

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 203, Laws of Washington for 1940, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PROPERTY DATE July 24, 1980	APPLICATION NUMBER S3-28654	PERMIT NUMBER	CERTIFICATE NUMBER
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NAME DAVE MacHUGH			
ADDRESS (STREET) 660 Dogwood	CITY Pasco	STATE Washington	ZIP CODE 99301

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
Columbia River

TRIBUTARY OF (IF SURFACE WATER)

MAXIMUM CUBIC FEET PER SECOND 5.56	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR 400 supplemental
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QUANTITY, TYPE OF USE, PERIOD OF USE
5.56 cubic feet per second, 400 acre feet per year, for frost protection and irrigation of 100 acres. LESS any amount of water diverted for the irrigation of the 100 acres under Registered Water Right Claim No. 103430.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) SW¼NW¼	SECTION 25	TOWNSHIP N. 12	RANGE (E. OR W.) W.M. 28 B	W.R.L.A. 36	COUNTY Franklin
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RECORDED PLATTED PROPERTY

LOT 26	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION) Ringold Tracts
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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

PARCEL A:
Blocks 28, 2, 3 and 6, EXCEPT the South 520 feet as measured along East line of said Block 6, Ringold, according to plat thereof recorded in Volume "B" of Plats, page 58, EXCEPT any portion lying Easterly of the Westerly right of way line of the County Road as it now exists, records of Franklin County, State of Washington, together with water rights to well located at Block 6 for domestic water.

PARCEL B:
That portion of E½W½ of Sec. 25, T. 12 N., R. 28 E.W.M., lying Easterly of Ringold, according to plat thereof recorded in Volume "B" of Plats, page 58, records of Franklin County, State of Washington, and

Tract 22, EXCEPT the northerly 179 feet thereof and ALL of Tracts 23 through 27 inclusive, Ringold, according to Plat thereof recorded in Volume "B" of Plats, page 58, records of Franklin County, State of Washington, and

Blocks 1, 4, 5 and 7, Ringold, according to plat thereof recorded in Volume "B" of Plats, page 58, records of Franklin County, State of Washington.

DESCRIPTION OF PROPOSED WORKS

Columbia River pump station, underground solid set sprinkler system.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE:
May 1, 1993	May 1, 1994	May 1, 1995

REPORT

BACKGROUND

An application to appropriate public surface water was submitted by Dave MacHugh to the Department of Ecology on July 3, 1989. The application was accepted and assigned Surface Water Application No. S3-28654. The applicant proposes to divert water from the Columbia River in the amount of 5.56 cubic feet per second for the irrigation and frost protection of 100 acres. The proposed point of diversion is to be located within Lot 26 of Ringold Tracts, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 25, T. 12 N., 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. A permit issued under this application would be classified as a Family Farm Permit under the Family Farm Water Act of 1977, Chapter 90.66 RCW.

INVESTIGATION

The field examination for this application was conducted by James A. Jacobson, State Watermaster on July 25, 1990. This project is located about 16 miles north and 8 miles west from the City of Pasco. At the time of examination there were approximately 100 acres being irrigated within the proposed place of use.

Water Right Claim No. 103430 is appurtenant to this project. Mr. Donald Huntzinger filed this claim for the diversion of 4.44 cubic feet per second from the Columbia River for the irrigation of 160 acres. The point of diversion is within Tract 29 of Ringold Tracts, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 25, T. 12 N., R. 28 E.W.M. The place of use described under this claim encompasses all the proposed place of use under Application No. S3-28654 plus an additional 50 to 60 acres. The applicant's proportionate share of this water right claim is 2.78 cubic feet per second for 100 acres.

The applicant wants to have a separate point of diversion and an additional amount of water for the 100 acres under the subject application. A permit issued under this application would authorize one point of diversion and instantaneous pumping in the amount of 5.56 cubic feet per second, less any amount diverted under Registered Water Right Claim No. 103430, with no additional acres being authorized. The additional instantaneous will primarily be used for frost protection.

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 acre of irrigation, which amounts to 4 acre feet of water per irrigated acre. The priority dates of permits 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 two provisions:

- 1) This permit/certificate is subject to the minimum flow provisions contained in WAC 173-563-040 and WAC 173-563-505 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.

The total annual combined diversion under S3-28654 and Water Right Claim No. 103430 shall not exceed 5.56 cubic feet per second, 400 acre feet per year, for the irrigation of 100 acres. The proportionate share for the remaining 60 acres under Registered Water Right Claim No. 103430 is 1.66 cubic feet per second.

CONCLUSIONS AND RECOMMENDATIONS

It is the conclusion of this examiner that: public surface water is available for appropriation for a beneficial use; that irrigation and frost protection are beneficial uses; 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 5.56 cubic feet per second, 400 acre feet per year, for the seasonal irrigation and frost protection of 100 acres, less any instantaneous and annual quantity diverted under Registered Water Right Claim No. 103430, and subject to the following provisions:

"The total combined diversion under S3-28654 and Water Right Claim No. 103430 shall not exceed 5.56 cubic feet per second, 400 acre feet per year, for the irrigation of 100 acres."

"An approved measuring device shall be installed and maintained in accordance with RCW 90.03.360 and/or WAC 508-64-020 through WAC 508-64-040." (Installation, operation and maintenance requirements attached hereto).

"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 for the actual crop grown on the number of acres and the place of use specified."

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."

The construction of the facilities for the appropriation of water under the application may require removal of material from or adjacent to a stream channel or watercourse. A Hydraulic Approval may be obtained from the Departments of Fisheries and Game prior to commencing work.

"This authorization to use public waters of the state is classified as a Family Farm Permit in accordance with Chapter 90.66 RCW (Initiative Measure No. 59). 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."

"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."

"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 & WANAPUM*	PRIEST RAPIDS	MCNARY	JOHN DAY	THE DALLES
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."

Signed at Spokane, Washington
this 17th day of April, 1992


JAMES A. JACOBSON
Water Resources Program
Department of Ecology