DEPARTMENT OF ECOLOGY
State of Washington

STATE OF WASHINGTON
REPORT OF EXAMINATION
FOR WATER RIGHT TRUST

Trust Acquisition
Changed Place of Use
Added or Changed Point of Withdrawal/Diversion

PRIORITY DATE OF CLAIM PROPOSED FOR CHANGE	CLAIM NUMBER PROPOSED FOR CHANGE
Before year 1880	S3-145472CL (Part B)

NAME AND MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
(Marty Hall - M&I Livestock) State of Washington Department of Ecology - ERO 4601 North Monroe Spokane, WA 99205-1295	Permanent

Total Rate and Quantity Authorized for Diversion

DIVERSION RATE (cfs)	ANNUAL QUANTITY (ac-ft/yr)
0.67	23.4 (5.27 consumptive)

cfs = Cubic Feet per Second; ac-ft/yr = Acre-feet per Year

Purpose(s)

PURPOSE	DIVERSION RATE (cfs)	ANNUAL QUANTITY (ac-ft/yr)	PERIOD OF USE
Instream Flow	0.67	23.4 (5.27 consumptive)	4/1 – 10/15

Historical Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Columbia	Tucannon River	Snake River	Middle Snake watershed – 35

SOURCE NAME	PARCEL	TOWNSHIP	RANGE	SECTION	QQ Q	LATITUDE	LONGITUDE
Ditch	2011390024650	11 N.	39 E.	2	SE¼		

Trust Water Right Place of Use

Primary Reach – Extends from the stream reach (Tucannon River) influenced by the original point of diversion within NE¼SE¼ of Section 2, T. 11 N., R. 39 E.W.M., downstream to river mile 17.3 located in the SW¼NW¼ of Section 2, T. 11 N., R. 39 E.W.M.

Secondary Reach – Begins at river mile 17.3 located in the SW¼NW¼ of Section 2, T. 11 N., R. 39 E.W.M. to the confluence of the Tucannon River and Snake River, downstream until it joins the Columbia River, downstream to the Pacific Ocean.

DEPARTMENT OF ECOLOGY
State of Washington

STATE OF WASHINGTON
REPORT OF EXAMINATION
REMAINDER OF CLAIM NOT IN TRUST

PRIORITY DATE OF CLAIM PROPOSED FOR CHANGE	CLAIM NUMBER PROPOSED FOR CHANGE
Before year 1880	S3-145472CL (Part A)

NAME AND MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
Marty Hall - M&I Livestock 1944 Tucannon Rd Pomeroy, WA 99347	

Total Rate and Quantity Authorized for Diversion

DIVERSION RATE (cfs)	ANNUAL QUANTITY (ac-ft/yr)
0.29	50.31

cfs = Cubic Feet per Second; ac-ft/yr = Acre-feet per Year

Purpose(s)

PURPOSE	DIVERSION RATE (cfs)	ANNUAL QUANTITY (ac-ft/yr)	PERIOD OF USE
Irrigation	0.29	50.31	4/1 – 10/15

IRRIGATED ACRES
16.57

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Columbia	Tucannon River	Snake River	Middle Snake watershed – 35

SOURCE NAME	PARCEL	TOWNSHIP	RANGE	SECTION	QQ Q	LATITUDE	LONGITUDE
Pumpstation	2011390022450	11 N.	39 E.	2	SW¼NE¼	46.46521°N	-117.89731°W

QQ Q = Quarter Quarter

Datum: NAD83/WGS84

Place of Use

PARCEL(S)
2011390022450

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LEGAL DESCRIPTION OF THE AUTHORIZED PLACE OF USE
COMMENCING 50 ft Due South from the Center of Section 02, Township 11 North, Range 39 East Willamette Meridian, Columbia County, Washington to the POINT OF BEGINNING for this legal description; thence S73-45-54E approximately 702.72 ft to the easterly line of the NW1/4 NW1/4 SE1/4 of said Section 02; thence North along said line approximately N0-39-57W 594.51 ft; thence following a nontangent curve to the Left having an arc distance of 1,441.92 ft, a Radius of 673.63 ft with a tangent direction of N32-32-53W; thence S0-0-0W 364.01 ft; thence on a final tract N84-53-18E 513.54 ft to POINT OF BEGINNING AND TERMINUS of said legal description.

