353 cfs October 16-31 7.353 cfs November 1-15 30.353 cfs November 16 to December 15 -		
8703.75 acre-feet per year for the irrigation of 1972.95 acres		

LOCATION OF DIVERSION

APPROXIMATE LOCATION OF DIVERSION 2000 feet north and 80 feet west of the southeast corner of Section 15, T. 7 N., R. 33 E.W.M.					
LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) NE¼SE¼	SECTION 15	TOWNSHIP 7 N.	RANGE [E. or W.] W.M. 33 E.	WRIA 32	COUNTY Walla Walla
PARCEL NUMBER 330715110005	LATITUDE 46.08519° N.	LONGITUDE 118.65746° W.	DATUM WGS 84		

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED

[See Attachment 1 for a map of the place of use and point of diversion.]

Lands within the boundaries of the Westside Irrigation District No. 5 and the Eastside Irrigation District No. 6

DESCRIPTION OF WATER SYSTEM

This irrigation efficiencies project consists of the conversion of approximately 9.5 miles of pipeline replacing an open ditch conveyance system for the Touchet Eastside and Westside Irrigation District with a piped conveyance system. The pipeline is pressurized and includes piping of all laterals and modification of the turnouts as required.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE Started 2007	COMPLETE PROJECT BY THIS DATE Completed 2009	WATER PUT TO FULL USE BY THIS DATE December 15, 2010
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PROVISIONS

TRUST WATER RIGHT PROVISIONS:

INSTREAM FLOW

Consistent with RCW 90.42.080(1)(a), this trust water right shall be managed by Ecology as an instream flow right for the Touchet River, as described in this trust water report.

PROVISIONS RELATED TO PORTION OF WATER RIGHT NOT PLACED INTO TRUST:

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.

METER INSTALLATION

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>

RECORD, REPORT UPON REQUEST BY ECOLOGY

Water use data shall be recorded annually and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

RECORD WEEKLY, REPORT ANNUAL TOTALS

Water use data shall be recorded weekly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology by January 31st of each calendar year.

FISH SCREENING CRITERIA

This authorization is subject to Washington Department of Fish and Wildlife fish screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Fish screening criteria are enclosed with this Report of Examination. 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/hab/engineer/habeng.htm>

AUTHORITY TO ACCESS DATA AND MEASURING DEVICE

Department of 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 provisions, and to inspect at reasonable times any measuring device used to meet the above provisions.

AUTHORITY TO ACCESS PROJECT

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, wells or diversions and associated distribution systems for compliance with water law.

CONSERVATION

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.

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 detrimental to the public interest.

Therefore, I ORDER the requested change of place and purpose of use under Trust Water Right Application for Touchet River Adjudicated Certificate 116, be approved subject to existing rights and the provisions specified above. I further ORDER that the requested change of point of diversion/change of place of use under Water Right Change Application for Touchet River Adjudicated Certificate 116, be approved subject to existing rights and the provisions specified above.

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

- File your appeal with the Pollution Control Hearings 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 to:

Keith L. Stoffel
Department of Ecology
Eastern Regional Office
4601 North Monroe Street
Spokane, WA 99205

Signed at Spokane, Washington, this day of 2009.

Keith L. Stoffel, Section Manager
Water Resources Program
Eastern Regional Office

INVESTIGATOR’S REPORT

BACKGROUND

Applications: Three (3) Trust Water Applications through the Irrigation Efficiencies Grant Program (IEGP) for Touchet River Adjudicated Certificate No. 116 (TRAC No. 116) were submitted by Rick Jones of the Walla Walla County Conservation District on behalf of the Westside Irrigation District No. 5, care of Steve Ames, Chairman of the Board of Directors, to the Department of Ecology on June 7, 2007 (Draft) and on August 13, 2009 as FINAL applications. Three (3) additional Trust Water Applications were submitted for the Eastside Irrigation District No. 6 on June 5, 2008 (Draft) and on August 13, 2009 as FINAL applications. The purpose of six (6) applications (three (3) applications for each Irrigation District) is for project cost share funding purposes only. The saved water is broken out proportionately for each contract associated with the project by cost per acre-foot, however only one report or examination will be written for the total amount of water saved and placed into trust. The applicant proposes to permanently place saved water as a result of piping the existing open ditch conveyance system into a Trust Water Right for the purpose of instream flow to be used exclusively for instream flows within the lower reaches of the Touchet River.

