

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)

Ground Water (Issued in accordance with the provisions of Chapter 253, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE July 24, 1980	APPLICATION NUMBER S3-28610	PERMIT NUMBER	CERTIFICATE NUMBER
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NAME
SAGEMOOR FARMS

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
8930 West Sagemoor Road	Pasco	Washington	99301

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
Columbia River

TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND 6.11	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR 55
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QUANTITY, TYPE OF USE, PERIOD OF USE
6.11 cubic feet per second, 55 acre feet per year, each year, during March, April and May, for the frost protection of 465 acres.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL

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

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) E½NE¼SE¼	SECTION 2	TOWNSHIP N. 10	RANGE (E. OR W.) W.M. 28 E	W.R.L.A. 36	COUNTY Franklin
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RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE 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 E¼ corner of said Sec. 2, in Franklin County, Washington.

PARCEL C: The E½NE¼ 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 N½NE¼ of Sec. 13, T. 10 N., R. 28 E.W.M., included within the following described tract of land:

Beginning at the N¼ corner of said Sec. 12 and running thence South 00°58' West 1145.5 feet along the West line of said N½NE¼; 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

DESCRIPTION OF PROPOSED WORKS

Columbia River pump station and sprinklers for frost protection.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:
Started

COMPLETE PROJECT BY THIS DATE:
June 1, 1992

WATER PUT TO FULL USE BY THIS DATE:
June 1, 1993

REPORT

BACKGROUND

An application to appropriate public surface water was submitted by April 3, 1989. The application was accepted and assigned Surface Water application No. S3-28610. The applicant proposes to divert water from the Columbia River in the amount of 6.11 cubic feet per second for the seasonal frost protection of 465 acres. The proposed point of diversion is to be located within the E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2, T. 10 N.,k R. 28 E.W.M., Franklin County.

A notice of application was duly published in accordance with RCW 90.03.280; no protests or objections were received.

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

INVESTIGATION

The field examination for this application was conducted on July 25, 1990 by James A. Jacobson, State Watermaster. This project is located approximately 9 miles north and 10 miles west of the City of Paso, lying adjacent to the Columbia River. At the time of examination no development of the proposed point of diversion had taken place.

The proposed place of use is currently irrigated through surface water deliveries provided by the Columbia Basin Project. The applicant has made this application for a public surface water permit to provide water for frost protection during the months when water is not available from Project deliveries.

The amount of water applied for under this application is reasonable for this purpose of use.

This application requests a permit from the McNary Pool, which includes the lower 10 miles of the Snake River. The McNary Pool is subject to Chapter 173-531A WAC, Water Resource Program for the John Day-McNary Pool Reach of the Columbia River, and Chapter 173-563 WAC, Instream Resources Protection Program for the Main Stem Columbia River in Washington State (CRIRPP).

Chapter 173-531A WAC reserved 1,320,000 acre feet of water from the John Day-McNary Pool Reach to provide a water supply for 330,000 acres of irrigation, which amounts to 4 acre feet of water per irrigated acre. The priority dates of permit issued under applications filed subsequent to the effective date of the reservation are the effective date of the regulation, which is July 24, 1980.

All permits issued for waters reserved under WAC 173-531A-040 are subject to the provisions of Chapter 173-563 WAC, CRIRPP, which established minimum flows on the main stem Columbia River and established conservation and efficiency fundamentals relating to out-of-stream and instream uses and values. All water right permits and certificates subject to this chapter are subject to the following provisions:

- 1) This permit/certificate is subject to the minimum flow provisions contained in WAC 173-563-040 and WAC 173-563-050 and is subject to regulation by the Department of Ecology to insure protection of instream resources.
- 2) 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.

This application requests a permit from the Columbia River, which is subject to Chapter 173-563 WAC, Instream Resources Protection Program for the Main Stem Columbia River in Washington State (CRIRPP). This regulation established minimum flows on the main stem Columbia River and established conservation and efficiency fundamentals relating to out-of-stream and instream uses and values. All water right permits and certificates subject to this chapter are subject to the following provisions:

Report Continued

1) This permit/certificate is subject to the minimum flow provisions contained in WAC 173-563-040 and WAC 173-563-050 and is subject to regulation by the Department of Ecology to insure protection of instream resources. Use of water under this authorization can be expected to be curtailed at least once in every 20 years.

2) 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.

The water supply granted under this application shall be used only during the times that water is not available from the Columbia Basin Project delivery system.

CONCLUSIONS AND RECOMMENDATIONS

It is the conclusion of this examiner that: public surface water is available for appropriation for a beneficial use; that frost protection is a beneficial use; that the appropriation of such water will not impair existing rights or be detrimental to the public welfare.