Development Schedule – Part A and Part B		
BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	PUT WATER TO FULL USE BY THIS DATE
Began	Completed	In Use

Measurement of Water Use – Part A	
HOW OFTEN MUST WATER USE BE MEASURED AND RECORDED?	Weekly
HOW OFTEN MUST WATER USE DATA BE REPORTED TO ECOLOGY?	Annually by January 31
WHAT VOLUME SHOULD BE REPORTED?	Total annual quantity in acre-feet
WHAT RATE SHOULD BE REPORTED?	Annual peak rate of diversion in cfs

Provisions

Trust Water Right (Part B)

Consistent with RCW 90.42.080(1)(a), this trust water right claim shall be managed by Ecology as an instream flow right, as described in this trust water report.

Remainder of Right Not in Trust (Part A)

Measurements, Monitoring, Metering, and Reporting

An approved measuring device must 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", chapter 173-173 WAC, which 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 (Ecology) for modifications to some of the requirements.

Recorded water use data shall be submitted electronically by January 31. To set up an Internet reporting account, contact the Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Regional Office for forms to submit your water use data.

Washington Department of Fish and Wildlife

This authorization for surface water diversion is **required to meet fish screening statutes** (RCW 77.57.010, RCW 77.57.040, and RCW 77.57.070) and may require compliance with the state Hydraulic Code (chapter 77.55 RCW). **No diversion under this authorization shall take place unless all WDFW screening and permitting requirements are complete, in place, and maintained.** For additional information see the WDFW permitting page (https://wdfw.wa.gov/licenses/environmental/hpa) and consult with the appropriate Habitat Biologist according to the contact map

(https://wdfw.maps.arcgis.com/apps/instant/sidebar/index.html?appid=4efa343ae87349298f7647d36ab7f919) found at the WDFW Contact Us webpage (https://wdfw.wa.gov/about/contact). You may also call the WDFW Help Desk between 8:00 am and 4:00 pm Monday through Friday at: (360) 902-2422 or send an email to: APPS.Help@dfw.wa.gov.

Supporting information on screening and fish passage may be found on the WDFW Regulations, guidelines, and determining compliance page (https://wdfw.wa.gov/species-habitats/at-risk/habitat-recovery/fish-passage/screens/regulations).

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.

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.

Findings of Fact and Order

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated.

Therefore, I ORDER the requested change under Surface Water Claim No. CS3-145472CL, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. 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 all of the following within 30 days of the date of receipt of this decision:

- File your notice of appeal and a copy of this decision with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this decision on the Department of Ecology by mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

Filing An Appeal

Filing with the PCHB
For the most current information regarding filing with the PCHB, visit: https://eluho.wa.gov/ or call: 360-664-9160.

Service on Ecology

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-mail Address:
ecologyappeals@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
  https://eluho.wa.gov/
- **Chapter 43.21B RCW – Environmental Hearings Office – Pollution Control Hearings Board**
  http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B
- **Chapter 371-08 WAC – Practice And Procedure**
  http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08
- **Chapter 34.05 RCW – Administrative Procedure Act**
  http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05
- **Ecology's Laws, Rules & Rulemaking**
  https://www.ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking#ws

Authorizing Signature

Signed at Spokane, Washington, this _____ day of _____, 2026.

_____
Jaime Short, Section Manager
Water Resources Program/Eastern Region Office
Department of Ecology

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INVESTIGATOR'S REPORT

Water Right Change Application No.: S3-145472CL
Applicant Name: Marty Hall – M&I Livestock
Investigator: Shannon Adams

BACKGROUND

This report serves as the written findings of fact concerning water right change application Claim Number S3-145472CL. This application proposes to change a portion of the water right to instream flow, change the point of diversion, and modify the place of use to what has historically been irrigated.

Map 1. Originally claimed place of use of Surface Water Claim No. S3-145472CL in blue. Modified place of use outlined in red based on what's been historically been irrigated.

