DEPARTMENT OF
ECOLOGY
State of Washington

State of Washington
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT CHANGE

Changed Place of Use
Changed Purpose of Use
Change Season of Use
Added and Changed Point of Withdrawal/Diversion

PRIORITY DATE
March 23, 1954

WATER RIGHT NUMBER
Surface Water Certificate No. 6350, together with Certificate of Change Vol. 2, Page 847

MAILING ADDRESS
Columbia Pulp, LLC
Po Box 1507
Port Hadlock, Washington 98339

SITE ADDRESS (IF DIFFERENT)

Total Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.87	CFS	287

Total withdrawals or diversions from all sources must not exceed the total quantity authorized for withdrawal/diversion listed above.

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE ADDITIVE	WITHDRAWAL OR DIVERSION RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Industrial Supply	0.87		CFS	287		01/01 - 12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Columbia	Groundwater		35-Middle Snake

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well No. 1	268344 or 268341		13N	37E	32	SE or NE		
Well No. 2	268344 or 268341		13N	37E	32	SE or NE		
Well No. 3	268344 or 268341		13N	37E	32	SE or NE		

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

2684343, 268344, 268347, 268041

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Government Lots 3, 4, and 5; SE1/4NW1/4; E1/2SW1/4; W1/2SE1/4 and SE1/4SE1/4 of Section 32, Township 13 North, Range 37, E.W.M. Government Lot in Section 33, Township 13 North, Range 37, E.W.M. Government Lots 1, 2 and 3; S1/2NE1/4 of Section 4, Township 12 North, Range 37, E.W.M. Together with that certain privilege for a water ad water pipeline as reserved by the grantor in Deed Book 45, page 414 (at page 416) records of Columbia County, Washington. SAVE and EXCEPT those lands conveyed to the United States of America by the following deeds recorded in the Auditor's records of Columbia County, Washington: Book 45, page 414; Book 45 page 447; Book 47, page 315; Book 47, page 324. Also SAVE and EXCEPT those certain easements for gas pipelines as recorded in the following Auditor's records of Columbia County, Washington: Book 43, 86; Book 43, page 120; Book 44, page 415; Book 49, page 690. Also SAVE and EXCEPT those lands in Government Lot 3 of Section 32, Township 13 North, Range 37, E.W.M. theretofore conveyed to the grantor herein by deed recorded in Drawer 1B Frame 966, records of Columbia County, Washington. Subject to 1976 real property taxes.

Proposed Works

Three wells in hydrologic connection with the Snake River pool for industrial supply of a pulp mill

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
September 1, 2015	September 1, 2020	September 1, 2021

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Upon Request
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (cfs)

Provisions

Wells, Well Logs and Well Construction Standards

All wells constructed in the state must 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 must be decommissioned.

All wells must 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 must 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.

Proposed Well Nos. 1-3, located within the SE¼ or NE¼ of Section 32, T. 13 N., R. 37 E.W.M., shall be constructed into the alluvial aquifer that is in hydrogeologic continuity with the Snake River pool.

Measurements, Monitoring, Metering and Reporting
An approved measuring device must 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, 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.

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 must 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 water right. 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, will 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.

Real Estate Excise Tax
This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the state Department of Revenue to obtain specific requirements for your project. Phone: (360) 570-3265. The mailing address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia WA 98504-7477 Internet: http://dor.wa.gov/. E-mail: REETSP@DOR.WA.GOV.

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 for change to Surface Water Certificate No. 6350, together with Certificate of Change Vol. 2, page 847, 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 2014.

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
Dan Tolleson, Department of Ecology
Water Right Control Number CS3-*12826C
Surface Water Certificate No. 6350, together with Certificate of Change Vol. 2, page 847

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number CS3-*12826C.

EXISTING Water Right Attributes

Water Right Owner:	Elmer E. Fletcher
Priority Date:	3/23/1954
Place of Use	N½SW¼ and the SW¼SW¼ and the NW¼SE¼ of Section 24, T. 12 N., 38 E.W.M., all within Columbia County, Washington

County	Waterbody	Tributary To	WRIA
Columbia	Tucannon River	Snake River	35-Middle Snake

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Irrigation of 80 acres	1.06	CFS	as required	1/1	12/31

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Tucannon River	2012380240000	12 N.	38 E.	24	N½SW¼	46.5076	118.0007

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 in NAD83/WGS84.

