File NR S4-33104
WR Doc ID 6006484

State of Washington
Department of Ecology
Office Of Columbia River
Draft Report of Examination for
Water Right Application
S4-33104

PRIORITY DATE
11/14/2013

WATER RIGHT NUMBER
S4-33104

MAILING ADDRESS
THE HIGHLAND PARTNERSHIP
PO BOX 1706
WENATCHEE WA 98807-1706

Quantity Authorized for Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
6	CFS	1125*

*The consumptive use between S4-33104 and G4-33109 is limited to the maximum amount available in the water bank of 953 ac-ft.

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Irrigation	5.9		CFS	885.9		04/01 - 01/31
				18.1		Mar and Nov only
Frost Protection				41.5		03/01 - 11/30
Municipal	0.1		CFS	7.8		01/01 - 12/31

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
250	0	N/A	N/A

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
DOUGLAS	Columbia River	Pacific Ocean	50-FOSTER

SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Rufus Woods Lake		30N	26E.W.M.	25	SW¼NW¼	N/A	N/A

Place of Use (See Attached Map : Figure 2)

PARCELS (NOT LISTED FOR SERVICE AREAS)

NW¼, SW¼NE¼, E½SW¼, and W½SE¼, all located in Section 25, Township 30 North, Range 26 E.W.M., Douglas County, Washington.

Proposed Works

The surface diversions will, to the extent possible, utilize existing diversion structures located as set forth on the application map. Wells will be constructed as an alternative source of water, particularly for the potable portions of the water rights. The applicant will size the transmission pipes and pumps sufficiently to accommodate the delivery of the authorized demand rate at about 5 feet per second velocity. Sizing and telemetry shall be developed to assure that authorized quantities are not exceeded. The system will utilize booster pump stations and equalization ponds less than 10 acre feet in size as needed to lift the water to the elevation necessary to irrigate the proposed place of use. Applicant requests to mitigate water from the trust water program for the purposes of irrigation, frost protection, and continuous municipal use with anticipation to complete the project within next 10 years.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
January 1, 2016	January 1, 2021	January 1, 2026

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (cfs)

Provisions

General

1. The amount of water granted is a maximum limit under G4-33109 and S4-33104 shall not exceed 6 cfs and 1125 ac-ft/yr.
2. The maximum number of acres to be irrigated between G4-33109 and S4-33104 is 250 acres
3. The consumptive use between G4-33109 and S4-33104 is limited to the maximum amount available in the water bank of 953 ac-ft.
4. The total withdrawal for irrigation under this authorization shall not exceed the quantities described in Trust Water Certificate Nos. CS3-21014P, CG4-26840P, CG4-27774P, and CG4-27775P.
5. This permit is subject to curtailment if Trust Water Certificate No. CS3-21014P, CG4-26840P, CG4-27774P, and CG4-27775P are found to cause impairment pursuant to RCW 90.42.040(4)(b), or are otherwise not available as mitigation.
6. An irrigation management plan shall be provided to Ecology in the event that mitigation rights are curtailed. The plan shall describes how water will be used under this authorization and other water rights appurtenant to the same place of use. The plan must include a discussion of how appropriations authorized by all the applicant's water rights will be coordinated to ensure the water right limitations are not exceeded. Additionally, the plan must include a map or spreadsheet that identifies the land to be irrigated under this authorization and all other water

rights held by the applicant for the coming irrigation season. Each year that water is to be used under this authorization, this map or spreadsheet shall be updated and submitted to Ecology by January 31st along with the previous year's metering data submittal.

7. The applicant shall retain the services of a Certified Water Right Examiner to conduct a proof examination prior to the issuance of a certificate.

Municipal Place of Use

If the criteria in RCW 90.03.386(2) are not met and a Water System Plan/Small Water System Management Program was approved after September 9, 2003, the place of use of this water right reverts to the service area described in that document. If the criteria in RCW 90.03.386(2) are not met and no Water System Plan/Small Water System Management Program has been approved after September 9, 2003, the place of use reverts to the last place of use described by the Department of Ecology in a water right authorization.