There are two (2) phases to this piping project: Westside Irrigation District No. 6 piping was completed in 2008 and the Eastside Irrigation District No. 5 piping was completed in spring 2009.

This application qualifies for expedited processing under WAC 173-152-050(3)(a) whereby water right change applications may be processed prior to applications submitted at an earlier date when the proposed water use, if

approved, would be non-consumptive and would substantially enhance or protect the quality of the natural environment.

One hundred percent of the saved water from this project will be placed into trust permanently to increase flows and habitat restoration within the lower reaches of the Touchet River, an important migration corridor of spawning and rearing of mid-Columbia River Steelhead and bull trout (threatened). Other species of value include spring Chinook salmon, western brook lamprey, fall Chinook and possibly coho. The Touchet River is a low gradient arid agricultural zone that often goes dry in the summer months during steelhead migration.

Historically Hofer Dam, located at the diversion point of this water right, has impeded fish passage. In 2004, the Walla Walla Conservation District sponsored a proposal to address the fish passage issues by reconstruction of the existing dam. This work was completed in October, 2006. In order to improve fish passage, instream flows also need to be addressed. By reducing the diversion rate needed by the irrigation districts and placing saved water from the proposed piping project into the State Trust Water Program, there would be an increase in instream flows in the lower reaches of the Touchet River.

According to Paul LaRiviere, Washington State Department of Fish and Wildlife, there will be a significant flow restoration during critical fish migration months. Flows benefiting from this proposal will improve habitat conditions and this application has been determined to meet the criteria outlined above, and has therefore been afforded priority processing.

Description and Purpose of Proposed Change

The project site is located approximately four (4) miles north of Touchet, Washington within Water Resource Inventory Area (WRIA) 32. This irrigation efficiencies project consists of conversion of approximately 9.5 miles of open ditch conveyance to pressurized pipeline, along with lateral piping and turnout modifications.

Water System

IRZ Consulting, LLC, Hermiston, OR, performed onsite assessments and completed a pipeline installation feasibility study in September, 2003 as requested by the irrigation districts. After conducting field percolation tests in July, 2003, they concluded that there was approximately 4.75 cfs that could be saved from seepage. Based on their experience, they contend that there could be up to three times greater seepage during the spring when the ditch banks are not saturated. At this time, this is the only empirical water loss data that exists.

Initial estimates of cost and water savings were completed by IRZ Consulting, LLC. Rick Jones, Program Director, Walla Walla County Conservation District (WWCCD), used the IRZ Consulting, LLC data and information provided by Bill Neve, former Ecology Watermaster, collected to calculate historical and new use. The difference is the quantity available for trust and is described below. WWCCD engineer, Lance Horning, P.E., and Jack Myrick, Technical Coordinator for the Irrigation Efficiencies Grant Program (IEGP), Washington State Conservation Commission, completed the designs for the pipeline and a pump station which was not funded by the IEGP. Their findings and subsequent system design, based on the new on demand system requirements for Westside Irrigation District No. 5 and Eastside Irrigation District No. 6, will require a total of 8703.75 acre-feet per year on the 1972.95 acres irrigated.

There are pressure transducers installed at the fish ladder and fish screens. The headgate is automated and set at the trust water instantaneous quantity, therefore only allowing a diversion of water after bypassing trust water if adequate flows for irrigation and Trust are available. The project replaces approximately 2200 feet of open gravity flow ditch from the point of diversion at Hofer Dam to a pump station which pressurizes a pipeline designed for 28.5 cfs that replaces approximately 24,000 feet of open ditch (1,000 feet are concrete lined) and approximately 300 feet of antiquated pipeline. Each pipeline has an automated telemeter.

The difference between historical diversion rate and authorized use and the new application system requirements is available for trust. See Table 1 for the proposed trust and remaining water use for each irrigation district.

