



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

**REPORT OF EXAMINATION**  
*Change Point of Diversion,  
Add Point of Diversion, and  
Correct Instantaneous Quantity*  
WRTS File No. CS4-WRC138277

PRIORITY DATE	CLAIM NO.	PERMIT NO.	CERTIFICATE NO.
May 1909	138277		

NAME		
Bridgeport Irrigation District		
ADDRESS/STREET	CITY/STATE	ZIP CODE
PO Box 624	Bridgeport, WA	98813-0624

**PUBLIC WATERS TO BE APPROPRIATED**

SOURCE		
Columbia River		
TRIBUTARY OF (IF SURFACE WATERS)		
Pacific Ocean		
MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR
2.5		312
QUANTITY, TYPE OF USE, PERIOD OF USE		
2.5 cfs and 312 acre-feet per year for irrigation of 83 acres, April 1 <sup>st</sup> to October 31 <sup>th</sup> annually, all within the Bridgeport Irrigation District Service Area.		

**LOCATION OF DIVERSION**

APPROXIMATE LOCATION OF DIVERSION					
1. <b>Chief Joseph Dam Vault Outlet:</b> Within the Chief Joseph Dam fore bay area, approximately 1510 feet north and 413 feet east from the southwest corner of Section 24, T. 29 N., R. 25 E.W.M.					
2. <b>Columbia River:</b> Approximately 1540 feet north and 172 feet west from the southeast corner of Section 15, within the NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> of Section 15, T. 29 N., R. 25 E.W.M.					
LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	24 15	29 N.	25 E.W.M.	50	Douglas
PARCEL NUMBER(S)	LATITUDE	LONGITUDE		DATUM	
292524-00001 00400000026	47.99397 48.00888	-119.64551 -119.66917		NAD83	

**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED**  
[Attachment 1 shows location of the authorized place of use and point(s) of diversion or withdrawal.]

The Bridgeport Irrigation District Service Area Boundaries in Sections 14, 15, 22-26 in T. 29 N., R. 25 E.W.M.

**DESCRIPTION OF PROPOSED WORKS**

- Chief Joseph Dam Vault Outlet:** The Chief Joseph Dam diversion allows water to flow from the dam's fore bay by gravity through a 12-inch pipe to a 75 horsepower centrifugal pump. Water is then pumped into the west end of the mainline and then pumped from the mainline by the various BID users. A fish screen is installed at the intake point.
- Columbia River:** The point of diversion has two intake pipes in the Columbia River with separate pumps serving a common mainline. A 100 horsepower turbine pump and a 200 horsepower turbine pump, which pump water into the west end of the Bridgeport Irrigation District through a 16 inch mainline, allows for separate or combined use depending on water need,. Individual users then tap into the mainline with 1 1/4-inch pipe. Bridgeport Irrigation District installed meters at both points referenced above in 1995. Fish screens have also been installed at both

diversion points.

BID irrigates a total of 356 acres—273 acres under Change Authorization No. CS4-WRC138276 and 83 acres under Change Authorization No. CS4-WRC138277.

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**DEVELOPMENT SCHEDULE**

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BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	WATER PUT TO FULL USE BY THIS DATE
Complete	Complete	October 31, 2012

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During the July 26, 2010, site visit, the terms of the Development Schedule were discussed with the applicant. The irrigation systems are already in place and both PODs are currently metered and screened, so the applicant should easily meet the timeframe of the schedule.

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**PROVISIONS**

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**MEASUREMENTS, MONITORING, METERING AND REPORTING**

1. An approved measuring device shall be installed and maintained for each of the sources authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use," WAC 173-173. <http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>.
2. Water use data shall be recorded **weekly** and maintained by the property owner for a minimum of five years. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.
3. 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.
4. 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.

**DEPARTMENT OF FISH AND WILDLIFE**

5. 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://www.wdfw.wa.gov/reg/regions.htm>.

**SCHEDULE AND INSPECTIONS**

6. 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.
7. The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of change 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 of change 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.

**GENERAL CONDITIONS**

8. The water source and/or water transmission facilities may not be wholly located upon land owned by the applicant. Issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

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**FINDINGS OF FACT AND ORDER**

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Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I find the change of water right as recommended will not be detrimental to existing rights.