Department of Health Requirements

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at DOH/Division of Environmental Health, 16201 E. Indiana Avenue, Suite 1500, Spokane Valley, WA 99216, (509) 329-2100.

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.

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.

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.

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/ or E-mail: REETSP@DOR.WA.GOV.

Family Farm Permit

This authorization to use public waters of the state is classified as Family Farm Permit in accordance with Chapter 90.66 RCW. This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 2,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 2,000 acres of irrigated agricultural lands in the state

of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

Department of Fish and Wildlife Requirement(s)
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://wdfw.wa.gov/about/contact/

Easement and Right-of-Way
The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right 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.

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 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.

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.

Finding 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. S4-33104 and that a permit be issued, 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 **Pollution Control Hearings Board** 1111 Israel RD SW Ste 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Union Gap, Washington, this day of 2015.

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Mark C. Schuppe, Operations Manager
Office of Columbia River

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.

DRAFT

INVESTIGATOR'S REPORT
Application for Water Right -- The Highland Partnership
Water Right Control Number S4-33104
Praveena Allena, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Nos. S4-33104 and G4-33109. On November 11 and December 10, 2013, the Highland Partnership submitted two water right applications to Department of Ecology (Ecology), one for new appropriation of surface water and one for new appropriation of groundwater that will be offset by The Highland Partnership's existing water rights that are being placed in the Washington State Trust Water Rights Program (TWRP). The applications were accepted and assigned Application Nos. S4-33104 and G4-33109.

The proposed project is to develop 250 acres of irrigation and provide domestic water for up to 20 homes located several miles upstream from Bridgeport, WA. Surface water application requests to use existing point of diversion for irrigation, frost protection and municipal use purposes. This new appropriation of water will be offset by mitigation water being placed into trust for out of stream uses. The Highland Partnership recently transferred 250 acres of irrigation water right into trust to offset new surface and ground water appropriations. Attributes of this application are presented in Table 1.

Table 1 Summary of Requested Water Right

Applicant Name:	The Highland Partnership
Date of Application:	12/10/2013
Place of Use	NW¼, SW¼NE¼, E½SW¼, and W½SE¼, all in Section 25, Township 30N, Range 26E.W.M.

County	Waterbody	Tributary To	WRIA
Douglas	Groundwater	Columbia River	50-Foster
Douglas	Columbia River	Pacific Ocean	50-Foster

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Irrigation Frost protection	5:9	CFS	1125	03/01	11/30
Municipal	0.1	CFS	50	01/01	12/31

Source Name	Parcel	Twp	Rng	Sec	QQ Q
4 Wells		30N	26E.W.M.	25	W½SE¼ and E½SW¼
Columbia River		30N	26E.W.M.	25	SW¼NW¼

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 Wenatchee World on April 29 and May 6, 2014 and in the Omak-Okanogan County Chronicle on April 30 and May 7, 2014. A copy of the affidavit of the publication is on file with Ecology. No comments or protests were received by Ecology during the 30-day comment period.

Consultation with the Department of Fish and Wildlife

Pursuant to RCW 90.42.040(5)(B), 90.42.110(2), 90.03.280, and 77.57.020, Ecology must give notice to the Department of Fish and Wildlife of applications to divert, withdraw or store water. On September 10, 2014, notice was mailed to WDFW for their review. WDFW responded on August 28, 2014, indicating they do not have objections to the proposed beneficial use.

Consultation with interested parties

Pursuant to RCW 90.03.040(5)(b), *"...the department shall send a notice containing pertinent information to all appropriate state agencies, potentially affected local governments and federally recognized tribal governments, and other interested parties."* Such notice was sent on May 23, 2014, to a wide variety of agencies, tribes, and interested parties. A list of recipients can be obtained by request from Ecology's Office of Columbia River. Additionally, discussion on this project took place between Ecology representatives and the Water Rights Administrator for the Confederated Tribes of the Colville Reservation (the Colville Tribes), Lois Trevino, and the Colville Tribes' consultant, Fred Rajala, in August, September, and October of 2014.