Attributes of the Certificate and Proposed Change

The following describes the proposed trust water and remaining water for use for the first phase of the piping project for each irrigation district. The quantities are split 60% for Westside Irrigation District No. 5 and 40% for Eastside Irrigation District No. 6. Recommended diversion rates were calculated by Jack Myrick and quantities available for use and trust based on fish needs were calculated by Rick Jones. These calculations were reviewed and agreed upon by Ecology staff. Due to engineering design and historic use data, the recommended diversion rate changes monthly and bimonthly. The total water diverted for both irrigation districts is summarized in the table below.

Table 1 Summary of Existing Attributes and Proposed Changes to TRAC No. 116

Attributes	Documented	Proposed Trust Water		Proposed Remaining Water For Use		Total Water Use
Name	Westside Irrigation District No. 5 and Eastside Irrigation District No. 6	State of Washington		Westside Irrigation District No. 5	Eastside Irrigation District No. 6	Westside Irrigation District No. 5 and Eastside Irrigation District No. 6
Priority Date of Application for Trust	1882	June 7, 2007		June 7, 2007	June 17, 2008	N/A
Instantaneous Quantity	30.353 cfs 4/1 to 9/15 39.459 cfs 9/15 to 4/1 <i>Note: this is documented quantity, not historical quantity. Only the historical amount is available for trust and remaining for use.</i>	1/1 to 3/15	0 cfs	0 cfs	0 cfs	0 cfs
		3/16 to 3/30	1.853 cfs	17.1 cfs	11.4 cfs	28.5 cfs
		4/1 to 4/15	1.853 cfs	17.1 cfs	11.4 cfs	28.5 cfs
		4/16 to 4/30	1.853 cfs	17.1 cfs	11.4 cfs	28.5 cfs
		5/1 to 5/15	5.0 cfs	15.212 cfs	10.141 cfs	25.353 cfs
		5/16 to 5/31	5.0 cfs	15.212 cfs	10.141 cfs	25.353 cfs
		6/1 to 6/15	5.0 cfs	15.212 cfs	10.141 cfs	25.353 cfs
		6/16 to 6/30	5.0 cfs	15.212 cfs	10.141 cfs	25.353 cfs
		7/1 to 7/15	1.853 cfs	17.1 cfs	11.4 cfs	28.5 cfs
		7/16 to 7/31	0 cfs	18.212 cfs	12.141 cfs	30.353 cfs
		8/1 to 8/15	0 cfs	18.212 cfs	12.141 cfs	30.353 cfs
		8/16 to 8/31	0 cfs	18.212 cfs	12.141 cfs	30.353 cfs
		9/1 to 9/15	5.0 cfs	15.212 cfs	10.141 cfs	25.353 cfs
9/16 to 9/30	9.0 cfs	12.812 cfs	8.541 cfs	21.353 cfs		
10/1 to 10/15	17.0 cfs	8.011 cfs	5.341 cfs	13.353 cfs		
10/16 to 10/31	22.0 cfs	5.012 cfs	3.341 cfs	8.353 cfs		
11/1 to 11/15	23.0 cfs	4.411 cfs	2.941 cfs	7.353 cfs		
11/16 to 11/30	0 cfs	18.212 cfs	12.141 cfs	30.353 cfs		
12/1 to 12/15	0 cfs	18.212 cfs	12.141 cfs	30.353 cfs		
12/16 to 12/31	0 cfs	0 cfs	0 cfs	0 cfs		
Annual Quantity	11,837.7 acre-feet (6 acre-feet per acre)	3133.95 acre-feet		5222.25 acre-feet	3481.5 acre-feet	8703.75 acre-feet
Source	Touchet River	Touchet River		--	--	Touchet River
Point of Diversion	NE¼SE¼ of Sec. 15, T. 7 N., R. 33 E.W.M.	N/A		--	--	NE¼SE¼ of Sec. 15, T. 7 N., R. 33 E.W.M.
Purpose of Use	Irrigation of 1972.95 acres	Instream Flow		--	--	Irrigation of 1972.95 acres
Place of Use	See Certificate	Touchet River		--	--	See First Page of this Report

Statement of Authorities

State law¹ provides that a water right may be changed if the change can be made without detriment or injury to existing rights, and to the extent the right is valid and has been beneficially exercised without a break of more than five consecutive years without sufficient cause for nonuse.

