



## STATE OF WASHINGTON DRAFT REPORT OF EXAMINATION FOR WATER RIGHT APPLICATION

PRIORITY DATE	WATER RIGHT APPLICATION NUMBER
May 13, 2021	G4-33272

NAME AND MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
Price Cold Storage & Packing	
370 Breaum Road	
Yakima, WA 98908-8931	

Total Rate and Quantity Authorized for Withdrawal			
WITHDRAWAL RATE (gpm) ANNUAL QUANTITY (ac-ft/yr)			
200	38.46 (20 CU)		

gpm = Gallons per Minute; ac-ft/yr = Acre-feet per Year, CU = consumptive use

**REMARKS:** This water right will be mitigated by a water right held in trust with a pre-1905 priority date.

Associated Water Right(s)					
DOCUMENT NUMBER	INSTANTANEOUS RATE (gpm)	ANNUAL QUANTITY (ac-ft/yr)	REMARKS		
G4-27261CWRIS	90	48.6	Primary, Wanapum Basalt aquifer		
G4-*07344CWRIS	145	232	Primary, Alluvial aquifer		

#### Purpose(s)

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PURPOSE	WITHDRAWAL RATE (gpm)	ANNUAL QUANTITY (ac-ft/yr)	PERIOD OF USE
Domestic	200	38.46 (20 CU)	Continuous
Industrial			

**Note:** Domestic and Industrial water supply shall not exceed 20.0 acre-feet per year of consumptive use (CU).

Source Location					
COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA		
Yakima	Groundwater	-	38 – Yakima		

SOURCE NAME	PARCEL	WELL TAG	TOWNSHIP	RANGE	SECTION	QQ Q	LATITUDE	LONGITUDE
Well	181430-43014	BNP-616	14N	18E	30	SW¼, SE¼	46.666457°	-120.624538°
Q Q = Quarter Quarter Datum: NAD83/WGS84								

#### **Source Limitations**

Groundwater source is the Upper Undifferentiated Ellensburg Aquifer.

#### Place of Use

PARCEL(S)

Yakima County Parcel Nos. 18143031015, 18143031012, 18143031006, 18143031900, 18143031016, 18143043412, 18143043014, 18143043016.

#### LEGAL DESCRIPTION OF THE AUTHORIZED PLACE OF USE

Beginning at a point 2031 ft North 89° 16′ 25″ W from the SE corner of section 30, T14, R18E; then South 89° 44′ 5″ West 377 ft, then North 40° 15′ 56″ West 698 ft, then North 45° 47′ 18″ West 1689 ft, then North 17° 18′ 30″ East 474 ft, then South 84° 13′ 3″ East 320 ft, then South 70° 12′ 22″ East 271 ft, then South 58° 38′ 19″ East 811 ft, then South 15° 57′ 47″ East 172 ft, then South 1° 47′ 29″ East 396 ft, then South 88° 58′ 56″ East 657 ft, then South 0° 12′ 36″ West 1,061 ft to the point of beginning.

#### **Proposed Works**

Price Cold Storage is planning to develop a new facility to include additional continuous non-contact cooling water, fruit packing, and supporting domestic water supply. The source for the project is a proposed water supply well completed in the Upper Undifferentiated Ellensburg Aquifer. The proposed well will likely consist of a final 10-inch-diameter casing with a continuous wire-wrap stainless steel screen, pack, and extended surface seal. Water will be withdrawn, conveyed a short distance to the facility and supplied through the water distribution system consisting of pipes, valves, storage and pressure tanks, spray bars, domestic facilities. Wastewater effluent from industrial and domestic water uses will be infiltrated to ground through a septic system drain field or discharged directly to Naches River system.

Development Schedule				
BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	PUT WATER TO FULL USE BY THIS DATE		
Begun	December 31, 2031	December 31, 2036		

<u>Attention</u>: These dates represent deadlines that must be met or risk cancellation of this authorization. Submittal of formal documentation for each stage is required. Extensions may be requested.

Measurement of Water	
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 QUANTITY SHOULD BE REPORTED?	Total annual quantity in acre-feet
WHAT RATE SHOULD BE REPORTED?	Annual peak rate of withdrawal in gpm

#### Provisions

#### Mitigation

Water use under this authorization is contingent upon the conveyance of an equal (20 acre-feet per year) amount of consumptive use from a suitable instream flow right (Trust Water Certificate No. S4-83689-J(A) to the Washington State Trust Water Right Program (TWRP)).

During periods of water shortages, valid priority calls against the source for Trust Water Certificate No. S4-83689-J(A) based on local limitations in water availability, may result in temporary curtailment of the use of the water available under the permit until the priority call for water ends.

#### 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 each year. 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.

#### **Access Port**

Required installation and maintenance of an access port as described in WAC 173-160-291(3).

#### **Well Construction Standards**

All wells constructed in the state shall meet the "Minimum Standards for the Construction and Maintenance of Wells" (WAC 173-160) and "Water Well Construction" (RCW 18.104). In general, wells shall be located at least 100 feet from sources of contamination and at least 1,000 feet of the boundary of a solid waste landfill. Any well which is unusable, abandoned, or is an environmental, safety, or public health hazard shall be decommissioned.

The proposed well must be completed within the Upper Undifferentiated Ellensburg Formation Aquifer.

#### Well Tag

All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

### **Proof of Appropriation**

Consistent with the development schedule given in this report (unless extended by Ecology), the water right holder must file a Notice of Proof of Appropriation (PA) of Water with Ecology. The PA documents the project is complete and all the water needed has been put to full beneficial use (perfected). In order to verify the extent of water use under this permit, an inspection of water use is typically required, known as a "proof exam". After filing the PA, the water right holder's next step is to hire a Certified Water Rights Examiner (CWRE) to conduct this proof exam. A list of CWREs is provided to the water right holder upon filing the PA with Ecology. The final water right document, a water right certificate, then may issue based upon the findings of the CWRE. Statutory county and state filing fees may apply prior to certificate issuance.