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

In accordance with RCW 90.03.290, determinations must be made on the following four criteria in order for an application for a water right permit to be approved:

1 Water must be available
2 There is no impairment of existing water rights
3 The water use must be beneficial
4 The water use must not be detrimental to the public interest

INVESTIGATION

Water right Application No. S4-33104 requests a surface water diversion from the Columbia River located within the SW¼NW¼ of Section 25, Township 30 N., R. 26 E.W.M., Douglas County, Washington. Both surface and ground applications propose to pump up to 2,693 gpm (6.0 cfs) of water for the purposes of seasonal irrigation, frost protection, crop cooling, crop processing, and crop spraying of up to 250 acres; and continuous municipal use for up to 20 connections. The 250 acres proposed for development were formerly tilled and irrigated in the not-so-distant past (the water right was approved for transfer to another location in 2003), and, as such, pose a relatively diminished native habitat impact.

The applicant operates orchards across the river from the proposed location, as well as down river on the same side. To facilitate this application, the applicant has proposed placing existing water rights perfected on the orchards across the river into trust to mitigate the issuance of the new applications for this project. The applicant proposes to implement the same agricultural practices as implemented in its existing orchards. This includes drip, under tree and over tree sprinklers for irrigation, frost control and evaporative cooling. It also includes potable domestic uses incident to a large scale orchard operation for permanent and seasonal farm workers and administrator housing, hydro cooling and other harvest and packing processes for the crops as well as sanitary stations throughout the orchard as required by food safety regulations.

Site Visit

A field investigation was done by Ecology employees on January 22, 2014.

Overlapping Water Rights

There are no existing water rights at the proposed place of use.

Beneficial Use

The applications request to seasonal irrigation and year-round municipal domestic use. The proposed use of water is defined in statute as a beneficial use (RCW 90.54.020(1)).

Water Duty

1. Irrigation

Since the proposed place of use is located on the other side of the Columbia River, the author of this report used the same water use calculations from the trust water reports to calculate water duties for these applications. The applicant stated that the proposed uses are expected to mirror those authorized on the orchards across the river. Data from the Washington Irrigation Guide (WIG), Washington State University's AgWeatherNet, and Ecology's Guidance Document GUID 1210 were evaluated.

Depending on the published source, which all use varying data and methodology, results vary. These include:

Chief Joseph Station

1) Washington Irrigation Guide (1985): Apples w/cover (34.28").
2) Washington Irrigation Guide (1985): Cherries w/cover (35.57").
3) AgWeather Net (2014): Apples w/cover (42.15").
4) AgWeather Net (2014): Cherries w/cover (41.56").

Arrowhead Station

1) AgWeather Net (2014): Apples w/cover (36.49").
2) AgWeather Net (2014): Cherries w/cover (36.16").

For this analysis, to maintain consistency with the trust water report, Ecology used 2014 AgWeather Net data. The Crop Irrigation Requirement (CIR) for these lands is estimated to be the average of Chief Joseph and Arrowhead stations; 1) apples w/cover to be 39.32" 2) cherries w/cover to be 38.86". The estimated water use calculations for irrigation under both applications (G4-33109 and S4-33104) are presented below in Table 2:

Table 2 Water Use Calculations

Source	Climate Station	Crop	CIR	E_a	TIR (ft)	Acres	Acre-feet
Ag Weather Net	Arrowhead and Chief Joseph Average	Apples w/cover	3.28	81	4.05	200	809
Ag Weather Net	Arrowhead and Chief Joseph Average	Cherries w/cover	3.24	87	3.72	50	186
						Total	**995 ac-ft**

CIR = Crop Irrigation Requirement; TIR = Total Irrigation Requirement; E_a = Irrigation Efficiency; % Evap = Evaporation; CU = Consumptive Use; Ac-ft/yr = Acre-feet per year.

