



State of Washington
**REPORT OF EXAMINATION
 FOR WATER RIGHT APPLICATION**

PRIORITY DATE
 June 10, 1994

WATER RIGHT NUMBER
 G3-29695

MAILING ADDRESS
 Port of Othello
 705 East Hemlock Street
 Othello WA 99344

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
2000*	GPM	806.7**

Purpose

PURPOSE	WITHDRAWAL RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Industrial Supply	2000	---	GPM	0	806.7	Continuous

REMARKS

This authorization combined with Ground Water Certificate 567-D and Permit G3-28613 shall be limited to a total withdrawal not exceeding 3050 gallons per minute and 806.7 acre-feet per year, continuously, for industrial supply.

*2000 gallons per minute is additive to existing water rights

**806.7 acre-feet per year is non-additive to existing water rights. This annual quantity is subject to perfection under Ground Water Permit G3-28613.

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Adams			36

SOURCE	PARCEL	WELL TAG	TWP	RGE	SEC	QQ	LATITUDE	LONGITUDE
WELL SO1 (Emergency)	1529032360001	ABS458	16 N.	30 E.	28	SW¼SE¼	46.8431	119.0542
WELL SO2	1529032360002	AFL231	16 N.	30 E.	28	NE¼SE¼	46.8431	119.0511
WELL SO3	1529332450002	ALF727	16 N.	30 E.	33	NE¼NE¼	46.8361	119.0503

Datum: WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

E½ of Section 28; E½ of Section 33; and Farm Units 70 and 71 within the W½ of Section 34, T. 16 N., R. 30 E.W.M.

Proposed Works

Three (3) wells, pumps, distribution system

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	Complete	12/1/2019

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 (gpm)

Provisions

The total amount authorized under Declaration 567-D, Permit G3-28613 and Permit G3-29695 is limited to 3050 gallons per minute, 806.7 acre-feet per year. The annual volume is subject to beneficial use under Permit G3-28613.

If the existing well is altered or reconstructed it shall be reconstructed to be in compliance with Chapter 18.104 RCW and Chapter 173-160 WAC.

This authorization for the withdrawal of public ground waters within the boundaries of the Columbia Basin Project is based, on a tentative conclusion that public ground waters are available. If, however, it is subsequently determined by the Department that public ground waters are not available in the amounts authorized for withdrawal, the Department shall, by order of notification, withdraw or modify the authority granted therein as may be appropriate. In accordance with WAC 508-14-030(2)(b), no certificate of water right as provided for in RCW 90.44.080, shall be issued by the Department of Ecology until such time as a more definite determination can be reached as to the availability of public ground waters in an area described in WAC 508-14-030(3).

Wells, Well Logs and Well Construction Standards

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.

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

Use of water under this authorization shall be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.

Proof of Appropriation

The water right holder shall file the notice of Proof of Appropriation of water (under which the Superseding Permit or 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 Superseding Permit or certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, contracting with a Certified Water Right Examiner (CWRE) 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 Ground Water Application No. G3-29695, 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 Hearing 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 17th day of June, 2015.



Keith L. Stoffel, Section Manager

Legal Requirements for Approval of Appropriation of Water

RCWs 90.03 and 90.44 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 water rights to be approved:

- Water must be available
- There must be no impairment of existing rights
- The water use must be beneficial
- The water use must not be detrimental to the public interest

This report serves as the written findings of fact concerning all things investigated regarding Water Right Application Number G3-29695.

An application for permit was submitted by the Port of Othello to the Department of Ecology on June 10, 1994. The Port requests a higher instantaneous rate (2000 gallons per minute) to satisfy peaking demands of its customers and meet fire flow requirements within the industrial park. No additional annual quantity was requested.

A notice of application was duly published in accordance with RCW 90.03.280 in the Outlook on Thursday April 13 and 23, 2015 and no protests were received.

This application is categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW.

INVESTIGATION

In considering the proposed application, the investigation included, but was not limited to, research and review of (1) appropriate rules and statutes; (2) Existing Port of Othello water rights and other rights/claims/applications in the vicinity; (3) water well reports for the applicant's well; (4) USGS topographic maps; (5) discussions with Department of Ecology regional program staff; including review by Ecology hydrogeologists.

The Port is currently providing water to the industrial area at the site of Bruce Industrial Park. The Port took over the industrial site from the Northern Pacific Railroad in the 80's. The Port has continued to provide water to the industrial area. Two existing water rights are appurtenant to the industrial park.

Authorization for Change to Ground Water Declaration No. 567-D authorizes 50 gallons per minute, 6.7 acre-feet per year for industrial purposes. The Port owns this right and uses this right to supply industrial water to the facilities.