It is recommended that this application for a public surface water permit be approved in the amount of 6.11 cubic feet per second, 55 acre feet per year, for the seasonal frost protection of 465 acres, subject to the following provisions:

"At such time that the Department of Ecology determines that regulation and 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."

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. 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. Obtainment of such right is a private matter between applicant and owner of that land.

"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."

"A certificate of water right will not be issued until a final examination is made."

"The water quantities and uses recommended and/or the number of acres to be irrigated may be reduced at the time of issuance of a final water right commensurate with the capacity of the installed system and the uses and/or the number of acres actually irrigated."

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

In accordance with the recommendations of the Departments of Fisheries and Game, the permit shall be issued subject to the following provision(s):

"This permit shall be issued subject to Washington Departments of Fisheries and Game screening criteria as outlined in a Hydraulic Project Approval. Please contact the Department of Fisheries 115 General Administration Building, Olympia, Washington 98504, Attention: Habitat Management Division, Phone (206) 753-6650; or the Department of Game, 600 N. Capitol, Olympia, Washington 98504, Attention: Habitat Management Division, Phone (206) 753-3318, to obtain specific requirements for your project."

Report Continued

"This authorization for permit 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 River Mile 292 Minimum Average Weekly Flow Columbia River Projects (1,000 cubic feet/second)							
	CHIEF JOSEPH*	WELLS & ROCKY REACH*	ROCK ISLAND & WANAPU M*	PRIEST RAPIDS	MCNAR Y	JOHN DAY	THE DALLE S
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	100
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
Jul 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.

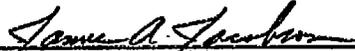
Use of water under this authorization shall be contingent upon the water right holder's utilization of up-to-date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities.

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

Report Continued

"The annual quantity allocated in this document is considered to be a portion of the amount reserved by the adoption of the John Day/McNary Basin Plan. The priority date of this filing, as against other uses, is fixed as of July 24, 1980."

Signed at Spokane, Washington
this 3rd day of May, 1991


JAMES A. JACOBSON
Water Resources Program
Department of Ecology

Legal Description Continued

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 SE¼NE¼NW¼ 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 (Sagemoor 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 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.

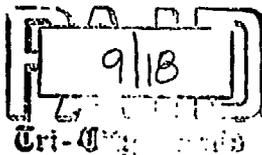
Tri-City Herald

P.O. BOX 2608
PASCO, WASHINGTON 99302-2608
(509) 682-1600

No. 922889
LEGAL ADVERTISING
INVOICE

SOLD TO:

Sasemoor Farms
8930 W. Sasemoor Rd.
Pasco
WA 99301



TOTAL \$ 57.62

DATE: 092889 LEGAL NO. #009049

ACCOUNT NO: 90923

DESCRIPTION: Surface Water Application

TIMES: 002 LINES: 42

NOTICE: This is an invoice for legal advertising space. Please pay from this invoice as no statement will be rendered.
Please detach at perforation and return with payment.

AFFIDAVIT OF PUBLICATION

*OK - coc
10-30-89*

COUNTY OF BENTON
STATE OF WASHINGTON

KIM PALMIERI, being duly sworn, deposes and says, I am the Legal Clerk of the Tri-City Herald, a daily newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publication hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy of a Surface Water Application No. 922889 was printed in the regular and entire issue of the Tri-City Herald itself and not in a supplement thereof, 002 time(s), commencing on 092889, and ending on 092889, and that said newspaper was regularly distributed to its subscribers during all of this period.

Kim Palmieri

SUBSCRIBED AND SWORN BEFORE ME THIS 29
DAY OF September, 1989

Phyllis Mitchell

Notary public in and for the State of Washington, residing at PASCO
COMMISSION EXPIRES 7-15-92

STATE OF WASHINGTON
NOTICE OF APPLICATION
TO APPROPRIATE
PUBLIC WATERS
TAKE NOTICE
That Sasemoor Farms of Pasco, Washington, on April 15, 1989, under Pollution No. 83-28810, filed for permit to appropriate Public Waters, subject to existing rights, with the Columbia River in the amount of 575,111 cubic feet per second, each year, for seasonal total protection of 485 acres. The source of the proposed appropriation is located at W1/4 N1/4 E1/2 NE1/4 SE1/4 of Section 21 Township 10 N, Range 28 E, W. Meridian, Franklin County, Washington. Any person or persons who have any objections to approval of this application must include a detailed statement of the basis for objection, together with a copy of the proposed project, must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology at the address shown below, within thirty (30) days from September 25, 1989. State of Washington Department of Ecology N. 4601 Monroe, Suite 100 Spokane, WA 99205-1225 85549-8251 & 8252.

OCT - 6 1989

REPRODUCTION OF THIS DOCUMENT IS PROHIBITED