Therefore, I ORDER the requested Change to change a point of diversion, add a point of diversion, and correct the instantaneous quantity asserted by the District on the claim form under Surface Water Change Application No. CS4-WRC138277, subject to existing rights and the provisions specified above.

**YOUR RIGHT TO APPEAL**

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

- File your appeal and a copy of this decision 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 decision 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.

**ADDRESS AND LOCATION INFORMATION**

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

Please send a copy of your appeal to:

Mark C. Schuppe  
Department of Ecology  
Central Regional Office  
15 W Yakima Ave., Ste 200  
Yakima WA 98902-3452

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://www.leg.wa.gov/CodeReviser> .

Signed at Yakima, Washington, this 7<sup>th</sup> day of April, 2011.

  
Mark Schuppe, Section Manager  
Water Resources Program  
Central Regional Office

**BACKGROUND**

**Description and Purpose of Proposed Change**

On January 24, 1989, Bridgeport Irrigation District (BID) of Bridgeport, Washington, filed an Application for Change with the Department of Ecology (Ecology) to change a point of diversion (POD), add a point of withdrawal (POW), correct the "claimed" instantaneous quantity (Qi) from 350 cubic feet per second (cfs) to 3.5 cfs, and to add a purpose of use for water under Water Right Claim No. 138277. The application was accepted and assigned identifier No. CS4-WRC138277. Subsequently, on March 29, 2010, spokesperson for BID, Mary McCrea, amended the applicant's application to change a POD, add a POD, and correct the Qi to 2.5 cfs.

**Attributes of the Claim and Proposed Change**

**Table 1** Summary of Proposed Changes to Water Right Claim No. 138277

<i>Attributes</i>	<i>Existing</i>	<i>Proposed</i>	<i>Amended Proposal</i>
Name	Bridgeport Irrigation District	No change	No change
Dates	<u>Priority Date</u> May 1909	<u>Date of Application for Change</u> January 24, 1989	<u>Date of Amendment</u> March 29, 2010
Instantaneous Quantity	350 cfs	3.5 cfs	2.5 cfs
Annual Quantity	Not given	Not specified	360.5 af/yr
Source(s)	East and West Foster Creek Dam	(2) Columbia River	(2) Columbia River
Point of Diversion	SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 25, T. 29 N., R. 25 E.W.M.	SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 26 and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 15, T. 29 N., R. 25 E.W.M.	NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 24 and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 15, T. 29 N., R. 25 E.W.M.
Purpose of Use	Irrigation	Irrigation/Fire Protection	Irrigation
Period of Use	April to October	April to October	April to October
Place of Use	All of which can be irrigated in Sections 14, 15, 22, 23, 24, 25, and 26 in T. 29 N., R. 25 E.W.M.	No change	No change

**Legal Requirements for Proposed Change**

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

- Public Notice**  
Public notice of the change application was given in the Quad City Herald of Brewster, Washington on May 20 and 27, 2010. There were no protests during the 30-day protest period.
- State Environmental Policy Act (SEPA)**  
In accordance with WAC 197-11-800(4), WAC 197-11-305, and RCW 43.21C.030(2)(c), this Water Right Change Application is categorically exempt from environmental review under SEPA.
- 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*.

This is an Application for Change of a Water Right Claim filed under RCW 90.14. Ecology recognizes that the final determination of the validity and extent associated with a claim ultimately lies with the Superior Court through the general adjudication process provided for by RCW 90.03.110 through RCW 90.03.240. However, to meet our statutory obligations to regulate state waters and to make decisions related to applications for permit and applications for change of the various parameters of a

water right or claim, we must in the course of business make an administrative judgment as to the probable extent of the water right associated with the water right claims.

The intent of the Claims Registration Act, RCW 90.14, was to document those uses of surface water in existence prior to the adoption of the Surface Water Code, RCW 90.03, which was adopted in 1917, and those uses of groundwater in existence prior to the adoption of the Ground Water Code, RCW 90.44, which was adopted in 1945. Since each code's adoption, the only means of acquiring a water right within the state is by filing for, and receiving, a permit from Ecology or one of its predecessors or as allowed under the domestic exemption to the groundwater code (RCW 90.44).

RCW 90.14.160 states, "Any person entitled to divert or withdraw waters of the state through any appropriation authorized by enactments of the legislature prior to enactment of chapter 117, Laws of 1917, or by custom, or by general adjudication, who abandons the same, or who voluntarily fails, without sufficient cause, to beneficially use all or part of said right to divert or withdraw for any period of five successive years after the July 1, 1967, shall relinquish such right or a portion thereof, and the waters affected by said right shall become available for appropriation in accordance with RCW 90.03.250."