Trust water rights are governed state-wide by RCW 90.42 and in the Yakima River Basin, by RCW 90.38. The statutes² limit the portion of a water right eligible for transfer to the Trust Water Right Program (TWRP) to the extent

¹ RCW 90.03.380(1)

the water right was exercised in the five years prior to application. A water right accepted into the TWRP may not be enlarged. When a portion of a water right is accepted in the TWRP, the portion remaining with the landowner and the portion in trust combined may not exceed the greatest amount exercised within the last five years before application. Any trust water right found to impair an existing water right will be modified to prohibit impairment.

Legal Requirements for Proposed Change

The following is a list of requirements that must be met prior to authorizing the proposed change in purpose of use and point of diversion:

- **Public Notice**

A notice of application was duly published in accordance with RCW 90.42.040(5) in the Walla Walla Union-Bulletin on July 30 and August 6, 2009. No protests or objections were received.

- **State Environmental Policy Act (SEPA)**

This application is not exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21 RCW, due to the fact that the cumulative quantities of water for this project under all water rights, including those proposed for trust water herein, constitute a diversion of more than one (1) cubic foot per second. The Department of Ecology (Ecology), acting as lead agency, determined that the subject action does not have a significant adverse impact on the environment and an environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). A final Determination of Non-Significance was issued by Ecology on July 21, 2009.

- **Water Resources Statutes and Case Law**

RCW 90.03.380(1) states that a water right that has been put to beneficial use may be changed. The point of diversion, place of use, and purpose of use may be changed if it would not result in harm or injury to other water rights. The amount of water available for transfer is based on the historic use (*Tulalip Tribes of Washington vs. Ecology*). Therefore, a change cannot be authorized, if the change would result in the enlargement of the right.

Tentative Determination/Extent and Validity

Ecology cannot adjudicate a claim to a water right; only the Superior Courts have this authority. However, the Washington Supreme Court has held that Ecology, when processing an application for change to a water right, is required to make a tentative determination of extent and validity of the claim or right. This is necessary to establish whether the claim or right is eligible for change. *R.D. Merrill v. PCHB* and *Okanogan Wilderness League v. Town of Twisp*

INVESTIGATION

In considering this application, the investigation included, but was not limited to, research and/or review of:

- The State Water Code, administrative rules, and policies,
- Other recorded water rights in the vicinity,
- A site visit conducted on June 5, 2007, by Department of Ecology staff Jim Lyerla and Laurie Dahmen,
- Correspondence and conversations with Rick Jones of the Walla Walla Conservation District,
- Correspondence and conversations with Jack Myrick of the Conservation Commission,
- Conversations with Ecology staff,
- Correspondence with Paul LaRiviere of the Department of Fish and Wildlife,
- Correspondence with Jon Culp of the Conservation Commission,
- Topographic and local area maps, and
- Aerial photographs of the site.

History of Water Use

Initial historic use data and irrigation system requirements were calculated by IRZ Consulting, LLC. Further calculations were completed by Jack Myrick from the Conservation Commission, and Rick Jones from the Walla Walla Conservation District as the project progressed. An extent and validity determination of water rights, including aerial photograph review, was conducted by Bill Neve, former Walla Walla Watermaster, and Jim Lyerla (now retired) from the Department of Ecology. Water right and project review was conducted by Laurie Dahmen

² RCW 90.38.020(4), 90.38.020(6), 90.42.080(4) and 90.42.080(8)

from the Department of Ecology. As described in a letter from Jim Lyerla to Jon Culp (dated August 14, 2007), surface water has been historically and beneficially used on land described in TRAC No. 116.

Proposed Use

The purpose of instream flow is to enhance instream flows for fish maintenance and enhancement within the lower reaches of the Touchet River.

Other Rights Appurtenant to the Place of Use

A review of Ecology records was conducted for existing surface and ground water rights and permits in the surrounding area.

