DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION
APPLICATION TO STORE WATER FOR BENEFICIAL USE

DRAFT

PRIORITY DATE	WATER RIGHT NUMBER
12/9/2002	R3-30370

MAILING ADDRESS
Flat Top Ranch
2521 Fishhook Park Road
Prescott, WA 99348

SITE ADDRESS (IF DIFFERENT)

Purpose and Quantity

PURPOSE	ADDITIVE	STORAGE QUANTITY NON-ADDITIVE	UNITS	PERIOD OF USE
Irrigation		128.4	AF	04/01 - 10/31

Secondary permit to G3-28237P and S3-28907P: irrigation of 1060 acres

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Franklin	Snake River	Columbia River	33-Lower Snake

Location of Impounding Structure

SOURCE NAME	PARCEL	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Snake River	110-150-015	9	31	15	SW¼NW¼	46.26356°	-118.92919°

LEGAL DESCRIPTION OF SUBMERGED LANDS

Specifications of Impounding Structure

HEIGHT OF DAM	LENGTH ON TOP (ft)	WIDTH ON TOP (ft)
25	2427	15

SLOPE OF FRONT OR WATER SIDE (horizontal: vertical)	SLOPE OF BACKSIDE (horizontal: vertical)
3:1	2:1 west side; 10:1 north, south, and east sides

NORMAL OPERATING POOL LEVEL (ELEVATION FT)	HEIGHT OF DAM ABOVE WATER LINE AT NOPL (ft)
687	4

TYPE OF DAM AND CONSTRUCTION MATERIALS
Homogeneous earth fill with 20 mil PVC liner

LOCATION AND APPROXIMATE DIMENSIONS OF SPILLWAY INCLUDING CREST LENGTH
48 feet wide overflow structure located 252 feet north and 48 feet east of the W¼ corner of Section 15, T. 9 N., R. 31 E.W.M.

LOCATION, SIZE AND TYPE OF OUTLET VALVE AND OUTLET CONDUIT STRUCTURE
The outlet pipe runs south approximately 260 feet from the centerline of the dam crest where there is a pump station. Pumps installed at the pump station have individual butterfly valves on their suction pipes. Immediately south of the pump station the pipe size reduces to 24 inches where there is a butterfly valve installed

NUMBER OF ACRES SUBMERGED WHEN RESERVOIR IS FILLED TO NOPL	MAXIMUM DEPTH (FEET) AT NOPL	APPROXIMATE AVERAGE DEPTH (FEET)
7.9	24	20 (not including sides)

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)
110-150-015

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Completed	Completed	Completed

Provisions

1. Dam Safety

Dam owners are required to evaluate the safety of their dam and all appurtenant works and to make modifications, as become necessary, to reasonably secure safety to life and property. For current requirements, please contact the dam safety office at the Department of Ecology.

2. 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.

3. 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.

4. Conservation

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.

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. R3-30370, 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
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 Road SW Ste 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this day of 2013.

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Keith L. Stoffel, Section 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 – Flat Top Ranch
Water Right Control Number R3-30370
Jeffrey MacLennan, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number R3-30370.

An application to construct a reservoir and store water was submitted on December 9, 2002 and assigned Reservoir Application Number R3-30370. The applicant proposes to store approximately 128.4 acre-feet of water. A reservoir permit is required when storing water to a depth of 10 or more feet at its deepest point, or one that will retain 10 or more acre-feet of water. (WAC 508-12-260)

Priority Processing

This application qualifies for expedited processing under RCW 90.03.370(1)(b)(i): "(b)The department shall expedite processing applications for the following types of storage proposals: (i)Development of storage facilities that will not require a new water right for diversion or withdrawal of the water to be stored." This reservoir will be filled with surface water permit S3-28907P and ground water permit G3-28237P.

Table 1 Summary of Requested Water Right

Applicant Name:	Flat Top Ranch
Date of Application:	12/9/2002
Place of Use	SW¼NW¼, Section 15, T. 9 N., R. 31 E.W.M.

County	Water body	Tributary To	WRIA
Franklin	Snake River	Columbia River	33-Lower Snake

Purpose	Rate	Unit	Ac-ft	Begin Season	End Season
Storage			128.4	Seasonal	

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Snake River	110-210-021	9 N.	31 E.	21	SW¼SW¼		

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

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 February 28 and March 7, 2003.

Consultation with the Department of Fish and Wildlife

Water to fill this reservoir will be provided under S3-28907P and G3-28237P. Surface water permit S3-28237P required an hydraulic project approval from the Department of Fish and Wildlife prior to construction of the source facilities.

State Environmental Policy Act (SEPA)

The Department of Ecology issued a Determination of Nonsignficance on January 22, 2003 regarding the construction of this reservoir.

INVESTIGATION

A field investigation was conducted on August 6, 2013. Ecology employee Jeff MacLennan met with Flat Top Ranch representative Scott Crawford. Construction is completed and the water has been put to full beneficial use. This project is located about seven miles northeast of Pasco, Washington. A temporary permit was issued for construction of a reservoir on January 14, 2003.

Proposed Use and Basis of Water Demand

The water stored in this reservoir will be used as a component of the water distribution system under S3-28907P and G3-28237P. Surface water permit S3-28907P is the primary source for filling this reservoir. It authorizes the diversion of 4,240 acre-feet of water at the rate of 12 cfs for the irrigation of 1060 acres.

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).

Because the water used to fill this reservoir has already been authorized under S3-28907P and G3-28237P, there should be no impairment to existing rights.

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.

Legal availability

To determine whether water is 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.

Water is physically available under S3-28907P and G3-28237P; it is legally available under RCW 90.03.370.

Beneficial Use

The proposed use of the water stored in this reservoir is defined in statute as a beneficial use (RCW 90.54.020(1)).

Public Interest Considerations

Consideration of Protests and Comments

No protests were filed against this application.

Conclusions

It is the conclusion of this examiner that: water is available for appropriation for a beneficial use; that storage of water for agricultural irrigation is a beneficial use; that the appropriation of such water will not impair existing rights or be detrimental to the public welfare.

RECOMMENDATIONS

It is recommended this application to construct a reservoir and store public water should be **APPROVED** in the amount of 128.4 acre-feet. Because construction is completed and the water put to beneficial use, the use of this water has been perfected and a reservoir certificate should be issued.

Jeff MacLennan, Report Writer *Date*

If you need this publication in an alternate format, please call the 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.