



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

August 21, 2009

Col Solare LLP
c/o Steven E Johnson
PO Box 231
Paterson WA 98345

RE: Water Right Application No. G4-35254 – Short-Term Authorization during the transition of a well pump

On June 22, 2009, Col Solare LLP submitted an application seeking authorization to withdraw 300 gallons per minute (gpm) up to 60 acre-feet per year (ac-ft/yr). Col Solare LLP, through this application, proposes to withdraw water from an existing Department of Natural Resources (DNR) well for the irrigation of approximately 81 acres of vineyard during the transition from a submersible to a turbine style pump for their authorized well under CS4-01169CTCL@3. Acres to be irrigated are in the following locations:

Col Solare property:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, T. 9 N., R. 27 E.W.M.

Williams property:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, T. 9 N., R. 27 E.W.M.

McBride property:

E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, T. 9 N., R. 27 E.W.M.

All above locations are located within Water Resource Inventory Area (WRIA) No. 37. The applicant proposes to withdraw 300 gpm up to a maximum of 60 ac-ft/yr from an existing well. The proposed period of use is June 22, 2009 to October 31, 2009. The requested source is an existing 1645-foot deep well located approximately 1980 feet east and 330 feet north of the southwest corner (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 4, T. 9 N., R. 27 E.W.M. in Benton County, Washington. The proposed well is approximately 5,500 feet from the Yakima River.

The existing well is authorized under Ground Water Certificate No. CG4-23977C, issued to the Washington State Department of Natural Resources for the withdrawal of 2400 gpm to a maximum of 887 ac-ft/yr for the irrigation of 457 acres during the irrigation season. The priority date for Ground Water Certificate No. CG4-23977C is June 2, 1975. Water proposed for this short term use will not exceed the limitations of Ground Water Certificate No. CG4-23977C.



A report written by a licensed hydrogeologist for Short-Term Permit No. G4-35097 issued on August 10, 2006, to Col Solare LLP, satisfactorily addresses impairment concerns for this request. Short Term Permit No. G4-35097 and the associated Hydrogeology report issued in 2006 is similar to this requested authorization. The report determined there would be no impairment of existing rights from the Wanapum aquifer. This report is on file at the Department of Ecology.

On June 6, 2006, Col Solare LLP submitted and Kittitas County Conservancy Board (KCCB) accepted Surface Water Right Change Application No. CS4-01169CTCL@3. This application also included a trust water portion. KCCB approved this change on July 25, 2006. Col Solare LLP was authorized 2.2 cubic feet per second (cfs) and 250.8 ac-ft/yr for the irrigation of 192 acres from April 1 to October 31. Water was transferred from Yakima River via the Olsen ditch in Kittitas County to four proposed wells in Section 5, T. 9 N., R. 27 E.W.M. Ecology has reviewed this approval and made final modifications dated January 5, 2007. Water Right Change Application No. CS4-01169CTCL@3 will be the permanent source of water for this project.

This Short-Term Authorization for water use is processed prior to competing applications. Due to the malfunction of a well pump to supply water authorized under Water Right Change Application No. CS4-01169CTCL@3 to the vineyard, Col Solare has requested this Short-Term Permit.

Water use under this Short-Term Authorization is off- set by reduced withdrawals under Ground Water Certificate No. CG4-23977C.

This SHORT-TERM AUTHORIZATION has the following parameters and provisions:

- 1) Violation of any of the terms and/or conditions of this Short Term Authorization will result in immediate termination, issuance of Administrative Orders to Cease and Desist, may also subject the violator to civil penalties.
- 2) Withdrawals may take place August 21, 2009 to October 31, 2009.
- 3) The point of withdrawal, a 16-inch diameter and 1645-feet deep well, is located approximately 1980 feet east and 330 feet north of the southwest corner (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 4, T. 9 N., R. 27 E.W.M. in Benton County, Washington. The water will be used for irrigating 81 acres of vineyard located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, all within T. 9 N., R. 27 E.W.M.
- 4) Irrigation of only 81 acres is allowed under this Short-Term Authorization.
- 5) Withdrawal shall not exceed 300 gpm. Water will be piped from the well to the vineyard site.
- 6) The maximum annual volume of water allowed is 60 ac-ft/yr.
- 7) The priority date for this water right is June 2, 1975.

- 8) The operator of the system under this Short-Term Authorization shall:
 - Have a copy of this Short-Term Authorization available on-site.
 - Provide said copy of this Short-Term Authorization upon request of Department of Ecology staff.
 - Be aware of the parameters and provisions and operate accordingly.
- 9) Under amendments to the 1993 state water law (RCW 90.03.360), measuring is required for all surface water diversions, and all withdrawals of ground water in fish-critical basins. Water use data shall be submitted by January 31, 2010 on a form prescribed by Ecology.
- 10) The following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, WRIA, Permit No., source name, annual quantity used (acre-feet) and maximum instantaneous rate of withdrawal (gpm), well tag number and period of use.
- 11) Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.
- 12) This Short-Term Authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.
- 13) The water sources and/or water transmission facilities may not be located entirely upon the land owned by the applicant. Therefore, the applicant is advised that issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess.

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearing Board within 30 days of the “date of receipt” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board:

Mail appeal to: OR Deliver your appeal in person to:

The Pollution Control Hearings Board The Pollution Control Hearings Board
PO Box 40903 4224 – 6th Ave SE Rowe Six, Bldg 2
Olympia WA 98504-0903 Lacey WA 98503

2. To serve your appeal on the Department of Ecology:

Mail appeal to: OR Deliver your appeal in person to:

The Department of Ecology The Department of Ecology
Appeals & Application for Relief Appeals & Application for Relief
Coordinator Coordinator
PO Box 47608 300 Desmond Dr SE
Olympia WA 98504-7608 Lacey WA 98503

3. And send a copy of your appeal packet to:

Mark C. Schuppe, Acting Section Manager
Water Resources Program, Dept. of Ecology
Central Region 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>*

Sincerely,



Mark C. Schuppe
Section Manager
Water Resources Program

MCS:BZ:gg/090835

Enclosures: Your Right To Be Heard
Water Metering Requirements

Certified Mail: 7007 2560 0001 9534 6238

cc: Chad Unland, Washington State Department of Natural Resources
Philip Rigdon, Director, Natural Resources Division, Yakama Nation