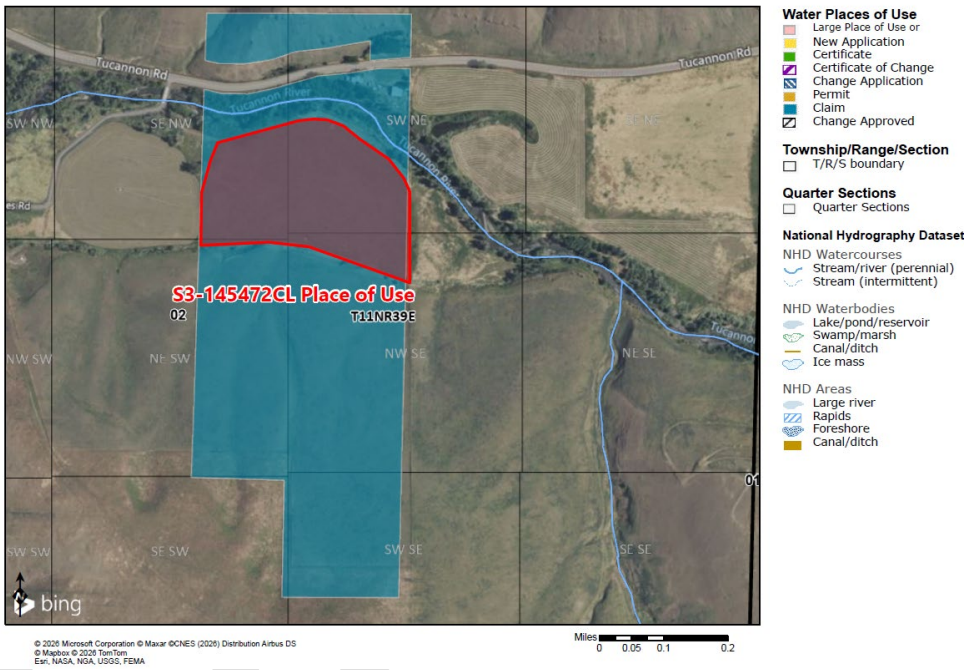

Table 1. Water Right Claim Attributes

Water Claim No.	S3-145472CL
Name on Water Right	Wallace Robertson
Priority Date	Before year 1880
Claim Place of Use	Within portions of the SE¼NW¼, SE¼SW¼, SW¼NE¼, NE¼SW¼, NW¼SE¼, SW¼SE¼ of Section 2, T. 11 N., R. 39 E.W.M.

County	Waterbody	Tributary To	WRIA
Columbia	Tucannon River	Snake River	35 – Middle Snake watershed

Original Claim Purpose	Instantaneous Rate (cfs)	Annual Quantity (ac-ft/yr)	Begin Season	End Season
Irrigation of 48 acres	0.96	192	4/1	10/15

Source Name	Parcel	Township	Range	Section	QQ Q	Latitude	Longitude
Tucannon River	2011390024650	11 N.	39 E. W.M.	2	NE¼SE¼		

Datum: NAD83/WGS84

Table 2. Requested Water Right Attributes

Applicant Name	Marty Hall - M&I Livestock
Date of Application	February 27, 2012
Functional Place of Use	Instream flow beginning in the Tucannon River.

County	Waterbody	Tributary To	WRIA
Columbia	Tucannon River	Snake River	35 – Middle Snake watershed

Trust Portion of Right – Part B

Purpose	Rate	Acre-feet/yr
Instream flow	0.67 cfs	23.4

Remainder of Right (not put into trust) – Part A

Purpose	Rate	Acre-feet/yr
Irrigation of 16.57	0.29 cfs	50.31

Source Name	Parcel	Township	Range	Section	QQ Q	Latitude	Longitude
Pumpstation	2011390022450	11 N.	39 E.	2	SW¼NE¼	46.46521°N	-117.89731°W

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 in NAD83/WGS84.