For the purpose of this Report of Examination (ROE), an evaluation of the water right claim was made as to the probable extent and validity based on use prior to the enactment of the water codes, extent of use at the time of the claim filing, and use since the claim filing.

## INVESTIGATION

In considering this application and to meet the above-listed legal requirements, the investigation included, but was not limited to, research and/or review of the following:

1. The State Water Code, administrative rules, and policies.
2. Existing water rights on file for the water system.
3. Well logs and reports.
4. Notes from the site visit conducted on July 26, 2010.
5. Notes from the site visit conducted by Philip Kerr on June 3, 1992.
6. Communications with the applicant and designated representative.
7. Aerial photographs of the site (1945-2009).
8. Other studies, reports, and files.

## History of Water Use

When the applicant applied in 1989 to request changes to Claim No. 138277, the intent was to administratively correct errors found in the form, and to more accurately describe where water is actually being diverted and more accurately describe the lands on which the water is used. One error found and requested to be changed on the original claim form indicates that no water was being used when the form was filed. The applicant states that the individual who prepared the form likely did not understand how to fill in the blanks on the form as water has been used since 1909 and continues to be used.

Ecology recognized the applicant's claim to historic water use when it issued Certificate of Change No. 455 for water from Foster Creek Spring. While the BID may not have used water as early as 1909, the District was formed in 1921 and as reported by longtime residents and former District personnel, has since and continues to this day to supply water to its members. The BID was taking water from the Columbia River under Claim No. 138276 and from Foster Creek under Claim No. 138277, which is the subject of this ROE. The Foster Creek diversion was used until the floods of June 1948, when the pool behind the dam silted in. The BID then started pumping the water authorized under Claim No. 138277 from the Columbia River in 1949, in addition to water being diverted there under Claim No. 138276. This Application for Change was filed to additionally reflect this physical change in diversion point.

In September 1955, 0.11 cfs of water under Claim No. 138277 was transferred to irrigate 6 acres of BPA property located in the SE $\frac{1}{4}$  of Section 23 and the NE $\frac{1}{4}$  of Section 26, T. 29 N., R. 25 E. W.M. Also,  $\frac{1}{3}$  of the claimed flow from Claim No. 138277 is authorized under an emergency diversion for fire protection of the BPA Switchyard. This authorization is documented under Certificate of Change No. 455.

A summary of BID's historic water use submitted by Charles Roe, Jr., (applicant's attorney at the time) dated August 18, 2004, included a statement from Ray Henton, Dan O'Connell, and Harry Lee Hanford who state to have lived in Bridgeport over a number of years. This summary states that, "during the period of 1905 to 1935, approximately 650 different acres were irrigated primarily from Foster Creek with an estimated high number of irrigated acres in one year to be approximately 380 acres." A map was also submitted by BID to Ecology on January 28, 2005, which outlines the historic Bridgeport Irrigation District.

## Site Visit

Site visit notes from Ecology's Philip Kerr dated September 9, 2004, and Ecology's review of digitized US Army Corps of Engineers aerial photographs taken on March 1, 1930, and July 21, 1945, and a USGS Digital Orthographic Aerial Photograph from 1991 of the BID area, confirms historical irrigation of

approximately 350+ acres within the BID service area within Sections 14, 15, 22-26, T. 29 N., R. 25 E.W.M. Of these 350+ acres, 273 acres have historically and are currently irrigated under Claim No. 138276.

Ecology personnel, Candis Graff and Erin Gutierrez, along with BID District Director and Board Member, Dave Greer, visited the site July 26, 2010, to take Global Positioning Satellite (GPS) coordinates of the original and proposed points of diversion. In addition to GPS coordinates, pump and mainline specifics were noted.

### Proposed Use

Total diversion proposed under Claim No. 138277 is 2.5 cfs and 360.5 acre-ft/yr to irrigate 83 acres.

