



State of Washington
 Department of Ecology
 Office of Columbia River
DRAFT
 Report of Examination for
 Water Right Application

File NR G4-33121
 WR Doc ID 6268840

PRIORITY DATE 7/9/2014	WATER RIGHT APPLICATION NUMBER G4-33121
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MAILING ADDRESS STE. MICHELLE WINE ESTATES LTD PO BOX 23 PATERSON, WA 99345-0231	SITE ADDRESS (IF DIFFERENT)
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Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
3,900	GPM	1,540

Total withdrawals from all sources must not exceed the total quantity authorized for withdrawal listed above. Annual quantity is non-additive to quantities authorized under CG4-30288P.

Purpose

PURPOSE	WITHDRAWAL RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Irrigation	1,650	2,250	GPM		1,540	03/01 - 11/30
	IRRIGATED ACRES					
ADDITIVE				NON-ADDITIVE		
0				700		

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
BENTON	GROUNDWATER	COLUMBIA RIVER	31-ROCK-GLADE

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well 1	134544000000001		05N.	24E.W.M.	34	SE SE	45.86613	-119.78769
Well 2	134544000000001	AFL004	05N.	24E.W.M.	34	SE SE	45.86610	-119.78854
Well 3	134544000000001		05N.	24E.W.M.	34	SE SE	45.86608	-119.78889

Datum: NAD83

Place of Use (See Attached Map)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Within T.5N. R.24E.W.M.- The S½ of Section 25, EXCEPT lands described as follows: Commencing at SE corner of Section 25, N2.65°W for 886.41 feet to the point of beginning, thence S54.23°W for 738.27 feet, thence S71.68°W for 580.02 feet, thence N18.08°W for 1498.9 feet, thence N0.69°W for 922.74 feet, thence N89.59°E for 1555.18 feet, more or less, to the east section line, thence south along said section line to the point of beginning;
AND the S½ of Section 26;
AND the E½ of Section 33 lying north of State Highway No. 8;
AND all of Section 34 lying north of State Highway No. 8, EXCEPT the N½N½;
AND all of Sections 35 and 36 lying north of State Highway No. 8.

Within T.5N. R.25E.W.M.- That portion of Section 30 described as follows: Commencing at the SW corner of Section 30, N2.26°W for 879.78 feet, thence N54.19°E for 3658.14 feet, thence S0.29°W for 2284.52 feet, thence S76.15°W for 2996.21 feet to the SW corner of Section 30;
AND that portion of Section 31 described as follows: Commencing at the NW corner of Section 31, thence N76.18°E for 3025.69 feet, thence S0.71°E for 468.5 feet, thence S56.62°W for 2091.73 feet, thence N30.47°W for 228.14 feet, thence S67.43°W for 1114.89 feet, thence N2.58°W for 1157.88 feet to the NW corner of Section 31.

Proposed Works

The applicant intends to increase the allowed instantaneous pumping rate by 1,650 gpm from three wells used to irrigate the Canoe Ridge Vineyard operated by Ste. Michelle Wine Estates under existing change authorization CG4-30288P. This will allow for increased operational flexibility to meet instantaneous crop demands. No new infrastructure is proposed at this time.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	Completed	November 30, 2016

Measurement of Water Use

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

Provisions

Wells, Well Logs and Well Construction Standards

All wells constructed in the state shall meet the construction requirements of Chapter 173-160 WAC titled "Minimum Standards for the Construction and Maintenance of Wells" and Chapter 18.104 RCW 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", Chapter 173-173 WAC.

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

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 the Department of Ecology for modifications to some of the requirements.

Family Farm Permit

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.

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. G4-33121, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. 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 the Order.

File your appeal and a copy of this Order 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 Order 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.

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

Signed at Yakima, Washington, this _____ day of _____ 2015.

Mark C. Schuppe, Operations Manager

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>.

INVESTIGATOR'S REPORT

Application for Water Right – Ste. Michelle Wine Estates Ltd.
 Water Right Control Number G4-33121
 Trevor Hutton, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number G4-33121.