REQUESTED Water Right Attributes

Applicant Name:	Columbia Pulp, LLC
Date of Application:	4/17/2014
Place of Use	Portions of Sections 32 and 33, T. 13 N., R. 37 E.W.M. and Section 4, T. 12, R. 37 E.W.M. (see file for complete legal description)

County	Waterbody	Tributary To	WRIA
Columbia	Groundwater (3 wells)		35-Middle Snake

Purpose	Rate	Unit	Acre-feet/yr	Begin Season	End Season
Industrial Supply	0.87	CFS	356*	01/01	12/31

*Calculation included with the application (determined from crop records and WIG data for Kahlotus site).

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q
Well No. 1	268344 or 268341		13 N.	37 E.	32	SE¼ or NE¼
Well No. 2	268344 or 268341		13 N.	37 E.	32	SE¼ or NE¼
Well No. 3	268344 or 268341		13 N.	37 E.	32	SE¼ or NE¼

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 in NAD83/WGS84.

Legal Requirements for Requested Change

The following is a list of requirements that must be met prior to authorizing the proposed change.

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 Dayton Chronicle on June 25 and July 2, 2014. No protests were filed against this application.

Consultation with the Department of Fish and Wildlife

The Department must give notice to the Department of Fish and Wildlife (WDFW) of applications to divert, withdraw or store water. Notice of this project was submitted by email on June 5, 2014 to Steve Boessow at WDFW. No response was received regarding this notice.

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 gallons per minute;
(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.

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 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.*

A point of diversion for a surface water right may be changed to a groundwater point of withdrawal. The authority is derived from RCW 90.03.380, RCW 90.44.020-030, RCW 90.44.100 and RCW 90.54.020(9). RCW 90.03.380(1) states that a water right that has been put to beneficial use may be changed if it would not result in detriment or injury to other water rights. Additionally, moving the point of diversion to a groundwater withdrawal requires compliance with the groundwater code (RCW 90.44), including a finding that there be no detriment to the public welfare and that the source of the existing diversion and the proposed point of withdrawal be part of the same water body.

When changing or adding points of withdrawal to groundwater rights (RCW 90.44.100), or when consolidating exempt wells with an existing permit or certificate (RCW 90.44.105), the wells must draw from the *same body of public groundwater*. Indicators that wells tap the *same body of public groundwater* include:

(a) Hydraulic connectivity.
(b) Common recharge (catchment) area.
(c) Common flow regime.
(d) Geologic materials that allow for storage and flow, with recognizable boundaries or effective barriers to flow.

INVESTIGATION

In considering the proposed application, the investigation included, but was not limited to, research and review of: (1) appropriate rules and statutes; (2) other water rights, permits and claims; (3) USGS topographic maps, air photographs; (4) authorized point of diversion and proposed points of withdrawal; (5) authorized and proposed place of use; (6) Watershed Planning for WRIA 35; (7) State of Washington Irrigation Guide (Natural Resources Conservation Service 1997); and (8) discussions with Department of Ecology regional program staff.

A field investigation was conducted, by Dan Tolleson on June 3, 2014 with Bill Neve. Mr. Gary Grendahl was present for the investigation of the authorized place of use which is located approximately six miles east of Starbuck, Washington. The proposed place of use of the project is located approximately four miles northwesterly of Starbuck, Washington. The project is all located within the Middle Snake Basin WRIA 35, which is actively undergoing Watershed Planning.

The authorized place of use describes approximately 160 acres of land within portions of the S½ of Section 24, T. 12 N., R. 38 E.W.M. This area is generally located along the Tucannon River with the majority of the place of use lying south of the river. Much of the land along the river has significant riparian vegetation and is not irrigable. The lands to the south of the river bottom lands generally become progressively steeper with some of the place of use not being practicably irrigable. The majority of the irrigable land south of the river corridor is irrigated. The irrigation system consists of a combination of handlines and solid-set sprinklers. A house, barn and other related buildings are also located within the place of use.