The point of diversion originally claimed under Claim No. 138277 was located approximately 2220 feet south and 70 feet east from the NW corner of Section 25, within the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 25, T. 29 N., R. 25 E.W.M. The Foster Creek diversion has not been used since approximately 1948 and since that time, BID has been diverting water under Water Right Claim No. 138277 from the Columbia River. This Change Application is to document the move in point of diversion which happened years ago, which is now proposed to be located on the Columbia River at approximately 1540 feet north and 172 feet west from the southeast corner of Section 15, within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 15, T. 29 N., R. 25 E.W.M., which is the same location authorized under Change Application No. CS4-WRC138276.

The applicant also proposes to add a POD at the Chief Joseph Dam Vault Outlet located approximately 1510 feet north and 413 feet east from the southwest corner of Section 24, T. 29 N., R. 25 E.W.M.

**Table 2: Other Irrigation Rights and Claims Appurtenant to BID's Place of Use**

Water Right File/Claim No.	Document Type	Purpose	Priority Date First Use	Qi	Qa	Source
*CS4-138276CL	Change Auth.	IR	May 1909	5 cfs	1338	Columbia River
*S4-CV1P455	Cert of Change	IR/FP	1909	0.11 cfs	unspecified	Foster Creek
S4-28060C	Certificate	ST/IR	September 16, 1982	0.67 cfs	108.30	Rufus Wood Lake
137943	Claim	IR	May 1909	450 gpm	4.5	Columbia River
S4-29563P	Permit	IR	January 21, 1988	0.45 cfs	48.75	Columbia River

\*Owned by BID.

Claim No. 138276, and subsequent Findings of Fact recommendations in August 1992, with a first use date claimed of May 1909, documented the use of 5 cfs and 1338 acre-ft/yr from the Columbia River from two points of diversion to irrigate 273 acres by the BID. The points of diversion are located approximately 1540 feet north and 172 feet west from the southeast corner of Section 15, within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 15, T. 29 N., R. 25 E.W.M., and 1510 feet north and 413 feet east from the southwest corner of Section 24, all within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 24, T. 29 N., R. 25 E.W.M. The place of use is authorized as Sections 14, 15, 22, 23, 24, 25, and 26, in T. 29 N., R. 25 E.W.M.

According to Certificate of Change No. 455, dated September 16, 1955, 0.11 cfs is authorized to be diverted from Foster Creek to irrigate 6 acres at the BPA's Chief Joseph Switchyard located in the SE $\frac{1}{4}$  of Section 23 and the NE $\frac{1}{4}$  of Section 26, T. 29 N., R. 25 E.W.M. Also  $\frac{1}{3}$  of the authorized flow is authorized as an emergency diversion for fire protection of the BPA Switchyard. The portion of water separately documented and transferred from Claim No. 138277 for BPA equates to 0.11 cfs for irrigation of 6 acres.

Surface Water Certificate No. S4-28060C with a priority date of September 16, 1982, certifies the diversion of 0.67 cfs and 108.3 acre-ft/yr from the Columbia River (Rufus Wood Lake) approximately 1550 feet north and 425 feet east of the southwest corner of Section 24, T. 29 N., R. 25 E.W.M. for stock water and irrigation of 27 acres of the Bridgeport Public Schools No. 75 property and is subject to instream flows. The place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 23 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 26, T. 29 N., R. 25 E.W.M., described in more detail on the Certificate.

Claim No. 137943 submitted by Siwash Orchards Inc., with a first use date of May 1909, documented the diversion of 450 gpm and 4.5 acre-ft/yr from the Columbia River from a point of diversion on the bank of the Columbia River located at the center of Jefferson Street and 4<sup>th</sup> Street within Section 15, T. 29 N., R. 25 E.W.M. to irrigate 30 to 40 acres. The place of use is described as Lots 1 to 6 Inc. Browns 1<sup>st</sup> addition and Blocks 2-3-5-6 Bridgeport.

Surface Water Permit No. S4-29563P with a priority date of January 21, 1988, authorizes the diversion of 0.45 cfs and 48.75 acre-ft/yr from the Columbia River located approximately 1800 feet north and 400 feet east of the southwest corner of Section 24, T. 29 N., R. 25 E.W.M. to irrigate 13 acres of the US Army Corps Of Engineers' property adjacent to Chief Joseph Dam. The place of use is described as Government Lots 4 and 5, Section 23, T. 29 N., R. 25 E.W.M., Douglas County, Washington.