In order to evaluate the pending trust water application, it is necessary to review all water rights appurtenant to the place of use (POU) described in TRAC No. 116. There are 21 other surface water rights within the place of use for TRAC No. 116. They are junior in priority date and are not part of this irrigation efficiencies project. Only one water right, Adjudicated Certificate No. 102, has a higher senior priority date of 1880. It was issued to OR WA Railroad Navigation Company in the amount of 0.07 cfs for the purpose of industrial purposes located within Section 33, T 7 N., R. 33 E.W.M. This water right was used for steam trains at a train station in Touchet (no longer there) during the late 1800's to early 1900's.

Hydrologic/Hydrogeologic Evaluation

The following evaluation was given by John Covert, Hydrogeologist for Ecology's Eastern Regional Office Water Resources Program:

The Touchet River is formed by the confluence of several large tributaries draining the northern part of the Walla Walla River basin. The four primary forks, the North Fork Touchet, Wolf Fork, Robinson Fork, and the South Fork Touchet, flow north out of the Blue Mountains and converge southeast of the city of Dayton to form the mainstem Touchet River. At the foot of the mountain slope, the river abruptly changes direction and flows westward to the Eureka Flats passing through the towns of Waitsburg and Prescott, after which it flows southward where it converges with the Walla Walla River at the town of Touchet. The valleys that dissect the Blue Mountains are mostly narrow, steep gradient canyons with streambeds composed of poorly sorted cobbles and gravels. As the North Fork Touchet flows toward Dayton and merges with the South Fork Touchet, the river gradient decreases and the channel becomes broader. The poorly sorted cobble and gravel streambed has increasing amounts of sand. As the Touchet River flows through the valley, the streambed materials grade into poorly sorted coarse gravels and cobbles with sand. West of Prescott, the Touchet River flows over basalt bedrock returning to poorly sorted coarse gravels and cobbles with sand after the river has turned south. The streambed materials alternate between poorly sorted alluvium and bedrock to the mouth of the Touchet River, where it discharges into the Walla Walla River.

The watershed drains 747 square miles and ranges in elevation from 6,074 feet at its headwaters to 420 feet above sea level at its confluence.

The USGS ran a streamflow gage on the Touchet River near the town of Touchet during the 1940s thru the mid 1950s. Mean annual flow for this period of record was 245 cfs. The lowest daily average flow occurred on September 14, 1944 at 7 cfs and the highest daily average flow occurred on February 10, 1949 at 9,000 cfs. August monthly average flows are typically 25 cfs or less at this gage.

The Touchet River is on the 303(d) listings for exceeding Washington State water quality standards for temperature, pH, dissolved oxygen, fecal coliform, and turbidity.

The Touchet River has been closed to new consumptive water rights (WAC 173-532).

Trust Water Right Calculations

While an entire water right, or portion thereof, may be accepted into trust, the extent to which that water right may be exercised is based on the highest water use within the last five (5) years that will be foregone for the period of trust. The calculation for the extent to which a water right may be exercised as a Trust Water Right is not a tentative determination of the water right and is not a finding of relinquishment or abandonment. Water use records indicate that the subject water right has been used to the full extent of 6 acre-feet per acre (total of 11,837.7 acre-feet), and up to 30.353 cfs during the last five (5) years. Therefore, the entire quantity of water savings may be exercised.

The water right has been evaluated for available instantaneous and annual quantities based on historical use. Water use is divided so that the Westside Irrigation District has 60% and the Eastside Irrigation District has 40% of the

water right, and separated out as trust water and irrigation water available for acres in the IEGP. *See Table 1 of this report.*

The recommended annual quantities are calculated from recommended instantaneous quantities after the piping project is complete. Historical acre-feet usage is based on the certificated 6 acre-feet per acre. The acre-feet savings are based on a calculation of varying historical cfs and recommended diversion rates throughout the irrigation season. *See file for spreadsheet calculations for a detailed analysis prepared by the Walla Walla Conservation District.* The distribution of acre-feet per month is based on the recommendation of irrigation requirements for the new irrigation systems and the amount of cfs available each month.

