

FILE COPY

Mr. Erick E. Hanson
Sagemoor Farms
8930 West Sagemoor Road
Pasco, Washington 99301

STATE OF WASHINGTON
CERTIFICATE OF WATER RIGHT



Document Title: Certificate of Water Right

Agency: Department of Ecology
Eastern Regional Office
4601 North Monroe
Spokane, WA 99205-1295

Applicant: Sagemoor Farms
8930 West Sagemoor Road
Pasco, Washington 99301

Reference Number:

PRIORITY DATE July 24, 1980	APPLICATION NUMBER S3-28610	PERMIT NUMBER S3-28610P	CERTIFICATE NUMBER S3-28610C
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This is to certify that the herein named applicant has made proof to the satisfaction of the Department of Ecology of a right to the use of the public waters of the State of Washington as herein defined, and under and specifically subject to the provisions contained in the Permit issued by the Department of Ecology, and that said right to the use of said waters has been perfected in accordance with the laws of the State of Washington, and is hereby confirmed by the Department of Ecology and entered of record as shown, but is limited to an amount actually beneficially used.

PUBLIC WATERS TO BE APPROPRIATED

SOURCE Columbia River	TRIBUTARY OF (IF SURFACE WATERS)	
MAX. CUBIC FEET PER SECOND 2.6	MAX. GALLONS PER MINUTE	MAX. ACRE-FEET PER YEAR 55

QUANTITY, TYPE OF USE, PERIOD OF USE

2.6 cubic feet per second, 55 acre-feet per year, each year, during March, April and May, for the frost protection of 450 acres.

LEGAL DESCRIPTION OF LOCATION OF DIVERSION/WITHDRAWAL

1/4 1/4 E1/4NE1/4SE1/4	SECTION 2	TOWNSHIP N. 10	RANGE (E. OR W.) W.M. 28 E.	W.R.L.A. 36	COUNTY Franklin
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PARCEL #: N/A

ADDITIONAL LEGAL IS ON PAGE 2

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

1/4 1/4	SECTION 2	TOWNSHIP N. 10	RANGE (E. OR W.) W.M. 28 E.	W.R.L.A. 36	COUNTY Franklin
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PARCEL #: N/A

ADDITIONAL LEGAL IS ON PAGE 2

CONTINUED LEGAL DESCRIPTION FOR LOCATION OF DIVERSION/WITHDRAWAL

1350 feet north and 350 feet west from the Southeast corner of Sec. 2.

CONTINUED LEGAL DESCRIPTION FOR PROPERTY ON WHICH WATER IS TO USED

PARCEL A: Farm Unit 1, Fourth Revision Irrigation Block 1, Columbia Basin Project, Washington, according to Volume 1 of South Columbia Basin District Plats, page 17, in Franklin County, Washington.

PARCEL B: All those portions of Lots 3 and 4, Sec. 2, T. 10 N., R. 28 E.W.M., lying easterly of the following described line:

Beginning at a point on the East Line of said Sec. 2, which point bears North 00°32'18" East 400.0 feet from the Southeast corner of said Sec. 2 and running Northwesterly along a straight line to a point of intersection with the North line of said Lot 3, which point bears Westerly a distance of 330 feet from the E $\frac{1}{4}$ corner of said Sec. 2, in Franklin County, Washington.

PARCEL C: The E $\frac{1}{2}$ N $\frac{1}{2}$ of Sec. 12, T. 10 N., R. 28 E.W.M., in Franklin County, Washington.

PARCEL D: Farm Unit 295, Fifth Revision Irrigation Block 16, Columbia Basin Project, Washington, according to Volume 1 of South Columbia Basin District Plats, page 26, in Franklin County, Washington, AND

All that portion of the N $\frac{1}{2}$ N $\frac{1}{2}$ of Sec. 12, T. 10 N., R. 28 E.W.M., included within the following described tract of land:

Beginning at the N $\frac{1}{4}$ corner of said Sec. 12 and running thence South 00°58' West 1145.5 feet along the West line of said N $\frac{1}{2}$ N $\frac{1}{2}$; thence South 89°00' East 213.2 feet along the centerline of an existing Franklin County Road; thence on a curve to the left with a radius of 955.0 feet for an arc distance of 1115.8 feet along said road centerline; thence North 24°09' East 614.2 feet along said road centerline to an intersection with the North line of said Sec. 12; thence North 89°00' West 1334.8 feet to the point of beginning.

(Both parcels now being commonly referred to as Water Delivery Unit 353, Irrigation Block 16, Columbia Basin Project)

PARCEL E: That portion of Farm Unit 86, Irrigation Block 1, Columbia Basin Project, Washington, located in the SE $\frac{1}{2}$ N $\frac{1}{2}$ W $\frac{1}{2}$ of Sec. 12, T. 10 N., R. 28 E.W.M., which lies Northerly of the Northerly line of the 60 foot road right of way (Sage Moor Road) shown on the Fourth Revision of the Farm Unit Plat of said Irrigation Block 1, recorded on August 18, 1958, in Volume 1 of the South Columbia Basin District Plats, page 17, in Franklin County, Washington.