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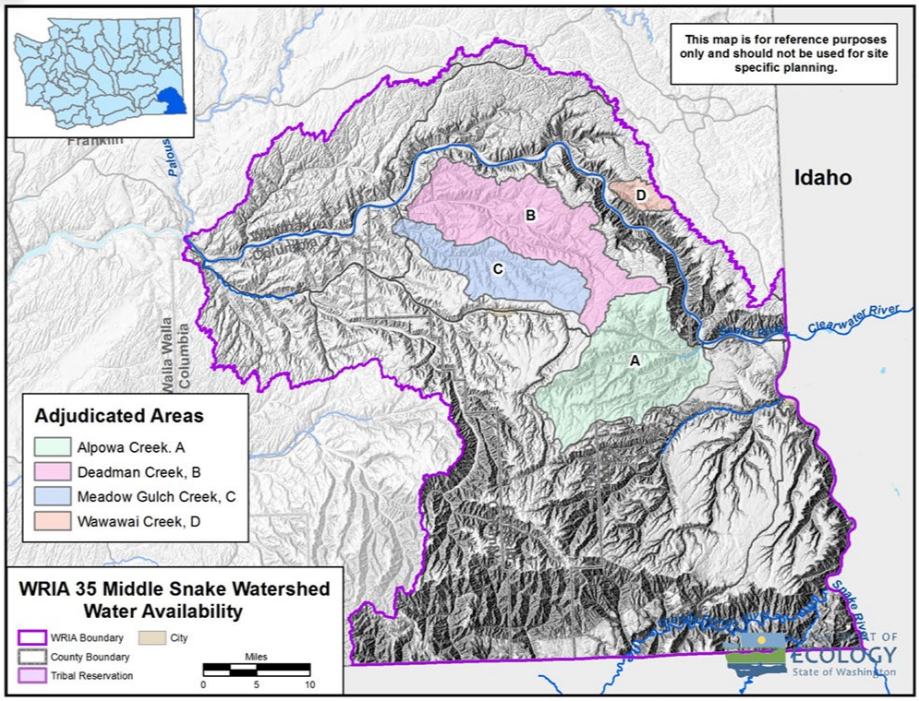
INVESTIGATION

In considering the proposed application, the investigation included, but was not limited to, research and review of: 1) Appropriate rules and statutes; 2) Other water rights, permits, and claims; 3) USGS topographic maps, aerial photographs and other GIS data; 4) State of Washington Irrigation Guide (Natural Resources Conservation Service 1997); 5) Administration of the Statewide Trust Water Rights Program (POL-1010); 6) Guidance for Administering the Trust Water Rights Program (22-11-012); 7) Irrigation Efficiency Contract; 8) Existing point of withdrawal, irrigation system, and place of use; and 9) Discussions with Department of Ecology regional program staff.

The Tucannon River is a 62.3-mile-long tributary to the Snake River originating in the Blue Mountains. The Snake River Salmon Recovery Plan for southeast Washington and National Oceanic and Atmospheric Administration (NOAA) have identified the Tucannon River from the confluence of Pataha Creek to the Tucannon headwaters as a Major Spawning Aggregation area for the recovery of the endangered Snake River Sockeye Salmon, threatened Spring/Summer Chinook Salmon, threatened Fall Chinook Salmon, and threatened Steelhead all listed under the Federal Endangered Species Act (ESA). Sediment, instream flow, and temperature have been identified as limiting factors to recovery. Maintaining instream flow conditions in the Tucannon River is necessary to prevent further degradation of habitat. This application will leave water in the Tucannon River thereby reducing degradation of surface water flows.

The Investigator Shannon Adams met with Marty Hall and Curtis Hall at the project location on August 31, 2026, to complete a field exam. The subject site is located within WRIA 35 – Middle Snake Watershed approximately 10.5 miles northeast of Dayton, Washington in Columbia County. The Tucannon is a tributary to the Snake River in Washington State which was previously protected by Chapter 173-564 WAC which expired on January 1, 1999.

Map 2: WRIA 35 Middle Snake Watershed



History of Water Use

Surface Water Claim S3-145472CL was filed with Ecology on June 30, 1974, claiming the historic use of water diverted from the Tucannon River at a rate of 0.96 cfs (430.848 gpm), a quantity of 192-acre feet per year, for the irrigation of 48 acres. The location of the point of diversion was described in the claim as 2360 feet north, 1190 feet west from the southeast corner of Sec. 2, T. 11 N., R. 39 E.W.M. This placed the point of diversion on adjacent property that was described as an "old contour ditch diverted from the river" according to a December 1, 2011, email from Jack Myrick – Washington State Conservation Commission to Patricia Kirk – Ecology. The given date of first use was before the year 1880.

Ecology received this change/trust application February 27, 2012, in pursuit of an Irrigation Efficiencies Grant Program (IEGP) contract. The Applicant requested to change a portion of the right from irrigation to instream flows. The contract included cost sharing to update the irrigation system to a more efficient design.

As part of the Irrigation Efficiencies Grant Project Change Application Claim No. S3-145472CL, an extent and validity review was completed by Ecology May 16, 2012. Because the water right claim is in an unadjudicated area, the extent and validity of Claim S3-145472CL has not been determined by a Superior Court. Ecology tentatively determined that the quantity of 73.71-acre feet per year for the irrigation of 18.4 acres with an irrigation season between April 1 through October 15, was valid for change under Claim No. S3-145472CL. The tentative determination was based on information from Ecology's Water Right Tracking System, LandSat satellite imagery, aerial photography, Washington Irrigation Guide, Geographic Information System, and pumping data.