Trust Water Place of Use

Trust Water use for instream flow is generally split into primary and secondary reaches in order to distinguish the contribution of return flows from a water use and the benefits of any reduction in consumptive water use. The annual quantity placed into Trust is calculated differently for a primary reach and secondary reach due to the effects of return flows. The primary reach of a stream is the portion that benefits from both the reintroduction of return flows and any reduced consumptive water use. It is considered to be the reach starting at the point of diversion for the subject right, and extending downstream to a point on the stream where return flows from the irrigated lands have rejoined the stream. The secondary reach, that portion that benefits by the reintroduction of water that would otherwise be lost to consumptive use, is the reach extending from the end of the primary reach to such point downstream as it is practical and feasible to regulate for the subject right. Because this irrigation efficiency project did not reduce consumptive use for this water right, there is no benefited secondary reach of the stream.

Primary Reach

The Trust Right for the primary reach is approximately four (4) miles of the lower Touchet River beginning at the Hofer Dam diversion and ending at the confluence to the Walla Walla River.

Secondary Reach

There is no secondary reach in this trust water right.

Trust Water Management

Consistent with RCW 90.42.080(1)(a), this Trust Water Right shall be managed by Ecology as an instream flow right for the Touchet River, as described on this Trust Water Report.

Impairment Considerations

“Impair” or “impairment” means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection, and/or 2) to prevent the beneficial use of the water to which one is entitled, and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below instream flow levels established by rule (POL-1200), and/or 4) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

The proposed trust water has been evaluated as to the potential for impairment to existing water rights in the area. The water retained instream from the Trust Water Right will be available to other water rights in accordance with seniority and no impairment of any water right will occur. The primary reach has been designated in part to avoid potential impairment to existing water rights. Because there are no downstream diversions with greater seniority than the Westside and Eastside Irrigation District’s water right, no impairment of any water right will occur.

No Enhancement of the Original Certificate

No diversion of water over and above what has been historically put to beneficial use would be authorized through approval of this change. Total water between trust and that portion remaining with the right holder will not exceed the greatest use within the last five (5) years of water use nor will the total exceed the historical extent of the water right.

Consideration of Protests and Comments

No protests or comments were received.

CONCLUSIONS

It is the conclusion of this examiner that, in accordance with Chapter 90.42 RCW, the applications for trust water through an irrigation efficiencies project under Touchet River Adjudicated Certificate No. 116 will not impair existing rights provided the terms and conditions below are followed.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the request for change in purpose of use to Touchet River Adjudicated Certificate No. 116 be approved, in the amounts and within the limitations listed below and subject to the provisions beginning on Page 3.

Trust Water Right Attributes:

- 1.853 cfs March 16 to April 30
- 5.0 cfs May 1 to June 30
- 1.853 cfs July 1 - 15
- 5.0 cfs September 1 - 15
- 9.0 cfs September 16 - 30
- 17.0 cfs October 1 - 15
- 22.0 cfs October 16 - 31
- 23.0 cfs November 1 - 15

3133.95 acre-feet per year for the purpose of instream flows within the lower Touchet River in the primary reach permanently.

The primary reach begins at the Hofer Dam diversion at approximately River Mile 4 on the Touchet River and extends to the confluence of the Walla Walla River.

There is no secondary reach in this project for this water right.

Portion of Water Right Not Placed into Trust:

- 28.5 cfs March 16 to April 30
- 25.353 cfs May 1 to June 30
- 28.5 cfs July 1-15
- 30.353 cfs July 16 to August 31
- 25.353 cfs September 1-15
- 21.353 cfs September 16-30
- 13.353 cfs October 1-15
- 8.353 cfs October 16-31
- 7.353 cfs November 1-15
- 30.353 cfs November 16 to December 15

8703.75 acre-feet per year for the irrigation of 1972.95 acres

Point of Diversion:

NE¼SE¼ of Section 15, T. 7 N., R. 33 E.W.M.

Place of Use:

Lands within the boundaries of the Westside Irrigation District No. 5 and the Eastside Irrigation District No. 6

Report by: _____ Date _____
 Laurie Dahmen
 Water Resources Program

Attachment 1: Place of Use, Point of Diversion and Trust Water location

