

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 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE August 28, 1989	APPLICATION NUMBER 93-28687	PERMIT NUMBER	CERTIFICATE NUMBER
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NAME WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES			
ADDRESS (STREET) John A. Cherberg Building, Mail Stop QW-21	(CITY) Olympia, Washington	(STATE)	(ZIP CODE) 98504

PUBLIC WATERS TO BE APPROPRIATED

SOURCE Columbia River		
TRIBUTARY OF (IF SURFACE WATERS) Pacific Ocean		
MAXIMUM CUBIC FEET PER SECOND 6.22	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR 1120
QUANTITY, TYPE OF USE, PERIOD OF USE 6.22 cubic feet per second, 1120 acre feet per year, each year, for the seasonal irrigation of 280 acres.		

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL 75 feet south and 1160 feet west from the center of Sec. 18.
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LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) NW 1/4 NE 1/4 SW 1/4	SECTION 18	TOWNSHIP N. 9	RANGE (E. OR W.) W.M. 29 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

All that portion of Sec. 16, T. 9 N., R. 29 E.W.M., lying southerly of SR I-182 and northerly of the Franklin County Irrigation District Canal, excepting therefrom, the NW 1/4 SW 1/4 and the SE 1/4 SE 1/4 of Franklin County, Washington.

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**DESCRIPTION OF PROPOSED WORKS**

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Two pumping stations - #1) three pumps - 125 HP, 300 HP, and 450 HP; #2) Five pumps - 100 HP, two 200 HP, and two 250 HP; distribution system.

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**DEVELOPMENT SCHEDULE**

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BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE:
Started	June 1, 1991	June 1, 1992

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**REPORT**

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**BACKGROUND**

An application to appropriate public surface water was submitted by the State of Washington Department of Natural Resources to the Department of Ecology on August 28, 1989. The application was accepted and assigned Surface Water Application No. S3-28687. The applicant proposes to divert water from the Columbia River in the amount of 7.95 cubic feet per second for the irrigation of 357 acres. The proposed point of diversion is to be located within the NW¼NE¼SW¼ of Sec. 18, T. 9 N., R. 29 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 Publicly Owned Land Permit under the Family Farm Water Act of 1977, Chapter 90.66 RCW.

**INVESTIGATION**

The field examination for this application was conducted on April 12, 1990 by James A. Jacobson, State Watermaster. This project is located within the city limits of the City of Pasco along the northwest boundary. At the time of examination the applicant was installing center pivot sprinklers and mainline. No irrigation had taken place at the time of examination.

Washington State Department of Natural Resources manages the subject property, which is state land. Of the 357 acres applied for, approximately 77 acres lies within the boundaries of the Franklin County Irrigation District. The remaining 280 acres adjoins the Irrigation District and lies directly to the north. Since the Franklin County Irrigation District already has water rights appurtenant to the lands lying southerly of their delivery canal (S3-00861C and S3-27711C), this application will be reduced by 77 acres to avoid duplication or overlapping of water rights.

The point of diversion applied for is an existing pump station owned and operated by the Franklin County Irrigation District. The water from this pump station will be pumped to existing delivery canals up to the southern boundary of the proposed place of use, where the water will be delivered into a pond and then relifted to the lands lying above the canal.

This application requests a permit from the John Day-McNary Pool Reach of the Columbia River, which extends from river mile 216 to river mile 352. The McNary Pool is subject to Chapter 173-531A WAC, Water Resource Program for the John Day-McNary Pools 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 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. As the subject application was received subsequent to the effective date of the reservation, its date of priority shall be July 24, 1980. Based upon the water duty assigned under Chapter 173-531A WAC of 4 acre feet per acre these 280 acres of irrigation will require 1120 acre feet per year.

All permits issued for 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 173-563-050 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.

#### CONCLUSIONS AND RECOMMENDATIONS

It is the conclusion of this examiner that: public surface water is available for appropriation for a beneficial use; that irrigation is a beneficial use; and 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 6.22 cubic feet per second, 1120 acre feet per year, for the seasonal irrigation of 280 acres, subject to the following provisions:

"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."

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

"This permit 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, Olympia, Washington 98504, Attention: Habitat Management Division, Phone (206) 753-6650; or the Department of Wildlife, 600 N. Capitol, Olympia, Washington 98504, Attention: Habitat Management Division, Phone (206) 753-3318, to obtain specific requirements for your project."

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

"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)

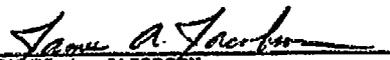
	CHIEF JOSEPH*	WELLS & ROCKY REACH*	ROCK & ISLAND & WANAPUM*	PRIEST RAPIDS	M McNARY	JOHN DAY	THE DALLES
Jan	30	30	30	70	60	60	60
Feb	30	30	30	70	60	60	60
Mar	30	30	30	70	60	60	60
Apr 1-15	50	50	60	70	100	100	120
16-25	60	60	60	70	150	150	160
26-30	90	100	110	110	200	200	200
May	100	115	130	130	220	220	220
June 1-15	80	110	110	110	200	200	200
16-30	60	80	80	80	120	120	120
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 8th day of May, 1990

  
JAMES A. JACOBSON  
Water Resource Program  
Department of Ecology