The authorized point of diversion is from the Tucannon River which is located within the N½SW¼ of Section 24, T. 12 N., R. 38 E.W. M. The pump station consists of a 40 horsepower pump, a fish screen and a meter. The batteries on the meter were dead and no meter data was available. This pump station is the sole source for Ground Water Certificate 6350, but does have an emergency intertie with other diversions that are used to irrigate Claim 300054.

The proposed place of use is located within portions of Sections 32 and 33, T. 13 N., R. 37 E.W.M. and Section 4, T. 12, R. 37 E.W.M. This area is for the most part undeveloped land other than railroad tracks and Highway 261 which roughly parallel one another in a northwesterly direction. Columbia Pulp LLC proposes to build the pulp mill on the portion of the place of use between the railroad tracks and Highway 261. The remaining larger portion of the place of use is intended to be used for land application of waste water. Some of the area proposed for waste water application is very steep and cannot be developed.

The proposed points of withdrawal are intended to be constructed within an odd shaped 40 acre parcel of land located within portions of the N½NE¼ and the N½SE¼ of Section 32, T. 13 N., R. 37. E.W.M. They propose to construct up to three wells for this project. These wells are proposed to be developed into the shallow aquifer and be in hydrologic continuity with the Snake River.

History of Water Use

Surface Water Right 6350 was originally issued in 1955 for a project near the confluence of the Tucannon and Snake Rivers. In the 1960s when Lower Monumental dam was being constructed on the Snake River, this water right was moved upstream, since the place of use was to be inundated. This move was authorized under Certificate of Change Vol. 2, page 847 for new lands approximately nine miles upstream on the Tucannon River. The water right has been at its current location since 1965.

Aerial photographs were used to help verify the extent of development, historical and beneficial use of this project. The place of use described under Water Right Claim 30054 overlaps the place of use of Surface Water Certificate 6350. According to the land owner, the claim originally utilized water from a ditch diversion that predated the water code. This system historically provided water for the bottomlands along the Tucannon River and Pataha Creek. When Surface Water Certificate 6350 was moved to this farm in 1965 it was used to provide irrigation on new lands uphill of the old ditch. This use is consistent with aerial photographs and the remains of the old ditch system. Since the right and the claim were historically used to irrigate different lands within the place of use, they are additive to one another. Use under Ground Water Certificate 6350 has generally remained the same and has continued to be used to irrigate fields uphill of the old ditch system. The claim is still used to irrigate the bottomlands located north of the ditch system. According to the Farms Service Agency (FSA) data, the

lands historically irrigated under Ground Water Certificate 6350 total between 71 acres and 73.5 acres depending on which year the data was recorded. The reason for this discrepancy is unknown, but a measurement of Ecology air photographs indicates consistent irrigation of 73.5 acres of land within the fields identified by the FSA. In addition, there is a small irrigated field not referenced in the FSA documents that is approximately 5 acres. The total historical irrigation under this right is 78.5 acres. The 2013 air photograph shows that irrigation was increased to approximately 94 acres (it should be noted irrigating acres beyond what is authorized may be subject to fines of up to $5,000 per day, per violation). This recent increase in acres is unauthorized since anything over 78.5 acres of irrigation has been relinquished due to nonuse or was never authorized. Therefore, the total 78.5 acres are available for change and 1.5 acres are relinquished due to non use.

The maximum authorized instantaneous quantities under this right are 1.06 cubic feet per second or 475 gallons per minute. The existing pumping station which has been utilized for many years is estimated to produce 0.87 cfs or 390 gpm. The remaining 0.19 cfs has not been put to beneficial use in well over five years and is relinquished due to non use.

The maximum authorized annual quantity of Certificate 6350 is not given within the original documents. This means that the annual quantity is limited by the amount of water put to actual beneficial use for a given crop. Historically, this right has primarily been used to irrigate pasture and alfalfa, with pasture having the highest water requirement. Since no meter data exist for this project, crop records will be used in conjunction with the State of Washington Irrigation Guide (WA210-VI-WAIG) to determine annual quantity. The closest research site within the Washington Irrigation Guide that has a similar precipitation is Kahlotus which requires 40.08 inches of water per year for the irrigation of pasture. The rain fall for the Starbuck area is approximately 1 inch more than that of Kahlotus, which means that 39 inches or 3.25 acre feet per acre of water are required. The irrigation system consists of handlines and solid set sprinklers that are estimated to have an efficiency rate of 75 percent. At this rate of efficiency, the maximum water duty, for the crop listed above, is 4.3-acre feet per year, per acre. This results in an allocation of 338-acre feet per year for the irrigation of 78.5 acres. Some of this water does return to the shallow gravel aquifer which contributes to the flows of the Tucannon River and is considered "return flow". This water is not available for this proposed change.