Aerial photographs were used to help verify the extent of beneficial use since the last tentative determination was made in 2012. Again, because the water right claim is in an unadjudicated area, the extent and validity of Claim No. S3-145472CL has not been determined by a Superior Court. Aerial photos reviewed from 2012, 2013, 2014, 2017, 2021, 2022, and 2026 indicate the 16.57 acres continued to be irrigated under this claim. The previous irrigation system consisted of wheel and hand lines. The Google Earth aerial photo taken on September 7, 2012, shows the trench for the piping from the point of diversion actively being excavated. By July 5, 2013, the pivot system is in use. The following years show the 16.57 acres claimed under this water right continued to be irrigated.

According to RCW 90.14.140 "Sufficient Cause" for nonuse, this water right is not subject to relinquishment after February 27, 2012, since this change/trust application was on file and the right was claimed for the determined future use of instream flows.

Based on the historical beneficial use, the total water duty of this claim is 73.71 acre-feet per year, for irrigation of 18.4 acres. The crop grown under this claim has been alfalfa. The State of Washington Irrigation Guide (WA210-VI-WAIG) states that an estimated 2.46-acre feet per acre is required for alfalfa in the Dayton area. The historical irrigation system of hand lines and wheel lines were estimated at a 62% efficiency rate of application. At this rate of application, the water duty for the crop listed above is up to a maximum of 4-acre feet per year, per acre (62% of 4 -acre feet is approximately 2.46-acre feet OR 2.46/0.62 = 4). This results in an allocation of 73.71-acre feet per year for irrigation of 18.4 acres.

The historically claimed instantaneous rate for this claim is 0.96 cfs from April 1 to October 15 each year. According to the evaluation provided, 0.96 cfs was utilized for the system during the entire irrigation season. The estimated instantaneous rate appears reasonable given the irrigation system.

Therefore, sufficient evidence has been provided, that claim No. S3-145472CL is in good standing for the following quantities: 0.96 cfs, 73.71-acre feet, each year, for the irrigation of 18.4 acres from April 1 to October 15.

Proposed Use

The Applicant proposes to transfer a portion of the subject water right from an out of stream use to instream use or instream flow. This project intends to increase streamflow and improve aquatic habitat by permanently transferring water to Ecology's Trust Rights Program for instream flow. The change in purpose of use will directly influence instream flows of the Tucannon River, a major tributary to the Snake River, which flows directly into the Columbia River. The remaining portion of the claim will remain with the Applicant.

The place of use consists of a little over one-half pivot located within the SE¼NW¼, SW¼NE¼, NE¼SW¼, NW¼SE¼, SW¼SE¼ of Sec. 2, T. 11 N., R. 39 E.W.M., lying south of the Tucannon River. The place of use is 16.57 acres within a parcel totaling 62.21 acres. The irrigated area is within the lower valley floor which is relatively flat.

The crop grown under this claim will either be alfalfa or pasture. The highest required water duty is pasture. The State of Washington Irrigation Guide (WA210-VI-WAIG) states that an estimated 2.6-acre feet per acre is required for pasture in the Dayton area. The updated irrigation system is a pivot. An estimated efficiency rate of application for this pivot irrigation was estimated at 85.6% efficiency rate of application. At this rate of application, the water duty for the crop listed above is up to a maximum of 3.037-acre feet per year, per acre (85.6% of 3.037-acre feet is approximately 2.6-acre feet OR 2.6/0.856 = 3.037). This results in an approximate allocation of 50.31-acre feet per year for irrigation of 16.57 acres per the irrigation efficiency contract.

The historically authorized instantaneous rate for this water right is 0.96 cfs from April 1 to October 15 each year. According to the irrigation efficiency contract, only 0.29 cfs (130 gpm) will be required for irrigation. The estimated instantaneous rate appears reasonable given the irrigation system.

As a result of the replacing the irrigation system to a pivot system, the Applicant will only require a rate of diversion of 0.29 cfs, with an annual quantity of 50.31-acre feet per year, for the irrigation of 16.57 acres. The remaining 0.67 cfs will no longer be diverted from the Tucannon River, and 23.4-acre feet will remain for instream flows.