This annual quantity can be further broken down to that portion used by the orchard consumptively, and that portion used non-consumptively. The consumptive portion takes the CIR values over their respective number of acres and adds in a consumptive component that is lost to evaporation. Ecology's GUID 1210 provides estimates of the amount of water lost to evaporation based on the type of irrigation delivery system. The apples are irrigated with micro-spray, drip, and overtree sprinklers for an estimated 10% evaporative loss, while the cherries with micro-spray and drip have an estimated 7% evaporative loss. As such, an estimated 911 (approximately 90%) of the 995 ac-ft applied was consumed by either the crop or lost to evaporation.

As such, the following steps describe how the values for the new authorizations were calculated:

1) Total annual quantity (irrigation, April 1- October 31) available from Trust water right for new appropriations = **1054 ac-ft (885.9 ac-ft, Consumptive)**
2) For 200 acres of apples w/cover, the annual quantity is estimated:
    - CIR/E_a or 4.05
    - 200 * 4.05 = **809 ac-ft (737 ac-ft, Consumptive)**
3) For 50 acres of cherries w/cover, the annual quantity is estimated:
    - CIR/E_a or 3.72
    - 50 * 3.72 = **186 ac-ft (175 ac-ft, Consumptive)**
4) Total instantaneous rate of withdrawal (irrigation, consumptive + non-consumptive) is estimated to irrigate 250 ac plus other uses = **2650 gpm (5.9 cfs)**
5) Irrigation water available for March and November months only = **20.5 ac-ft (18.1 ac-ft, Consumptive)**

As such, the above estimated calculations are reasonable and would cover all proposed uses including seasonal irrigation (March 1 –November 30), crop cooling, crop processing, and crop spraying for up to 250 acres. However, total use available in trust for seasonal irrigation (April 1- October 31) is limited to

1054 ac-ft (885.9 ac-ft, consumptive), and 20.5 ac-ft (18.1, consumptive) for March and November months only.

2. Frost Protection:
From report of examination for change authorization CG4-26840P, the author Mr. Tom Perkow mentioned there was no amount of water allocated for frost protection purposes in the trust water calculations. However, it was noted in the same report that 41.5 ac-ft of non- consumptive water is available and can be added to these applications for frost protection purposes.

3. Domestic/Municipal use:
According to the Department of Health (DOH) Water System Design Manual, the average daily water demand of 50 gpd per worker for seasonal or semi-permanent occupancy. The available consumptive quantity of 7.8 ac-ft/yr is reasonable considering 50 gpd per farm worker for 140 workers.

Water Availability

For water to be available for appropriation, it must be both physically and legally available.

