



File NR: G3-30625
WR Doc ID: 4691604

State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE July 8, 2010	WATER RIGHT NUMBER G3-30625
--------------------------------------	---------------------------------------

MAILING ADDRESS LYNN OLSEN II P.O. BOX 3048 PASCO, WA 99302	
---	--

REMARKS: This water right to irrigate 20 acres is part of the Goroch Mitigation Project and is mitigated by G4-GWC7601-A@6.

Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
200	GPM	80

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Irrigation of 20 acres	200			80		03/15 - 11/15

Source Location

COUNTY	WATERBODY	WATER RESOURCE INVENTORY AREA
FRANKLIN	GROUNDWATER	36-ESQUATZEL COULEE

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well 1	126200155		10N	28E	13	NESW		
Well 2	126200155,119,137		10N	28E	13	SESW		

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS) 126200155, 126200119, 126200137
--

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

That portion of Farm Unit 10, Irrigation Block 1 of the Columbia Basin Irrigation Project lying South and West of the following described line:

Beginning at the SE corner of Sec. 13, T. 10 N., R. 28 E.W.M.; Thence N 01°05'40" E 889.29 ft to the South line of said Farm Unit 10; Thence N 89°50'02" W along the South line of Farm Unit 10, 1182.48 ft to the True Point of Beginning; Thence N 37°15'00" W 37.77 ft; Thence N 89°50'02" W parallel with the South line of Farm Unit 10, 1629.17 ft; Thence N 03°25'35" W 869.30 ft to the North line of Farm Unit 10; Thence N 89°40'04" W along the North line of Farm Unit 10, 956.16 ft and terminus of said line;

AND lying North of the following described line:

Beginning at the previously described True Point of Beginning; Thence N 89°50'02" W 2481 ft to the Line of Ordinary High Water of the Columbia River and terminus of said line; AND lying Easterly of the Columbia River.

Together with a portion of Farm Unit 11, Irrigation Block 1 of the Columbia Basin Irrigation Project, more particularly described as follows:

Beginning at the SE corner of Sec. 13, T. 10 N., R. 28 E.W.M.; Thence N 01°05'40" E 889.29 ft to the North line of said Farm Unit 11; Thence N 89°50'02" W along the North line of Farm Unit 11, 1145.09 ft to the True Point of Beginning; Thence N 89°50'02" W continuing along the North line of Farm Unit 11, 2481.00 ft plus or minus to the Line of Ordinary High Water of the Columbia River; Thence S 10°32'35" E 915.10 ft plus or minus; Thence S 90°00'00" E along the South line of Farm Unit 11, 710.52 ft plus or minus; Thence N 00°00'00" E 867.28 ft; Thence S 89°50'02" E, parallel to the North line of Farm Unit 11, 1685.87 ft to the centerline of Road 68; Thence N 37°15'54" W approximately 38 ft along the centerline of Road 68 to the True Point of Beginning.

Together with flowage easement along the Columbia River and subject to rights of way.

Proposed Works

An existing and proposed well withdrawing from the unconfined aquifer in direct continuity with the Columbia River will supply a pressure irrigation system with under-tree and overhead sprinklers, planned for orchard development.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
January 1, 2017	January 1, 2020	January 1, 2023

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Annually; by Jan 31 of each year
What volume should be reported?	Total Annual Volume (acre-feet)
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

Provisions

Use Conditions

This permit is valid only if it is mitigated by an equal amount of water held in the Trust Water Right Program under Authorization No. CG4-GWC7601-A@6.

Monthly use during the months of June and September shall not exceed 16.2 ac-ft per month.

Monthly use during the months of July and August shall not exceed 16.8 ac-ft per month.

Wells, Well Logs, and Well Construction Standards

Wells used under this permit must be completed in the shallow alluvial aquifer above any basalt formations.

All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.

All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

Measurements, Monitoring, Metering, and Reporting

An approved measuring device shall 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", WAC 173-173.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Eastern Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Eastern Regional Office for forms to submit your water use data.

WAC 173-173 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.

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.

Proof of Appropriation

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. The certificate will reflect the extent of the project perfected within the limitations of the 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.

Schedule and Inspections

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.

FINDINGS OF FACTS

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. G3-30625, subject to existing rights and the provisions specified above.

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 all of 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
<p>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503</p> <p>Pollution Control Hearings Board 1111 Israel Road SW, Suite 301 Tumwater WA 98501</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608</p> <p>Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903</p>

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>

Signed at Union Gap, Washington, this _____ day of _____, 2015.