Other Rights Associated with Project or Place of Use

Ecology records were reviewed for existing water right certificates, permits, and claims appurtenant to the project. The search focused primarily in Section 2, T. 11 N., R. 39 E.W.M. The review of Ecology records shows no other water rights appurtenant to the claimed place of use.

Trust Water Right Calculations

According to RCW 90.42.030, Ecology can require evidence of a valid water right in order to ensure the trust acquisition provides a benefit. As listed above in the "History of Water Use" 0.96 cubic feet per second and 73.71 acre-feet for the irrigation of 18.4 acres is the maximum use in the most recent qualifying five years of beneficial use. The applicant proposes to retain 0.29 cfs and 50.31 acre-feet for the irrigation of 16.57 acres. The remaining portion of 0.67 cfs and 23.4 acre-feet for the irrigation of

1.83 acres, resulting from irrigation efficiency and a reduction in overall irrigation, is proposed to be placed into trust for instream flows.

The Water Resources Program Guidance – Determining Irrigation Efficiency and Consumptive Use lists the average efficiency rate of application for handline and wheel line sprinklers at 62% with an additional 10% evaporation loss. The total water consumed is 72%, leaving the remaining return flow at 28%. Therefore, the total consumptive use under this right is 53.07 acre-feet of the total 73.71 acre-feet utilized to irrigate 18.4 acres (73.71 historical use determined above x 72% = 53.07). The consumptive use for the 1.83 acres of irrigation placed into trust is 5.27 acre-feet (53.07/18.4 acres = 2.88 x 1.83 placed into trust = 5.27 acre-feet).

Consistent with RCW 90.42.040(4)(d), "For the purposes of RCW 90.03.380(1) and 90.42.080(9), the consumptive quantity of a trust water right acquired by the state and held or authorized for use by the department is equal to the consumptive quantity of the right prior to transfer into the trust water rights program."

Therefore, a total of 0.67 cubic feet per second and 23.4 acre-feet, per year (5.27acre-feet consumptive use), from 4/1 to 10/15, is available to be put into trust for instream flow purposes.

Trust Water Place of Use

The purpose of use of this project is the enhancement of instream flows. The place of use for this trust is the stream that historically benefited from the consumptive use of water and return flows.

In accordance with RCW 90.42.110, Ecology must indicate the stream reaches where a trust water right will be established. An extent and validity review assess whether the right or portion of the right proposed to be transferred is valid. Then the right's new place of use instream is described as specific reaches within the river or stream that the water right was historically diverted from. These reaches are known as the primary and secondary reaches, and they are assigned the amount of water being transferred to instream flow. The following definitions describe the reaches that become the trust water right's new place of use:

Trust water use for instream flow is generally split into primary and secondary reaches to distinguish the contribution of return flows from a water use, and the benefits of any reduction in consumptive water use. The water placed into Trust is calculated differently for the primary and secondary reaches due to the effects of return flows.

- "Primary reach" means that portion of a water body that benefits from both the former consumptive use and return flow waters of a water right, beginning at the original point of diversion/withdrawal and extending to the point where all return flows historically reentered the stream or river.
- "Secondary reach" means that portion of a water body that benefits only from the former consumptive use portion of a water right because it had received all of the return flow waters while the water right was exercised. It begins at the end of the primary reach and extends downstream far enough to meet the purpose for which the right was acquired (i.e. mitigate new uses or improve flows for fish). For example, a mitigating right intended to mitigate new exempt uses located throughout a watershed would correspond to a secondary reach that extends to the mouth of the watershed.

Primary Reach – Extends from the stream reach (Tucannon River) influenced by the original point of diversion within NE¼SE¼ of Section 2, T. 11 N., R. 39 E.W.M., downstream to river mile 17.3 located in the SW¼NW¼ of Section 2, T. 11 N., R. 39 E.W.M.

Secondary Reach – Begins at river mile 17.3 located in the SW¼NW¼ of Section 2, T. 11 N., R. 39 E.W.M. to the confluence of the Tucannon River and Snake River, downstream until it joins the Columbia River, downstream to the Pacific Ocean.

Trust Water Management

Consistent with RCW 90.42.080(1)(a), this Trust Water Right shall be managed by Ecology as an instream flow right for the Tucannon River downstream to the Snake River, where it leaves the basin, as described in this Trust Water Report.