An estimate of the consumptive water will be derived from Guidance GUID-1210. According to this Guidance, an irrigation system of handlines and solid set sprinklers have an average efficacy rate 75%, an average evaporation rate of 10% and an average return flow of 15%. Given this calculation, 51 acre-feet of this right will be considered return flows. Therefore, a total of 287 acre-feet will be considered consumptively used and available for change for the new use of industrial supply.

Proposed Use

The applicant proposes to change the source of the water right from the Tucannon River, downstream to three wells hydrogeologically connected to the Snake River. The purpose of use is proposed to be changed from the irrigation of 80 acres to industrial supply of a pulp mill.

WAC 173-160 contains requirements for well drillers, system operators and/or owners to tag new and existing wells with identification tags supplied by Ecology. The well identification program creates a standard system to identify all newly constructed or existing wells, so that property owners and various

agencies can readily share well data. In addition, Ecology field staff use the well tag to identify the well. Accordingly, this decision contains provisions requiring each well to be tagged with a unique identification number.

Other Rights Appurtenant to the Place of Use

A review of Ecology records was conducted for existing water right certificates, permits, and claims in the area surrounding the existing water right and the proposed location of the project. The search focused primarily on Section 24, T. 12 N., 38 E.W.M.; Sections 32 and 33, T. 13 N., R. 37 E.W.M.; and Section 4, T. 12, R. 37 E.W.M. This review shows two water right claims appurtenant to the existing place of use and one water right claim appurtenant to the proposed place of use, which are as follows:

Existing POU:

Water Right Claim 137030 is on a short form and claims domestic supply, stockwatering and irrigation from a well. This claim was for an old farm house that was torn down and the well has been unused since that time. This claim no longer appears to be valid.

Water Right Claim 300054 claims 1700 gallons per minute, from the Tucannon River for the irrigation of 138 acres. The original claimed diversions were a ditch system that has since been converted to pump stations, which is what was actually recorded on the 1997 claim. Although this claim shares the same place of use of Ground Water Certificate 6350, they have historically been used as primary rights that are additive to one another. The claim is used to irrigate the bottom lands along the Tucannon River which has been determined to be 95 acres according to the FSA. This historical use was confirmed with a 1937 aerial photograph. Therefore, an order of relinquishment will accompany this report for 1.12 cfs (500 gpm), 172 acre-feet of water, for the irrigation of 42 acres of land.

Proposed POU:

Water Right Claim 096242 is on a short form and claims stockwatering from a spring. This area is still used for cattle, but air photographs do not show any identifiable use under this claim. The validity of the claim is unknown, since there was no access to the area.

The validity and extent of above listed water rights are not determined in this report.

Hydrologic/Hydrogeologic Evaluation

Applications for change of water right permits and certificates are governed by RCW 90.44.100, which states in part that the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Any amendment shall be issued by the Department of Ecology (Ecology) only under the conditions that (1) an additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) all existing water rights shall not be impaired. Ecology may specify an

approved manner of well construction and shall require a showing of compliance with the provisions of the amendment.

The following hydrogeologic analysis was written by John Covert, Hydrogeologist, of the Water Resources Program Technical Unit in Ecology's Eastern Regional office.