PARCEL F: That portion of Farm Unit 189, Fifth Revision Irrigation Block 16, Columbia Basin Project, Washington, according to plat thereof recorded in Volume 1 of South Columbia Basin Irrigation District Plats, page 26, lying in Sec. 1, T. 10 N., R. 28 E.W.M., in Franklin County, Washington, being more particularly described as follows:

Beginning at the Southeast section corner of said Sec. 1, also being the True Point of Beginning; thence North 89°00'00" West along the South line of said Farm Unit 189 and said Sec. 1, a distance of 660.0 feet to the Southwest corner of said Farm Unit 189; thence North 01°00'00" East along the West line of said Farm Unit 189 a distance of 630.70 feet to the Northwesterly corner of said Farm Unit 189; thence North 68°45'00" East along the Northwesterly line of said Farm Unit 189 a distance of 217.96 feet to the point of curve of a curve to the left whose radius bears North 68°45'17" East a distance of 1256 feet; thence around said curve to the left a distance of 737.87 feet to the East line of said Sec. 1; thence South 01°04'00" West along said East line a distance of 148.61 feet to the True Point of Beginning.

Certificate Provisions on page 3.

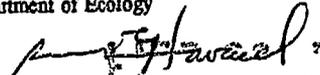
The right to use of the water ofresaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in RCW 90.03.380, 90.03.390, and 90.44.020.

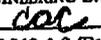
This certificate of water right is specifically subject to relinquishment for non-use of water as provided in RCW 90.14.180.

*Given under my hand and the seal of this office at Spokane, Washington,
this 1st day of December, 1971.*



Tom Fitzsimmons, Director
Department of Ecology

By 
Bruce F. Howard, Section Manager

ENGINEERING DATA
OK 
BCY 040-1-2 (Rev. 8-97)

PROVISIONS

At such time that the Department of Ecology determines that regulation a management of the subject waters is necessary and in the public interest, an approved measuring device shall be installed and maintained in accordance with RCW 90.03.360 or WAC 508-64-020 through WAC 508-64-040.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required.

This authorization to make use of public waters of the state is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

This certificate shall be issued subject to Washington Departments of Fisheries and Wildlife screening criteria as outlined in a Hydraulic Project Approval. Please contact the Department of Fisheries, 115 General Administration Building, AX-11, Olympia, WA 98504, Attention: Habitat Management Division, Phone (206) 753-6600; or the Department of Wildlife, 600 Capitol Way North, Mail Stop GJ-11, Olympia, Washington 98501-1091, Attention: Habitat Management Division, Phone (206) 753-3318, to obtain specific requirements for your project.

This authorization for certificate is subject to the following minimum flow provisions as specified in WAC 173-563-040 and WAC 173-563-050 and the following table. It is subject to regulation by the Department of Ecology for protection of instream resources whenever the March 1 forecast of April-September runoff at The Dalles is 60 MAF or less, and when gaged flows are predicted by the BPA 30-Day Power Operation Plan to violate the following minimum flow provision at:

Primary Control Station McNary Dam Minimum Average Weekly Flow							
	CHIEF	WELLS	ROCK	PRIEST	MCNARY	JOHN	THE
Jan	30	30	30	70	60	60	60
Feb	30	30	30	70	60	60	60
Mar	30	30	30	70	60	60	60
Apr 1-15	50	50	60	70	100	100	120
16-25	60	60	60	70	150	150	160
26-30	90	100	110	110	200	200	200
May	100	115	130	130	220	220	220
June 1-15	80	110	110	110	200	200	200
16-30	60	80	80	80	120	120	120
July 1-15	60	80	80	80	120	120	120
16-31	90	100	110	110	140	140	140
Aug	85	90	95	95	120	120	120
Sep	40	40	40	40	60	85	90
Oct 1-15	30	35	40	40	60	85	90
16-31	30	35	40	70	60	85	90
Nov	30	30	30	70	60	60	60
Dec	30	30	30	70	60	60	60

*For the reach from Grand Coulee through Wanapum, minimum average weekly flows shall be as shown above, or as necessary to maintain minimum flows (subject to low runoff adjustment) at Priest Rapids, whichever is higher. As provided in WAC 173-563-505(1), the minimum average weekly flows set forth in this subsection are subject to a reduction of up to 25 percent during low flow years, except that in no case shall the outflow from Priest Rapids Dam be less than 36,000 cubic feet per second.

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

Use of water under this authorization can be expected to be curtailed at least once in every 20 years.