This water right has a first use date before year 1880. Because it has not been adjudicated and is a claim, it is not subject to curtailment in dry years. This means the claim would be used during dry years and would not be regulated. Therefore, this trust water right provides an increase to instream flow during dry years when water is most needed.

In addition, consistent with "RCW 90.040, (b) If impairment becomes apparent during the time a trust water right is being exercised, the department shall cease or modify the use of the trust water right to eliminate the impairment; and (c) A trust water right acquired by the state and held or authorized for beneficial use by the department is considered to be exercised as long as it is in the trust water rights program".

Impairment Considerations

Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection. A water right application may not be approved if it causes impairment. According to RCW 90.42.070 a trust water right cannot be authorized if it causes detriment or injury to existing rights. In addition, according to "RCW 90.040(4)(a) exercise of a trust water right may be authorized only if the department first determines that neither water rights existing at the time the trust water right is established, nor the public interest will be impaired".

This application is currently requesting authorization to change a portion of S3-145472CL to instream flows to increase streamflow of the Tucannon River and improve aquatic habitat. The proposed change to not divert a portion of the right will not increase impacts to the river. No impairment to existing rights is anticipated as a result of approving this proposed trust.

Legal Requirements for Requested Change

The following is a list of requirements that must be met prior to authorizing the proposed change/trust.

Notification to the Washington Department of Fish and Wildlife

Per RCW 90.03.280 and 77.57.020, Ecology must give notice to the Washington Department of Fish and Wildlife (WDFW) of applications to divert, withdraw, use, or store water. WDFW was provided notice of this water right change application and responded by letter on August 20, 2013. WDFW supported the

funding of the irrigation efficiency project due to the important potential fish life benefits associated with the gained instream flow during the critical periods for the Endangered Species Act (ESA) listed fish. Ecology provided a second opportunity for WDFW to comment on the project on August 24, 2026, to provide the opportunity for any additional comments. No additional comments were received.

It is noted in the provision section above that surface water diversions require compliance with state Hydraulic Code (Chapter 77.55 RCW) and fish screening statues (RCW 77.57.010, RCW 77.57.040 and RCW 77.57.070). For questions contact the Department of Fish and Wildlife, P.O. Box 43200, Olympia, WA 98504-3200, Attention: Habitat Program or by phone at (360) 902-2200. For information on screens, please contact WDFW staff specialists by sending an email to fishscreening@dfw.wa.gov.

State Environmental Policy Act (SEPA)

Under chapter 197-11 WAC, a water right application is subject to a SEPA threshold determination (i.e., an evaluation of whether there will be significant adverse environmental impacts) if any of the following conditions are met:

- It is a surface water right application for more than 1 cfs, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cfs, so long as that irrigation project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gpm;
- It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- 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);
- 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.

Considering that none of the above conditions are met, the application under review is categorically exempt from a SEPA threshold determination.

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 stored, diverted, and used.

Notice of this application was published once a week, for two consecutive weeks (beginning March 5, 2026, and March 12, 2026), in the Dayton Chronicle, a newspaper of general circulation, in Columbia County.

There has been no public expression of protests or letters of concern regarding this application.

Conclusions

I find that:

- 0.96 cfs and 73.71 ac-ft/yr of water is valid and eligible for change.
- The proposed change will not result in an enlargement of the subject water right.
- The proposed change will not impair existing rights.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend this request for a water right change be **APPROVED** in the amounts and within the limitations listed below and subject to the provisions listed above.

Recommended Quantities, Purpose of Use, and Project Location

The rate and quantity of water recommended are maximum limits. The permit holder may only divert water at a rate and quantity within the specified limits that are reasonable and beneficial:

Table 3. Recommended Project Limits and Location

Trust (Part B)

Maximum Instantaneous Rate (cfs)	0.67
Maximum Annual Quantity (ac-ft/yr)	23.4 (5.27 consumptive)
Purpose(s) of Use	Instream flow
Place of Use	See Page 1

Portion not placed into Trust (Part A)

Maximum Instantaneous Rate (cfs)	0.29
Maximum Annual Quantity (ac-ft/yr)	50.34
Purpose(s) of Use	Irrigation
Point of Diversion	NW¼SE¼, Section 2, Township 11 North, Range 39 E.W.M.
Place of Use	See Page 2 and 3

Report Writer *Date*

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

[Add map at end of document]

DRAFT