Table 1 Summary of Requested Water Right

Applicant Name:	Ste. Michelle Wine Estates Ltd.
Date of Application:	7/9/2014
Place of Use	<p>Within T.5N. R.24E.W.M.- The S½ of Section 25, EXCEPT lands described as follows: Commencing at SE corner of Section 25, N2.65°W for 886.41 feet to the point of beginning, thence S54.23°W for 738.27 feet, thence S71.68°W for 580.02 feet, thence N18.08°W for 1498.9 feet, thence N0.69°W for 922.74 feet, thence N89.59°E for 1555.18 feet, more or less, to the east section line, thence south along said section line to the point of beginning; AND the S½ of Section 26; AND the E½ of Section 33 lying north of State Highway No. 8; AND all of Section 34 lying north of State Highway No. 8, EXCEPT the N½N½; AND all of Sections 35 and 36 lying north of State Highway No. 8.</p> <p>Within T.5N. R.25E.W.M.- That portion of Section 30 described as follows: Commencing at the SW corner of Section 30, N2.26°W for 879.78 feet, thence N54.19°E for 3658.14 feet, thence S0.29°W for 2284.52 feet, thence S76.15°W for 2996.21 feet to the SW corner of Section 30; AND that portion of Section 31 described as follows: Commencing at the NW corner of Section 31, thence N76.18°E for 3025.69 feet, thence S0.71°E for 468.5 feet, thence S56.62°W for 2091.73 feet, thence N30.47°W for 228.14 feet, thence S67.43°W for 1114.89 feet, thence N2.58°W for 1157.88 feet to the NW corner of Section 31.</p>

County	Waterbody	Tributary To	WRIA
Benton	Groundwater	Columbia River	31-Rock-Glade

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Irrigation	1,650	GPM	1,540 non-additive	03/01	11/30

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well 1	134544000000001		05N.	24E.W.M.	34	SE SE	45.86613	-119.78769
Well 2	134544000000001	AFL004	05N.	24E.W.M.	34	SE SE	45.86610	-119.78854
Well 3	134544000000001		05N.	24E.W.M.	34	SE SE	45.86608	-119.78889

GPM = Gallons per Minute; 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.

Legal Requirements for Approval of Appropriation of Water

Priority Processing

This application is being priority processed because it qualified under the criteria under which an application may be processed prior to competing applications (Chapter 173-152 WAC). This application requests no additive annual quantity and is therefore determined to be water budget neutral under WAC 173-152-020(18).

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 on 9/25/2014 and 10/2/2014.

Consultation with the Department of Fish and Wildlife (WDFW)

Ecology must give notice to the WDFW of applications to divert, withdraw or store water. The WDFW was given notice of this application through the Columbia River consultation process outlined below. A response was received on September 29, 2014, indicating that WDFW was not in opposition to issuance of the permit because there is no increase to the annual quantity allowed under other existing rights.

Consultation under WAC 173-563-020

Under WAC 173-563-020(4), consultation is required before issuing a new groundwater right that has significant and direct impact to the Columbia River:

Any water right application considered for approval or denial after July 27, 1997, 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.

Notice was sent to appropriate parties on September 10, 2014. Responses are listed below.

Party	Nature of Comments
Bonneville Power Administration	Discussed details of application proposal without objection
US Bureau of Reclamation	No objection based on no increase in annual quantity
National Ocean and Atmospheric Administration	Recommended Ecology to consider timing of additional withdrawals with respect to salmonid life stages

All comments were taken into consideration as a part of the application review and concerns are addressed in the Investigation section below.

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:

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gpm;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) 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);
- (e) 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

This application was submitted subsequent to communication and a pre-application conference meeting on May 15, 2014, between Mike Means and Steve Johnson of Ste. Michelle Wine Estates and the author of this report. In addition, the author visited the site on October 29, 2014, to meet with Mike Means and Mimi Nye, the Canoe Ridge Vineyard Manager. Aspects of the site visit included documenting well locations, irrigation system configuration and other pertinent site characteristics.