Physical availability

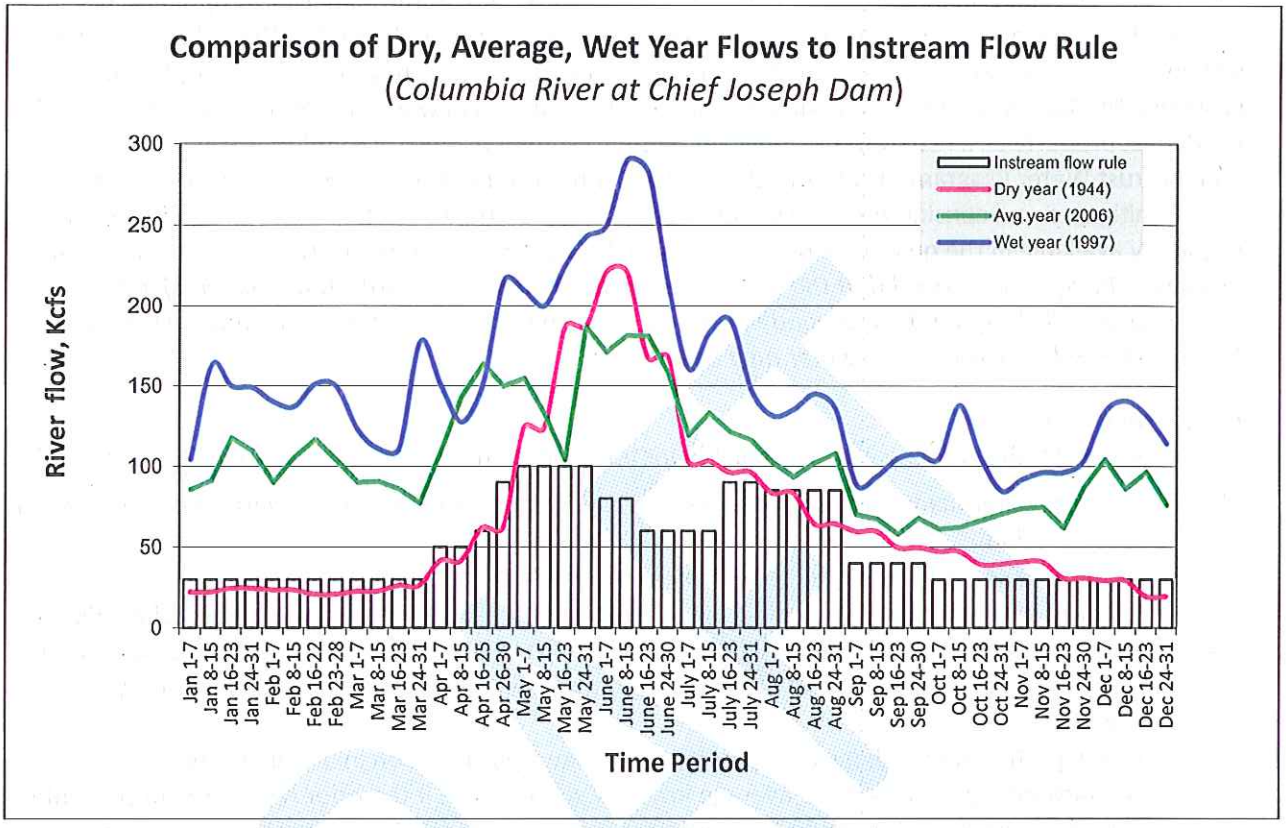
For water to be physically available for appropriation there must be ground or surface water present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses. In addition, the following factors are considered:

- 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.

This investigator's report considers whether water is physically available for appropriation from the Columbia River and from adjacent groundwater aquifers. Application No. G4-33109 requests 2693 gpm and 1175 ac-ft from ground water wells in continuity with the Columbia River. Application No. S4-33104 requests 6.0 cfs and 1175 ac-ft from the Columbia River upstream of City of Brewster.

The USGS maintains a stream gauge (Chief Joseph) downstream of this location. Annual, wet, and dry year stream flows for this gauge are shown in Figure 1 along with the adopted instream flow levels in WAC 173-563.

Figure 1: Comparison of Flow Conditions on the Columbia River



Surface water is available in the quantities requested in the Columbia River

Ron Dixon, a licensed Ecology staff hydrogeologist produced and stamped a separate technical memorandum, which discusses the hydrogeologic analysis for this application. The hydrogeologic interpretations provided below are extracted from that memorandum.

This section describes in general terms the geology and hydrogeology along the main stem of the Columbia River near T30N\R26E, Section 25. Northwest and southeast of the Columbia River, in this area, glacial outwash, glacial drift, and more recent alluvial deposits mantle metamorphic and igneous rock of the Summit-Frazer Complex as well as basalts belonging to the Columbia River Basalt Group (CRBG).

Well log data on file with Ecology indicates the unconsolidated sediments lying under the applicant's property northwest of the river is largely composed of basaltic boulders and cobbles within a matrix of clay; gravel-sized rocks are also described along with sand and silt near the surface. Metamorphic and igneous bedrock appears to have been encountered in two of the ten wells that are northwest of the river at depths of 116 and 151 feet below the land surface. Water levels within the eight wells located on the applicant's property northwest of the river are coincident with that of the Columbia River at approximately 956 feet above mean seal level (amsl).