## Water Quantity

In order to determine water duties specific to crop type, the Washington State Irrigation Guide (WIG) and the Bureau of Reclamation's AgriMet Weather Network website were consulted in order to estimate the Crop Irrigation Requirement (CIR) in the Bridgeport climate area for each crop; however, the WIG was exclusively used in determining CIR as AgriMet does not provide specific data for soft stone fruit. Ecology also relies on the Water Resources Program Guidance: Determining Irrigation Efficiency and Consumptive Use (GUID 1210) in reaching its tentative determination estimates and to determine the amount of water that can be reasonably used for the proposed use. Given the range of efficiencies provided by GUID 1210 and the information supplied by the applicant with regards to the delivery system and crop types, Ecology determined that the average range of efficiency is 60%. Assuming an application efficiency of 60%, the Total Irrigation Requirement (TIR) for each crop type was then multiplied by the number of irrigated acres as reported by the applicant for a total water duty in af/yr. (See Table 3 below.)

**Table 3: Summary of Total Irrigation Requirement (TIR) at the Chief Joseph and Manson Climatic Data Station**

<i>Sprinkler Type</i>	<i>Efficiency</i>	<i>Crop Type</i>	<i># Acres</i>	<i>CIR (in/yr)</i>	<i>TIR (af/yr w/efficiency)</i>
Solid Set-Over Tree	60%	Pasture/Turf/Law/Garden/Ornamental Trees	88.3	29.27	4.07
	60%	Apples	205	34.28	4.77
	60%	Pears	11.5	32.11	4.44
	60%	Cherries	20	35.57	4.93
	60%	Soft Stone Fruit	32.2	32.99	4.57

\*Note: The above distribution of number of acres of each crop type was provided by the applicant.

In order to determine actual beneficial use of water, the applicant supplied metering records for the six-year timeframe between 1996 and 2003. According to those records, the maximum use was 1650 af/yr between both Claims. While the calculated TIR using the WIG and AgriMet is slightly lower than recorded water use, the preferred method under GUID 1210 is to use actual water use.

## Impairment Considerations

Under Claim No. 138277, the originally claimed POD was a diversion dam on Foster Creek, approximately one mile upstream from its confluence with the Columbia River. The water diverted by BID at the diversion dam was unavailable for appropriation by downstream diversions. Moving BID's POD downstream would make a previously appropriated quantity of water physically available to downstream diversions on Foster Creek that had not been available in the past. This creates a potential for impairment where BID now diverts water from the Columbia River, and additional quantities are diverted from Foster Creek that had previously not been available. Ecology's investigation did not reveal any surface water diversions, either documented by claims or state-issued water rights, from Foster Creek downstream of the original BID diversion dam.

BID has diverted water from the Columbia River under Claim No. 138277 since approximately 1948. No complaints have been received that indicate BID's diversions from the Columbia River are impairing existing rights. Changing BID's POD from Foster Creek to the Columbia River is unlikely to have negative impacts on Columbia River flow.

## Consideration of Protests and Comments

No protests were received.

## CONCLUSIONS

Based on the foregoing information, the author concludes that there has been historic diversion and beneficial use of water under Claim No. 138277.

In accordance with case law and RCW 90.03, the author makes the tentative determination that the right is valid and eligible for change.

Additionally, approval of this change request will not cause impairment of existing rights.

## RECOMMENDATIONS

Based on the above investigation and conclusions, the author recommends that the request for change to change a POD, add a POD, and correct the Qi be authorized in the amounts and within the limitations listed below and subject to the provisions beginning on Page 3.

### 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.

- 2.5 cfs.
- 312 acre-feet per year.
- For the purpose of irrigation of 83 acres, April 1 to October 31.