Proposed Use and Basis of Water Demand

This application does not contemplate any additive annual quantities, but rather seeks to increase the allowed instantaneous pumping rate by 1,650 gpm from three wells used to irrigate the Canoe Ridge Vineyard operated by Ste. Michelle Wine Estates under existing change authorization CG4-30288P. This authorization allows up to 2,250 gpm, 1,540 acre-feet per year for the irrigation of 700 acres between March 1 and November 30. Ste. Michelle Wine Estates owns or operates several vineyards throughout central Washington State. It was noted by their vineyard operations staff that the maximum pumping rate on a per acre basis was lower for the Canoe Ridge Vineyard (3.2 gpm/acre) than for any of their other properties (5.1-9.4 gpm/acre). The Canoe Ridge Vineyard has up to date drip irrigation systems that are remotely controlled and monitored and use soil sensors in many areas of the vineyard. As a premium wine producer, timing of irrigation is critical to fruit development and fruit quality. The purpose of this application is to allow the vineyard irrigation manager greater operational flexibility in meeting instantaneous demand by the crops. If favorably processed, the total pumping rate would be 3,900 gpm, or 5.6 gpm/acre, increasing consistency with other vineyards and allowing greater ability to meet peak crop water demands on a shorter timescale.

Other Rights Appurtenant to the Place of Use

The principal water use authorization related to this request is change authorization CG4-30288P as discussed above. There are two other state issued water rights appurtenant to the place of use that are adjunctly related to the subject application. Certificate G4-27150C authorizes 105 gpm, 36 acre-feet per year for the irrigation of 10 acres. Change authorization CG3-20643C authorizes 105 gpm, 29.7 acre-feet

per year for commercial use related to the winery, 2 acre-feet for domestic use, and 2.7 acre-feet for irrigation of grounds and landscaping. While neither the Benton County Conservancy Board's Record of Decision nor Ecology's Conditional Approval explicitly spell out all of these quantities, information in the file history sheds further light on this relationship. The Superseding Certificate for G4-27150C issued as a result of a partial relinquishment to G4-27150C as a condition of a 1999 Benton County Conservancy Board Decision changing the purpose of use for G3-20643C to include domestic and commercial uses. This Superseding Certificate states that the total withdrawal under the two rights shall not exceed 105 gpm, 70.4 acre-feet per year for the irrigation of 11 acres, continuous single domestic use (2 acre-feet), and commercial use (29.7 acre-feet).

These rights are not used in conjunction with change authorization CG4-30288P and would not be associated with the proposed use of water under the subject application.

Impairment Considerations

Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection. A water right application may not be approved if it would:

- Interrupt or interfere with the availability of water to an adequately constructed groundwater withdrawal facility of an existing right. An adequately constructed groundwater withdrawal facility is one that (a) is constructed in compliance with well construction requirements and (b) fully penetrates the saturated zone of an aquifer or withdraws water from a reasonable and feasible pumping lift.
- Interrupt or interfere with the availability of water at the authorized point of diversion of a surface water right. A surface water right conditioned with instream flows may be impaired if a proposed use or change would cause the flow of the stream to fall to or below the instream flow more frequently or for a longer duration than was previously the case.
- Interrupt or interfere with the flow of water allocated by rule, water rights, or court decree to instream flows.
- Degrade the water quality of the source to the point that the water is unsuitable for beneficial use by existing users (e.g., via sea water intrusion).

No additional annual quantities are requested, and as such this application is water budget neutral. The increase in instantaneous pumping rate is not expected to impair any nearby wells, as explained in a memorandum in the file produced by a licensed Ecology Staff Hydrogeologist:

Results indicate that pumping a single well at the proposed maximum instantaneous rate of 3,900 gpm would exhaust the proposed annual quantity of 1,540.0 acre feet in approximately 90 days and potentially draw the water table down 8.6 to 11.6 feet at a distance of 250 feet from the pumping well. If the well is pumped in cycles or if it is pumped at less than the maximum pumping rate, the predicted effect would be reduced. An evaluation of water rights, well logs, and 2011 aerial photos of the area indicates that the closest non-subject well is estimated to be approximately 250 feet from the existing subject wells. Based on the analysis presented above, any groundwater drawdown that might occur as a result of the permitting action is not expected to interfere with the ability of nearby well owners to fully utilize their well(s).

Additionally, concerns were noted by the National Ocean and Atmospheric Administration (NOAA) regarding temporal impacts to flows on the Columbia River because the wells are in hydraulic connection with the Columbia River as required under change authorization CG4-30288P. It is

important to acknowledge that when regulation occurs under Chapter 173-563 WAC, water is managed on a weekly basis. As the applicant is not proposing any additional consumptive use, this increase in instantaneous quantity would not likely affect the sum total of water withdrawn by the applicant over that time frame. If approved, this use would have no measurable deleterious effects on flow regimes within the regulatory timeframe associated with the John Day Pool of the Columbia River, which has an average residence time of approximately 6 days.