Ground Water Permit No. G3-28613P issued January 20, 1992 for 1000 gallons per minute, 800 acre-feet per year for industrial supply. The Port uses this permit along with Declaration 567-D to deliver water to the industrial area.

The authorized place of use of these rights is described as the E½ of Section 28; E½ of Section 33; and Farm Units 70 and 71 within the W½ of Section 34, T. 16 N., R. 30 E.W.M.

Three wells are currently constructed and operational. Well No. 1 (SO1) has a 30 horsepower pump with a 250 gallon per minute capacity and is used for emergency purposes only. Well No. 2 (SO2) has a 200 horsepower pump with a 2000 gallon per minute capacity. Well No. 3 (SO3) has a 100 horsepower pump with a 1050 gallon per minute capacity.

The proposed application for instantaneous capacity is primarily required to satisfy peak demands and fire protection purposes. No additional annual quantity is requested. The 2000 gallons per minute is only needed to meet the calculated peak demands on the Port water system. The Port currently has sufficient acre-feet under existing water rights to serve existing and future needs. The acre-feet associated with the withdrawal proposed under this application will be non-additive to existing Port water rights.

Water Availability

The Port has requested an increase in instantaneous quantity only with no additional consumptive water use. The Port holds adequate annual acre-feet under existing water rights. The increase of 2000 gallons per minute from the existing water supply system will be for operational purposes only as no additional consumptive water is being withdrawn. The 2000 gallons per minute is available for withdrawal.

Impairment and Well Interference

A review of Ecology records was conducted for existing water rights, permits, applications and claims in the vicinity of the proposed points of withdrawal. The search found no existing rights in the area which would be impaired through issuance of this additional instantaneous rate.

No new wells are proposed in this application. The withdrawal of an additional 2000 gallons per minute in the manner specified will not enlarge the underlying rights or have a significant or long lasting effect on existing rights in this area.

Beneficial Use

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

Public Interest Considerations

No detriment to the public interest could be indentified during the investigation of the application.

CONCLUSION

It is the conclusion of this examiner that: (1) public ground water is available for appropriation for an instantaneous withdrawal of 2000 gallons per minute, 806.7 acre-feet per year (Non-additive), for industrial supply purposes; (2) the water use is a beneficial use, and (3) the appropriation will not impair existing water rights; (4) nor will it 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** in the amounts and within the limitations listed below and subject to the provisions listed above.

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:

- 2000 gallons per minute (additive to existing water rights)
- 806.7 acre-feet per year (non-additive to existing water rights)
- Industrial supply

Place of Use:

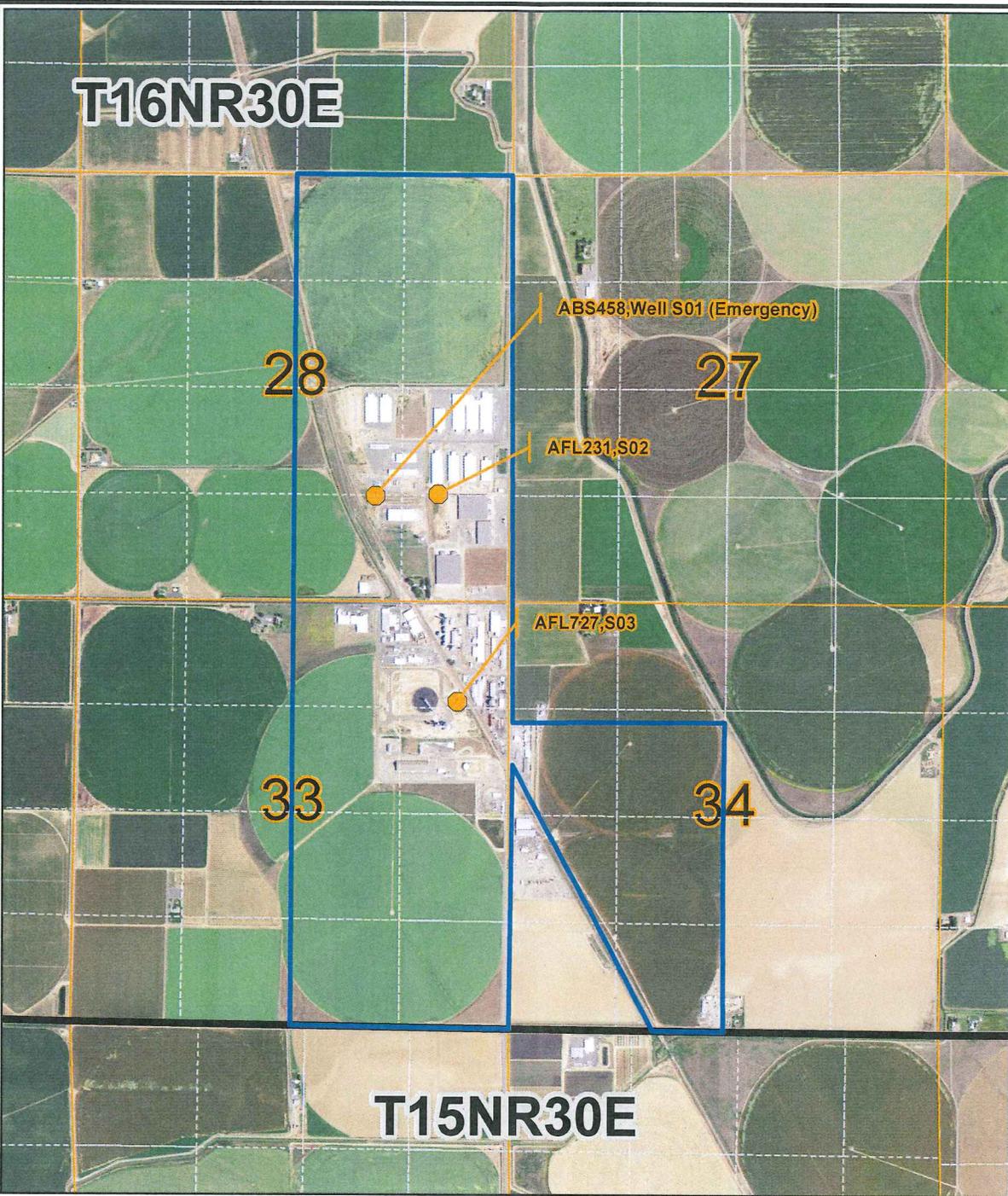
E½ of Section 28; E½ of Section 33; and Farm Units 70 and 71 within the W½ of Section 34, T. 16 N., R. 30 E.W.M.

Kevin Brown
Kevin Brown, Report Writer

6.17.15
Date

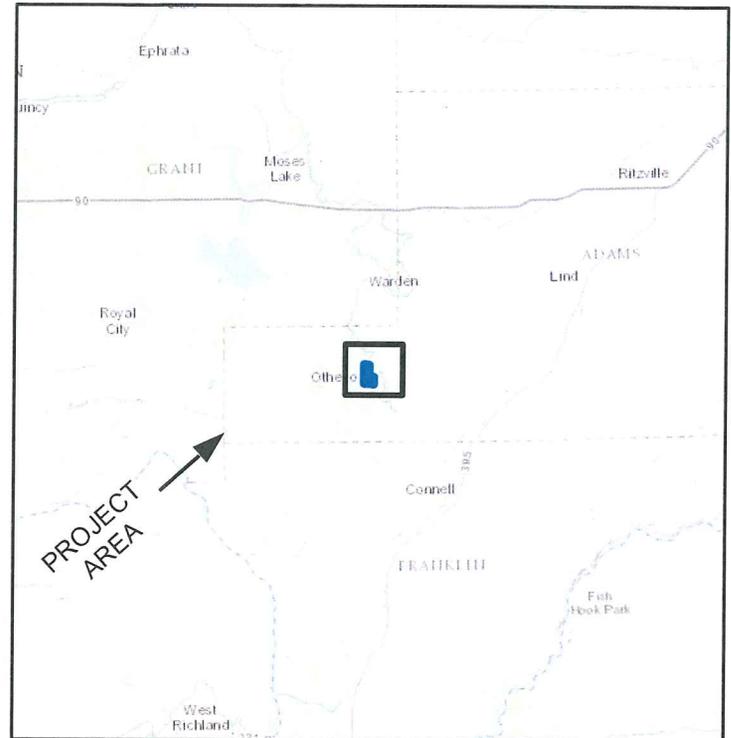
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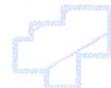
T15NR30E

Port of Othello
G3-29695
T16N/R30E



Basemap - (ESRI US Topographic Maps)

Legend

-  Authorized Place of Use
-  Townships
-  Sections

-  **Authorized Point of Withdrawal**
(Source locations may vary in their accuracy and precision as stated within the body of the report.)



Basemap - (NAIP 2013 1m color)



Map Date: 5/29/2015



Comment:

Place of use and source locations are as defined within the Report of Examination cover sheet for the document identified in the header above.