 Thomas Perkow, Acting Section Manager
 Water Resources Program
 Central Regional Office

If you need this document in a format for the visually impaired, call the Water Resources Program at 509-575-2490. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

INVESTIGATOR'S REPORT

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application No. G3-30625. The Washington State Department of Ecology (Ecology) accepted Water Right Application No. G3-30625 submitted by Lynn J. II & Julie G. Olsen on July 8, 2010. The applicant requests a right to irrigate 20 acres, initially planned for orchard development. Attributes of the application are presented below in Table 1.

Table 1: Summary of Requested Water Right

Applicant Name:	Lynn Olsen II
Date of Application:	July 8, 2010
Place of Use	Within a portion of SW¼ of Sec. 13, T. 10 N., R. 28 E.W.M., lying east of Columbia River and fully described on the cover sheets to this report. Parcel Nos. 126200155, 126200119, 126200137.

County	Waterbody	Tributary To	WRIA
Franklin	Groundwater		36-Esquatzel Coulee

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Irrigation	200	GPM	80	03/15	11/15

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well 1	126200155		10N	28E	13	NE SW		
Well 2	not yet drilled		10N	28E	13	SE SW		

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

Chapters 90.03 and 90.44 RCW authorize the appropriation of public water for beneficial use and describe the process for obtaining water rights. Laws governing the water right permitting process are contained in RCW 90.03.250 through 90.03.340 and RCW 90.44.050. In accordance with RCW 90.03.290, determinations must be made on the following four criteria in order for an application for a water right to be approved:

- Water must be available.
- The water use must not impair existing water users.
- The water use must be beneficial.
- The water use must not be detrimental to the public welfare.

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* located in Kennewick, WA for the consecutive weeks of October 23, 2014 and October 30, 2014.

Consultation with the Department of Fish and Wildlife

Ecology must give notice to the Washington Department of Fish and Wildlife (WDFW) of applications to divert, withdraw or store water (RCW 77.57.020). Ecology gave notice of this application to the WDFW and on March 23, 2012 received a comment from WDFW that stated WDFW does not oppose Ecology's processing of Application No. G3-30625.

Consultation under WAC 173-563-020

Under WAC 173-563-020(4), consultation is required before issuance of new Columbia River water right permits:

The instream flows established and implemented by this chapter for instream and out-of-stream uses, and the average weekly flows applied by this chapter to out-of-stream uses do not apply to any application for water from the main stem Columbia River on which a decision is made by the department of ecology on or after July 27, 1997. Any water right application considered for approval or denial after that date will be evaluated for possible impacts on fish and existing water rights. The department will consult with appropriate local, state, and federal agencies and Indian tribes in making this evaluation. Any permit which is then approved for the use of such waters will be, if deemed necessary, subjected to instream flow protection or mitigation conditions determined on a case-by-case basis through the evaluation conducted with the agencies and tribes.

On February 22, 2012, Ecology notified local, state, and federal agencies and Indian tribes requesting consultation and comments on issuing decisions for three water budget neutral projects including the subject application. No comments were received concerning the use of water for the Olsens' project.

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.

- It is a surface water right application for more than 1 cubic foot per second (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;
- It is a groundwater right application for more than 2,250 gallons per minute (gpm);
- It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- 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);
- 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 Use and Basis of Water Demand

The project's proposed use is for irrigation. Mitigation will be provided by transfer of 197.3 acre-feet from Certificate No. 7601-A to the State Trust Water Right Program. The water will be conveyed downstream from the original point of withdrawal as instream flow in the Okanogan and Columbia Rivers, downstream to a point adjacent to the proposed project, where groundwater withdrawal of 80 ac-ft of water will be used for the irrigation of 20 acres.

Water Availability

For water to be available for appropriation, it must be both physically and legally available. The applicant asserts that water use under G3-30625 would be water budget neutral based on their proposed mitigation and their ability to pump groundwater that is connected to the Columbia River.

Legal availability

If approved, Application No. G3-30625 will be mitigated by water held instream. A portion of Groundwater Certificate No. 7601-A is proposed for transfer into the TWRP under Change Application No. CG4-GWC7601-A@6 to serve this purpose, and is being processed concurrently with the decision on the subject application.