Water Availability

For water to be available for appropriation, it must be both physically and legally available.

Physical availability

For water to be physically available for appropriation there must be ground or surface water present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses. In addition, the following factors are considered:

- Volume of water represented by senior water rights, including federal or tribal reserved rights or claims;
- Water right claims registered under Chapter 90.14 RCW;
- Ground water uses established in accordance with Chapter 90.44 RCW, including those that are exempt from the requirement to obtain a permit; and
- Potential riparian water rights, including non-diversionary stock water.
- Lack of data indicating water usage can also be a consideration in determining water availability, if the department cannot ascertain the extent to which existing rights are consistently utilized and cannot affirmatively find that water is available for further appropriation.

The existing wells, located roughly 1000 feet from the Columbia River are in close hydraulic continuity with the river as required by change authorization CG4-30288P which provides the basis for the annual quantity of water associated with the subject request. A Licensed Staff Hydrogeologist at Ecology has determined in a separate technical memorandum that the wells constructed into the unconsolidated sand and gravel aquifer at this location would have a hydraulic conductivity of between 9,000 and 12,000 gallons per day per square foot.

Legal availability

To determine whether water to be legally available for appropriation, the following factors are considered:

- Regional water management plans – which may specifically close certain water bodies to further appropriation.
- Existing rights – which may already appropriate physically available water.
- Fisheries and other instream uses (e.g., recreation and navigation). Instream needs, including instream and base flows set by regulation. Water is not available for out of stream uses where further reducing the flow level of surface water would be detrimental to existing fishery resources.
- The Department may deny an application for a new appropriation in a drainage where adjudicated rights exceed the average low flow supply, even if the prior rights are not presently being exercised. Water would not become available for appropriation until existing rights are relinquished for non-use by state proceedings.

This application is not located within a closed basin and is water budget neutral. As such, approval would not result in any increase to the consumptive use allowed under Ste. Michelle Wine Estates existing rights.

Beneficial Use

The proposed use of water for irrigation purposes is defined in statute as a beneficial use (RCW 90.54.020(1)).

Public Interest Considerations

The proposed use of water would support a business currently employing many people in and around Paterson, Washington. The continued viability of this business provides jobs and economic stability to a region of the state largely dependent on agricultural commodities. Favorable processing of this application would not be detrimental to the public interest.

Consideration of Protests and Comments

No protests were filed against this application. The concern raised by NOAA is addressed in the Impairment Considerations section above.

Conclusions

As proposed in the subject application, water appears to be legally and physically available with no expected impairment to existing rights, would be applied to a beneficial use, and would not be detrimental to the public interest.

RECOMMENDATIONS

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

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:

1,650 gpm, additive

1,540 acre-feet per year, non-additive

For the irrigation of up to 700 acres(non-additive) from March 1 to November 30

Points of Withdrawal

Three wells located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 5N., Range 24E.W.M.