Well log data for the four wells located within the subject area southeast of the Columbia River also describe the unconsolidated sediments as sand, gravel, and boulders. The four wells are estimated to have land surface elevations in the range of 1,250 to 1,360 feet amsl. Should the subject appropriation be approved, a portion of the groundwater that would have otherwise discharged to the Columbia River will be intercepted and extracted using the proposed wells within the subject area. This reduction in groundwater discharge to the river will be offset by the reduction in water use at the applicant's northwest property as a result of the applicant placing a commensurate amount of water into the State's Trust Water Program. Therefore the new water use on the subject property southeast of the river is mitigated and considered to be water budget neutral to the Columbia River. Groundwater is physically available in the quantities requested from the aquifer within the project area. However, *the applicant should be cautioned that the vertical extent (thickness of the saturated sediments) of the aquifer may limit the quantity of groundwater that can be pumped without significant drawdown and that a higher reliance on surface water may be needed.*

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.

On December, 9 2013, the applicant submitted four change applications CS3-21014C, CG4-26840C, CG4-27774C, and CG4-27775(B)C to Ecology and proposed to fallow 250 ac of irrigation to transfer into trust. Changes of purpose of use to instream flow and mitigation were approved on July 17, 2015. The consumptive use associated with Application Nos. G4-33109 and S4-33104 would be offset by mitigation held in trust by Ecology, up to combined maximum consumptive use of 885.9 ac-ft/yr (Apr1-Oct 31) and 18.1 (March and November months only), both for irrigation and 41.5 ac-ft/yr for frost protection purposes only. Also, the consumptive use of 7.8 ac-ft/yr for domestic purposes throughout the year. The proposed place of use is located right across the river from where the transfer was authorized. Water is legally available in the quantities requested for the proposed use within the project area.

Impairment Considerations

RCW 90.03.290 requires that a water right permit application cannot be approved if it would cause impairment of existing water rights. One must consider if the new use of water would 1) Interrupt or interfere with the availability of water to an adequately constructed groundwater withdrawal facility of an existing right, and 2) Interrupt or interfere with the availability of water at the authorized point of diversion of a surface water right.

With the recent Trust Water authorization(s) held in TWRP to offset new appropriations for the same proposed use, allocation of new uses associated with the Application Nos. S4-33104 and G4-33109 should not cause any impairment to any of the proposed water uses.

Ecology considered groundwater impacts associated with the transfer of surface diversions to wells. Per Ecology's hydrogeologist report, the four existing wells within the subject area appear to be on lands that are owned by the applicant. Since there are no other wells within close proximity to the subject property, impairment to other groundwater wells as a result of this authorization is not expected.

Public Interest Considerations

RCW 90.03.290 requires that a water right permit application cannot be approved if it would cause detriment to the public interest. Ecology must consider how the proposal will affect an array of factors such as wildlife habitat, recreation, water quality, temperature and impacts to wetlands. Approval of these applications would not be detrimental to the public interest for the purposes of use that are proposed.

Consideration of Protests and Comments

No protests were filed against this application.

Conclusions

Beneficial Use

The proposed use of water for irrigation and domestic purposes is considered to be a beneficial use. The maximum quantity combined of 5.9 cfs and 904 ac-ft for seasonal irrigation (March 1- November 30), 41.5 ac-ft for frost protection, and 7.8 ac-ft for continuous municipal use is reasonable for the purposes of use.

Water Availability

The analysis provided above demonstrates that water is physically and legally available for the proposed use of water.

Impairment

The proposed beneficial use of water will not impair any existing water rights.

Public Interest

The proposed use of water would not 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.

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:

Seasonal Irrigation
5.9 cfs
885.9 ac-ft/yr (April 1 – October 31)
18.1 ac-ft/yr (March and November months only)
[Irrigation, crop cooling, crop processing, and crop spraying of up to 250 acres]

Frost Protection
41.5 ac-ft/yr

Municipal Use (Year round)
0.1 cfs
7.8 ac-ft/yr

Point of Diversion
SW¼NW¼, Section 25, Township 30 North, Range 26 E.W.M.

Place of Use
NW¼, SW¼NE¼, E½SW¼, and W½SE¼, all in Section 25, Township 30 North, Range 26 E.W.M.