Hydrogeology and Physical availability

On August 6, 2015, Ecology Hydrogeologist Danielle Squeochs conducted a site visit on the Olsen's property and made the following assessment. The applicant's well sites are adjacent to the Columbia River at a location where the water table aquifer is accessible. The wells will need to be constructed above the bedrock layer of basalt. A well drilled in this area will likely intersect basalt at a depth of approximately 100 to 200 feet below land surface. The shallow alluvial aquifer in this area is very productive and the physical availability of water will be satisfied from the water table aquifer connected with the river. The applicant's existing well is believed to draw from this aquifer, though no well report is available and the well was constructed by a prior owner. The wells must withdraw water from the shallow alluvial aquifer in order to qualify for use under permit.

Other Rights Appurtenant to the Place of Use

There are no other rights appurtenant to the proposed place of use.

Impairment Considerations

Change Application CG4-GWC7601-A@6 provides mitigation to make water use under Application No. G3-30625 water budget neutral. A condition will be included to restrict the monthly use so that it does not exceed the monthly volume of mitigation available. Irrigation under this right cannot exceed the monthly mitigation quantity. Therefore, the Olsens will be limited to 16.2 ac-ft/mo for June and September and 16.8 ac-ft/mo for July and August. With careful water management these limits will not restrict crop production.

Based on the quantity requested to be pumped and the proximity of the Columbia River as a plentiful recharge source, water level drawdown in the aquifer near the pumping wells will be relatively small. The effect of pumping will be significantly limited due to recharge from the river. The nearest neighboring wells are domestic wells located approximately 700 feet to the north of this site.

Water Rights in the Vicinity

Table 1 summarizes the documents for River Ridge. Their wells are at least 1000 feet to the northeast of the Olsen's proposed wells.

Table 1. Other Water Right Near the Proposed Place of Use

File Number	Applicant	Document	Type	Priority Date	Purpose	Qi/gpm	Qa (Ac-ft/yr)
G3-30151	River Ridge Estates Home Owners Assn	New Application	Ground water	3/12/1998	irrigation of 24 ac	500	
G3-27506P	River Ridge Estates Homeowners Assn	Permit	Ground water	4/7/1983	community domestic supply	50	29

Beneficial Use

The proposed use of water is defined in statute as a beneficial use (RCW 90.54.020(1)). Beneficial use encompasses two principal elements of a water right:

- Beneficial use refers to the purpose for which water may be used.
- Beneficial use determines the measure of a water right. The owner of a water right is entitled to the amount of water necessary for the purpose to which it has been used.

To determine the amount of water necessary for a beneficial use, the courts have developed the principle of "reasonable use." Reasonable use of water is determined by analysis of the factors of water duty and waste. Application G3-30625 proposes the use of 80 acre-feet annually for irrigation of 20 acres orchard (48 inch/year water duty). Orchard with cover crop that is intensively irrigated and can require as much as 58-59 inches annually in this area according to the Washington Irrigation Guide at the Kennewick and Richland stations, assuming an 80% application efficiency. The applicant will need to use careful water management and/or limit the cover crop in order to meet full crop demands with the requested duty. With such practices the amount of water requested is reasonable. The applicant has also requested an irrigation season extending from March 15 to November 15 each year. This will allow early and late season filling of the soil profile, which is another strategy to better manage the available water.

Public Welfare Considerations
State law requires that the proposed use of water will not be detrimental to the public welfare (RCW 90.03.290). Analysis of whether the application meets this requirement involves investigation of how approval of the proposed use will affect the range of values that are encompassed by the public interest.

The proposed project will be water budget neutral with mitigation water provided through Change No. CG4-GWC7601-A@6.

On February 22, 2012, a notification letter was sent to potentially affected local governments, appropriate state agencies, federally recognized tribal governments and other interested parties. No protests or comments were received in response to this application.

Conclusions

The proposed use of water for the irrigation of 20 acres is considered to be a beneficial use. Water is physically and legally available for the proposed use of water and will not impair any existing water rights. The proposed use of water will not be detrimental to the public welfare.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved and a permit be issued in the amounts and within the limitations listed below and subject to the provisions on pages 1-3.

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:

Maximum Quantities

200 gpm, 80 acre-feet per year for the irrigation of 20 acres from March 15 to November 15 each year.

Points of Withdrawal

NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, Township 10 North, Range 28 E.W.M.; and

Place of Use

Within a portion of SW $\frac{1}{4}$ of Sec. 13, T. 10 N., R. 28 E.W.M., lying east of Columbia River and fully described on the cover sheet to this report. Parcel Nos. 126200155, 126200119, 126200137.

Kelsey Collins, Report Writer

Date

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.