WADNR maps the bench above the Snake River at the proposed new points of withdrawal to be a flood gravel deposit associated with the Missoula Floods. Well logs on file with the department indicate that unconsolidated deposits are present along this bench as it proceeds downstream from the proposed points of withdrawal. These logs are for wells located in Sections 29 and 30 of T. 13 N., R. 37 E. The proposed points of withdrawal (in Section 32 of T. 13 N., R. 37 E.W.M.) are located one to two miles upstream from these two wells. The older of the two wells (in Section 29) was drilled in 1963 and had a static water level of 190'. This static would appear to be below the normal pool elevation of Lake Herbert G West (541'). But this well log is older than Lower Monumental Dam which created the pool and raised the water table in the bench. The well in Section 30 had a static water level of 74' which is more in line with the pool elevation for the Snake River and was drilled after the dam went into operation in 1969. Wells drilled into the alluvial aquifer present at the proposed points of withdrawal should contain groundwater in bank storage with the Snake River and consequently with the Tucannon River surface water that is being transferred downstream to the new points of withdrawal.

Impairment Considerations

"Impair" or "impairment" means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection, not including earlier filed applications (HB 1832); 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 applicant is requesting authorization to move the point of diversion downstream approximately nine miles from the Tucannon River into the Snake River pool. The proposed source is three wells that are to be constructed in hydrogeologic continuity with the Snake River. The use is proposed to be changed from seasonal to year round since this use will go from irrigation to industrial use.

The authorized source, which is the Tucannon River, has historically had water available even in dry years. There are no major reductions in the stream flow of this river between the authorized diversion and its confluence with the Snake River. The portion of the Snake River that the Tucannon River flows into is known as Lake Herbert G. West, which is pooled behind Lower Monumental Dam. This proposed downstream change is generally not anticipated to cause impairment, since the impacts will be moved downstream into a large, stable pool that is controlled by a dam. This Snake River pool is approximately 28 miles long, normally holds 377,000 acre-feet of water and is typically operated as a run-of-the-river.

The proposed wells are planned to be located within approximately 500-1000 feet of the Snake River pool. According the hydrogeologic analysis, the proposed wells will need to be constructed into the alluvial aquifer to be hydrogeologically connected to the Snake River Pool. This requirement for

construction will ensure that the water is from the same source and will not cause impairment. Although there may be some lag time between the withdrawal of water from the wells and its impact to the Snake River pool, it will be negligible. This is due to the Snake River pool being very large and the level being relatively stable, which will effectively alleviate any time related impacts.

The proposed change in season of use is from intensive seasonal irrigation to a more consistent year round industrial supply. Essentially this mean less water will typically be withdrawn during the dryer summer months. In turn, the impact will be spread out over the remainder of the year which typically has higher flows. In addition, the Tucannon and Snake Rivers have adequate water available for this right throughout the year. The proposed withdrawal will impact the Snake River Pool which is very large and has a relatively stable water level, which is controlled by a dam. Therefore, this change in season of use is not anticipated to cause impairment or expand the right.

No significant increases in pumping rates are proposed and no additional water will be diverted/withdrawn under this change beyond what is authorized. No impairment is anticipated by changing the authorized point of diversion downstream, provided the proposed wells are properly constructed and in continuity with the Snake River Pool. The proposed change will not increase the amount of water diverted/withdrawn, nor will it increase or enlarge the right.

Public Interest Considerations

There has been no public expression of protest or concern regarding this specific proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed change.

Consideration of Protests and Comments

No protests were filed against this application.

Conclusions

In accordance with Chapters 90.03 and 90.44, approval of this application to change the place of use, change the purpose of use and change the point of diversion to three hydrogeologically connected wells as granted under Surface Water Certificate No. 6350 will not enlarge the quantity of water historically authorized, nor will it impair existing rights or be detrimental to the public welfare provided the terms and conditions above are followed.

The amount of water recommended is a maximum limit that shall not be exceeded, and the water user may only use that amount of water within the specified limit that is reasonable and beneficial. This authorization does not increase in any way the original amounts authorized.

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:

0.87 cfs (390 gpm)
287 acre-feet per year
Industrial supply

Point of Withdrawal

Well No. 1 –S½NE¼ or N½SE¼, Section 32, Township 13 North, Range 37 E.W.M.
Well No. 2 –S½NE¼ or N½SE¼, Section 32, Township 13 North, Range 37 E.W.M.
Well No. 3 –S½NE¼ or N½SE¼, Section 32, Township 13 North, Range 37 E.W.M.

Place of Use

As described on Page 1 of this Report of Examination.

An Order of Partial Relinquishment will accompany this decision for Water Right Claim No. 300054.

Dan Tolleson, 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.