Report Writer *Date*

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DRAFT
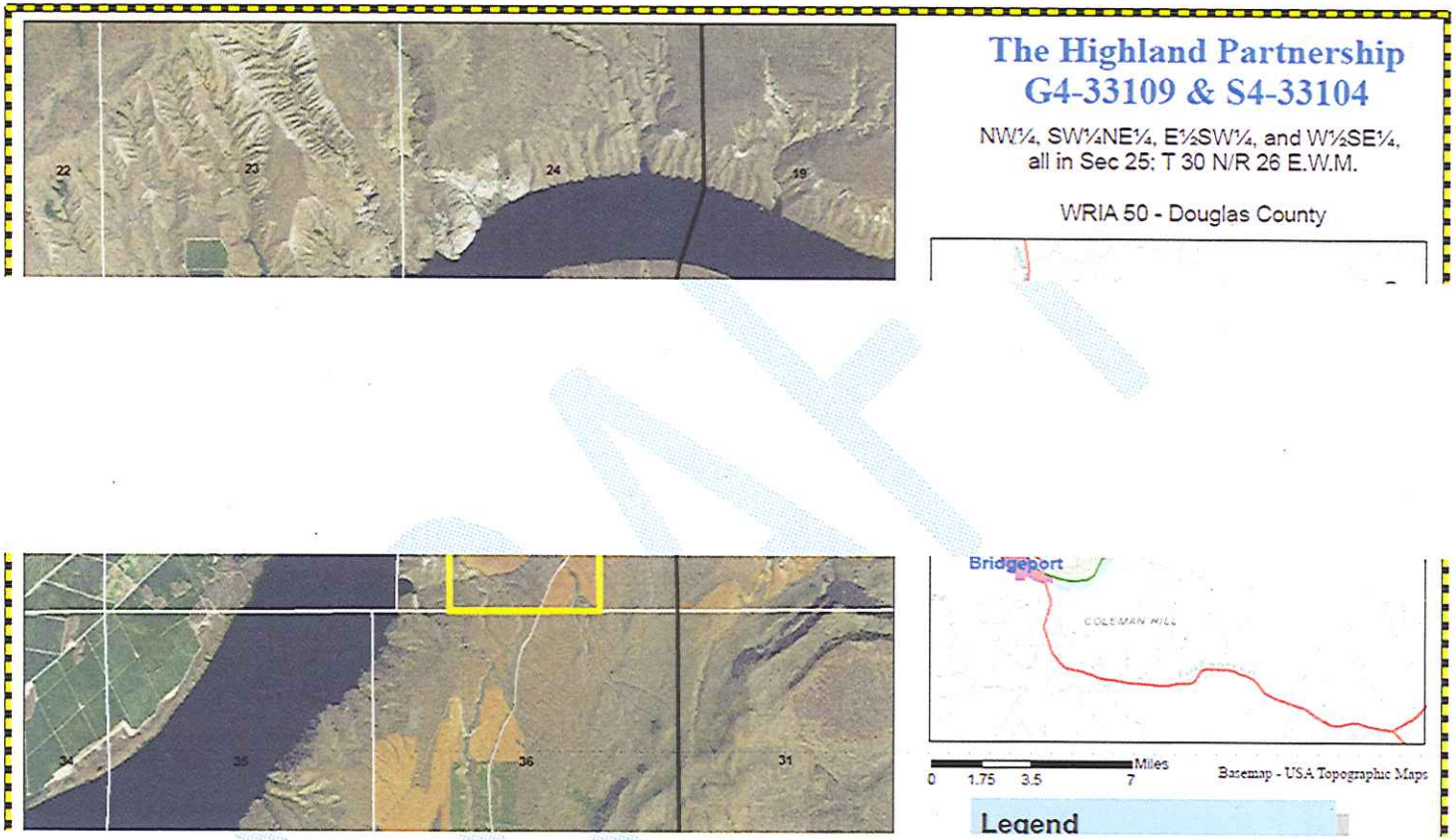
Figure 2 Location Map