File NR CS4-01228C(A)@5
WR Doc ID 5525720

State of Washington Seasonal/Temporary Change Authorization CS4-01228C(A)@5

For 2013 and 2014 Seasons Only

APPLICATION SUBMITTAL
12/3/2012

SEASONAL CHANGE AUTHORIZATION NUMBER
CS4-01228C(A)@5

MAILING ADDRESS
ConAgra Foods Lamb Weston, Inc
Attn: Reagan Grabner
PO Box 1900
Pasco, WA 99302-1900

SITE ADDRESS
No specific address for these irrigated acres. Generally, the place of use is up on Paterson Ridge, northeast of Paterson, WA.

Quantity Authorized for Diversion and Instream Flow

DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.56	CFS	98

Note: A previous change authorization (CS4-01228C(A)) authorizes 114 ac-ft to be transferred to an area south of Kennewick, WA. The applicant retains 16ac-ft and 0.11cfs to be used under CS4-01228C(A), leaving 98ac-ft and 0.56cfs available for change under this authorization.

Due to the distance involved in this seasonal change proposal, the right will be seasonally conveyed into the trust water right program (TWRP) as instream flow. The place of use of the right conveyed into the TWRP extends from the original point of diversion on the Okanogan River to the proposed point of diversion on the Columbia River. This conveyance, if exercised, would allow Ecology to protect the water right quantities along this distance from potential withdrawal by other users and ensure that the water right quantities are available at the proposed point of diversion.

Purpose

	DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		
PURPOSE	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	PERIOD OF USE (mm/dd)
Irrigation	0.56		cfs	98		03/01 - 11/30
Instream Flow (trust water)				98		

REMARKS
This change is seasonal for the 2013 and 2014 irrigation seasons only.

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
105	0	N/A	

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Benton	Columbia River	Pacific Ocean	31-Rock-Glade

SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Columbia River	108563000001000	05N	26 E.W.M.	08	SWNE		

Place of Use

PARCELS

133662000002004, 134662000004000, 133662000002006, 133661000001002, 134661000002002, 134661000001003, 134662000002001

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Irrigation: Within NW¼ Section 34 and north 3000 feet of the E½ Section 33 BOTH in T. 6 N., R. 26 E.W.M.

Instream Flow: Extends downstream from the originally authorized point of diversion on the Okanogan River located within the SE¼NW¼ of Section 20, T. 37 N., R. 27 E.W.M. to the above proposed point of diversion on the Columbia River, as discussed above.

Proposed Works

Irrigation system is already in place and operable. Meter dedicated to measuring water use under this authorization is to be installed and operable prior to any water use. This is a two-year seasonal change for the 2013 and 2014 irrigation seasons only.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
N/A	Completed	In Full Use

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 in acre-feet
What rate should be reported?	Annual Peak Rate of Diversion (cfs)

Provisions

Measurements, Monitoring, Metering and Reporting

An approved measuring device must be installed and maintained prior to any water use under this authorization that is dedicated to measuring water use under this authorization only. The measuring device shall be installed and maintained in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC, which 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.

Recorded water use data from the dedicated measuring device 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.

Department of Fish and Wildlife Requirement(s)
The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). 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/about/contact/.

No dam or weir may be constructed in connection with this diversion.

Quantity Limits, Flow and Regulation
This change does not authorize an enlargement of those quantities in cubic feet per second or acre-feet per year as described under S4-01228C(A).

When the March 1 forecast at the Dalles Dam is less than 60 million ac-ft, the expanded period of use is subject to instream flows on the Columbia River measured at John Day Dam as such: for the periods from March 1 to March 31 and from October 1 to November 30, pursuant to Chapter 173-563 WAC.

The original place of use of Surface Water Certificate S4-01228C(A) and the place of use under Change Authorization CS4-01228C(A) shall be fallowed – except 8 acres under CS4-01228C(A) – for the duration of the 2013 and 2014 irrigation seasons. Irrigation occuring during the 2013 and 2014 irrigation seasons within the places of use of S4-01228C or CS4-01228C(A) – except 8 acres under CS4-01228C(A) – shall constitute a violation of the terms of this authorization, and will result in its immediate termination. Other enforcement actions, including but not limited to fines and/or penalties, may also follow as a result of a violation.

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.

Schedule and Inspections
This seasonal change shall expire at the end of the 2014 irrigation season, being November 30, 2014, at which time the place of use shall automatically revert back to that described under S4-01228C and/or CS4-01228C(A).

In accordance with RCW 90.42.080(9), the full quantity of water conveyed into the trust water rights program shall revert to Lake Wallula Vineyards, LLC, on November 30, 2014.

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.

General Conditions
The applicant is advised that the issuance of this seasonal change by Ecology does not convey a right of access to, or other right to use land, which you do not legally possess. Obtainment of such a right is a private matter between the applicant and the owner of the land.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances or regulations.

Ecology assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this seasonal change authorization. Applicants for seasonal change should not construe that a seasonal change will result in the granting of a permanent change of water right.

Authorization

DATED this 9th of April, 2013

Mark C. Schuppe
Operations Manager

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

For additional information visit the Environmental Hearings Office Website: http://www.eho.wa.gov. To find laws and agency rules visit the Washington State Legislature Website: http://www1.leg.wa.gov/CodeReviser.