**Points of Diversion**

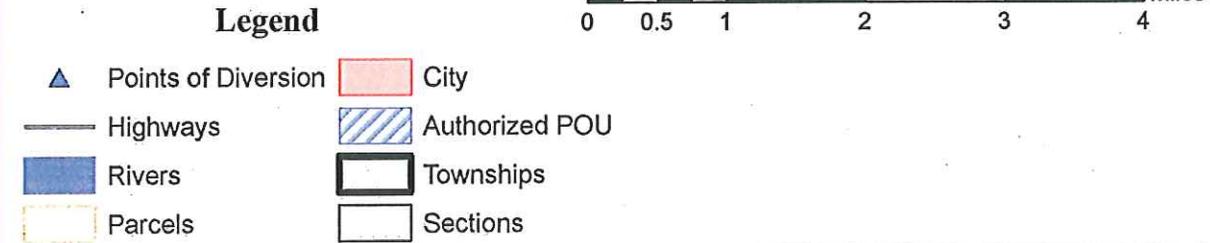
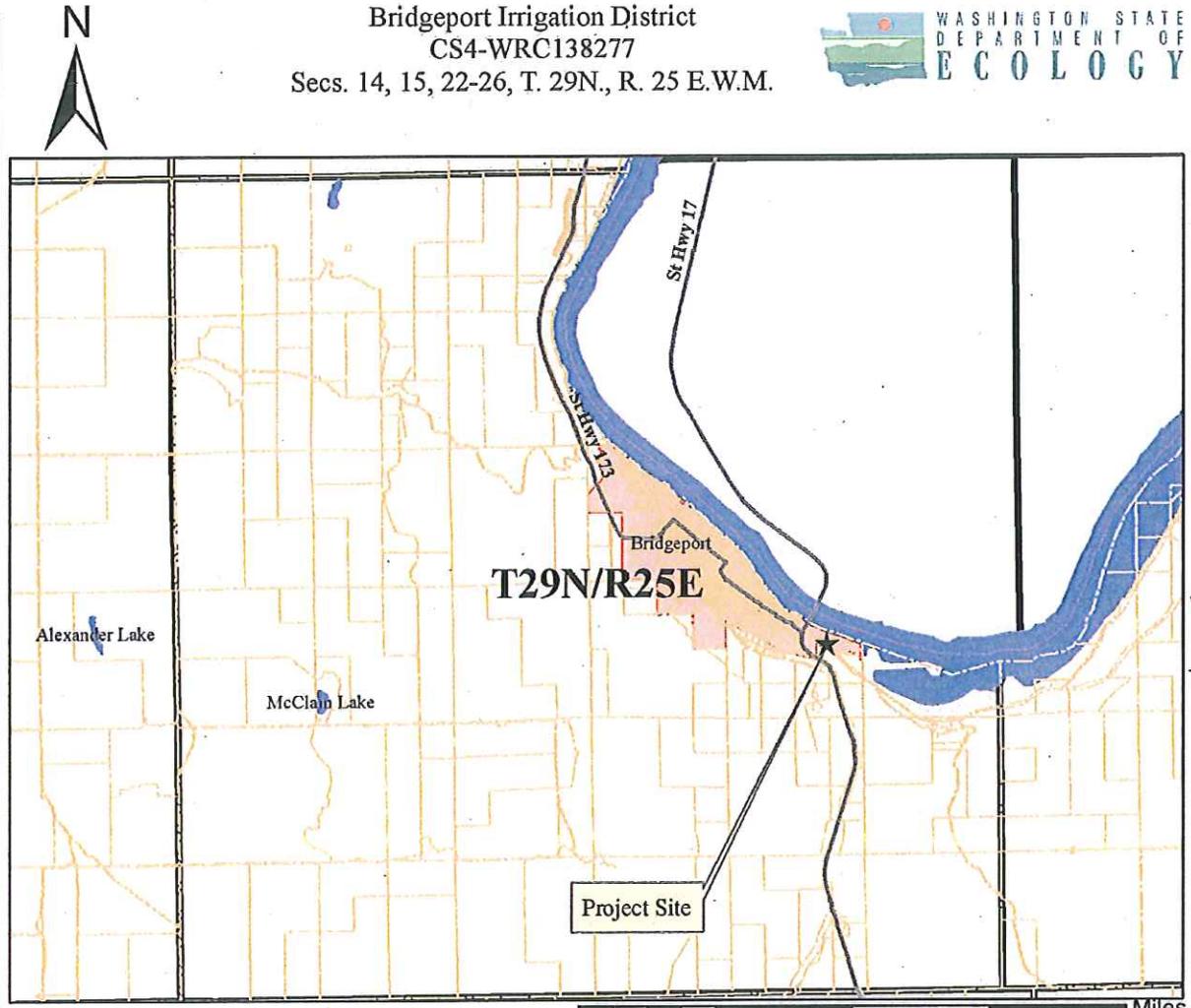
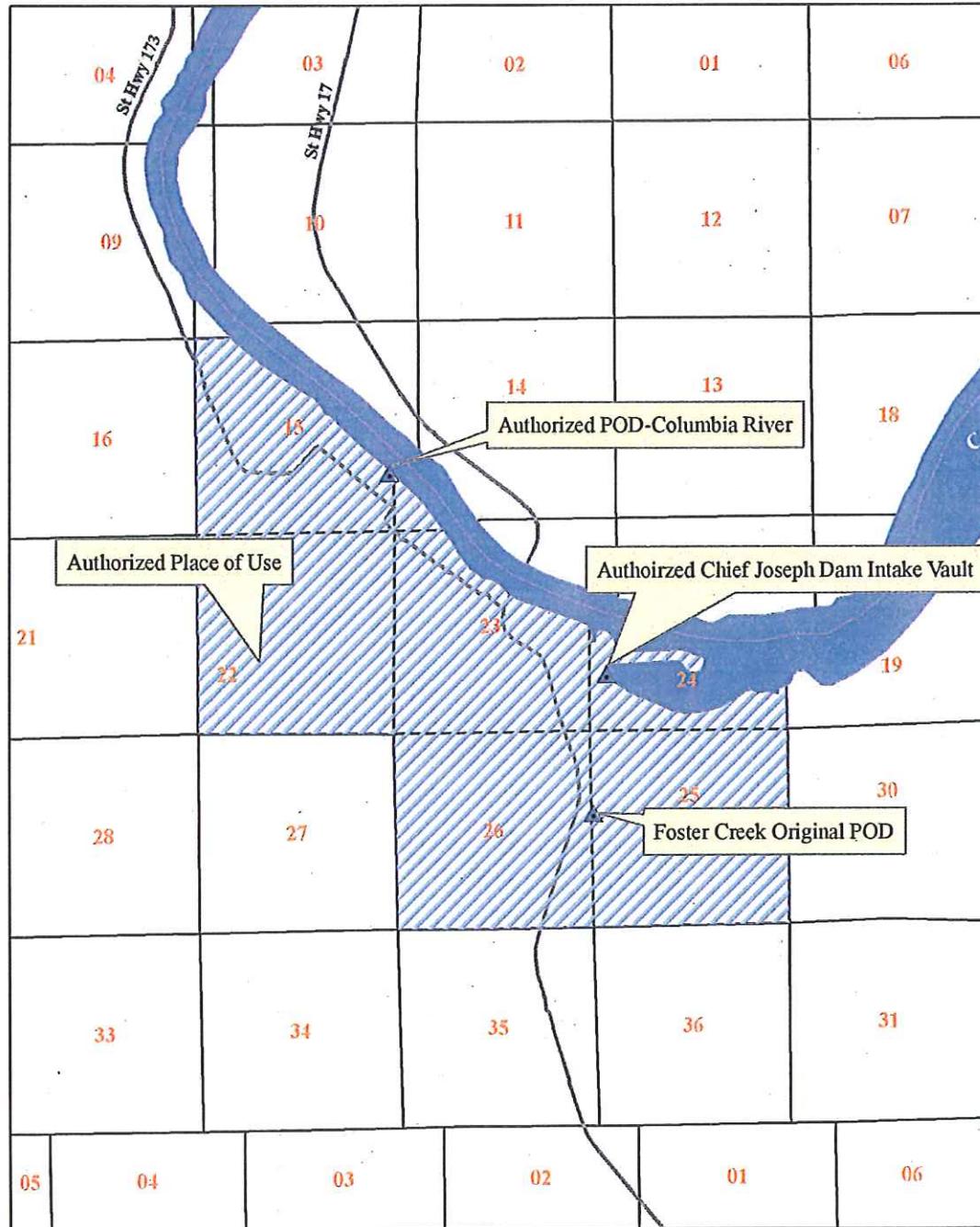
- Within the Chief Joseph Dam fore bay area, approximately 1510 feet north and 413 feet east from the southwest corner of Section 24, within the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 24, T. 29 N., R. 25 E.W.M.
- Approximately 1540 feet north and 172 feet west from the southeast corner of Section 15, within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 15, T. 29 N., R. 25 E.W.M.

**Place of Use**

As described on Page 1 of this Report of Examination.

Report by: Candis L. Graff 4-7-11  
Candis L. Graff, Water Resources Program 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.*



Comments:  
 Place of Use, points of diversion are as defined on the cover sheet under the heading 'LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED.'

Attachment 1