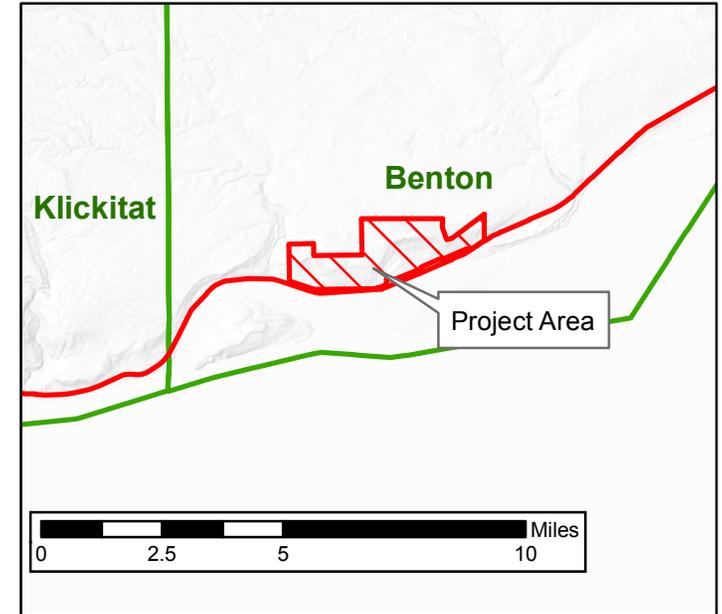
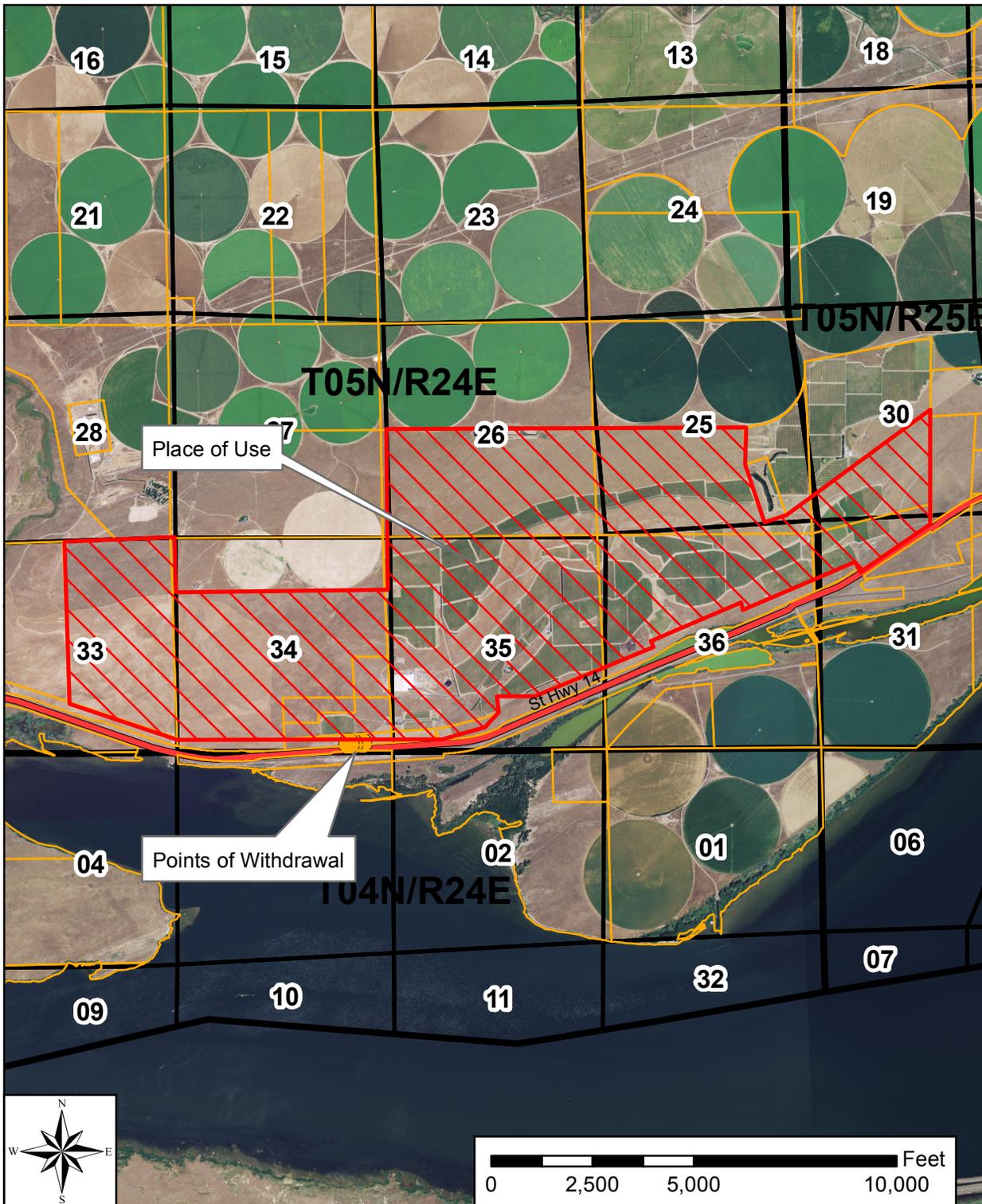
Place of Use

As described on page one of this report.

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.



-  Points of Withdrawal
-  Place of Use
-  Parcels
-  Roads
-  Sections
-  County

Comments:
 Map is for reference only. Place of use, points of withdrawal/diversion are as defined on the cover sheet of the Report of Examination.
 Image is 2013 NAIP airphoto.