#### **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 **APPROVAL** of Application No. G4-33272, subject to existing rights and the provisions specified above.

#### Your Right To Appeal

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

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order to Ecology in paper form by mail or in person (see addresses below). E-mail is not accepted.

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

Street Addresses	Mailing Addresses
Department of Ecology	Department of Ecology
Attn: Appeals Processing Desk	Attn: Appeals Processing Desk
300 Desmond Drive SE	PO Box 47608
Lacey, WA 98503	Olympia, WA 98504-7608
Pollution Control Hearings Board	Pollution Control Hearings Board
1111 Israel RD SW, Ste. 301	PO Box 40903
Tumwater, WA 98501	Olympia, WA 98504-0903

For additional information, visit the Environmental Hearings Office Website: <u>http://www.eho.wa.gov</u> To find laws and agency rules, visit the Washington State Legislature Website: <u>http://www1.leg.wa.gov/CodeReviser</u>

#### **Authorizing Signature**

Signed at Union Gap, Washington, this 1<sup>st</sup> day of July 2022.

Mark C. Schuppe, Interim Section Manager Water Resources Program/Central Regional Office Department of Ecology

MS:JR:aa (220701)

#### **INVESTIGATOR'S REPORT**

Water Right Application No.: G4-33272 (Price Cold Storage & Packing) Investigator: Jason Shira, Aspect Consulting, LLC Reviewed by: Jolee Ramos, Ecology CRO

#### BACKGROUND

This report serves as the written findings of fact concerning Water Right Application No. G4-33272.

On May 13, 2021, Price Cold Storage & Packing (Price) filed Application No. G4-33272 with the Washington State Department of Ecology (Ecology) requesting an appropriation of public groundwater. The applicant requested an authorization for an instantaneous withdrawal rate (Qi) of 200 gallons per minute (gpm) and a cumulative annual withdrawal volume (Qa) not to exceed 20 acre-feet per year (ac-ft/yr) consumptive use (CU), from one well. The proposed purposes of use are year-round domestic and industrial to support continuous non-contact cooling water, fruit packing, and supporting domestic water supply. Since that time the water right application was amended to include up to two wells, but the applicant has since had Well #3 drilled and it is expected to meet the need.

The application proposes to mitigate year-round CU with a pre-1905 priority date water right from the mainstem Yakima River near Yakima. CU will be mitigated with a seasonally reliable (April 1 through October 15) water right currently enrolled in the Trust Water Right Program (TWRP) under No. S4-83689-J(A). As part of the transfer, the water right will be managed by the United States Bureau of Reclamation (Reclamation) to meet all instream flow targets to be water budget neutral with respect to Total Water Supply Available (TWSA). A summary of the requested water right attributes is included in Table 1.

Applicant Name	Price Cold Storage & Packing
Priority Date	May 13, 2021
County	Yakima
WRIA	38
Water Source	Groundwater
Place of Use	See Attachment 1

#### **Table 1. Summary of Requested Water Right**

Purpose	Instantaneous Rate (gpm)	Annual Quantity (ac-ft/yr)	Period of Use	
Domestic	200	Not to ever ad 20 (CU)	Continuous	
Industrial	200	Not to exceed 20 (CO)	continuous	

Source Name	Parcel	Well Tag	Township	Range	Section	QQ Q	Latitude	Longitude	
Well 3	181430-43014	BNP-616	14N	18E	30	SW¼, SE¼	46.666457°	-120.624538°	
WDIA - Water Descurse Inventory Areas gam - Callene per Minutes of the - Area fast per Very OC O - Quarter Quarter Descurs NAD92/M/CC94									

WRIA = Water Resource Inventory Area; gpm = Gallons per Minute; ac-ft/yr = Acre-feet per Year; QQ Q = Quarter Quarter Datum: NAD83/WGS84

#### **Cost Reimbursement**

This application is being processed under a cost reimbursement agreement between the applicant and the Department of Ecology. This report has been prepared by Aspect Consulting, LLC (Aspect) and reviewed by Jolee Ramos with the Department of Ecology's Water Resources Program.

#### Priority Processing

This application meets the criteria for priority processing under WAC 173-152-050. The proposed project is water budget neutral as defined in WAC 173-152-020(18).

#### **INVESTIGATION**

In support of the subject water right application, Aspect Consulting, LLC prepared a water right mitigation suitability memorandum that evaluates the hydrogeologic setting, physical and legal availability of water, impairment, consumptive use rate estimates, and project water demand.

A pre-application meeting was held with Ecology on December 8, 2020, to discuss mitigation suitability of the mainstem Yakima River water right and findings of the draft hydrogeologic investigation report (Aspect, 2021), including local groundwater availability in the Undifferentiated Ellensburg Formation aquifer and potential impairment to senior water rights and Endangered Species Act (ESA)-listed species. Following review, Ecology had no objection to using the trust water right to mitigate for domestic and industrial supply for the proposed development.

This project was also presented at the Water Transfer Working Group (WTWG) on February 7, 2022, and March 7, 2022. This group represents private, federal, state, and tribal groups interested in water right changes in the Yakima Basin. There was no objection to the subject application receiving a mitigated groundwater permit, backed by the seasonally reliable mainstem Yakima River instream flow water right. In addition, there were no objections on issuance of a year-round domestic and industrial water right or concerns regarding out-of-season impacts on the lower reach of the Naches River or Reclamation's Yakima Basin Project with use of the USBR-Ecology Exchange Contract (Water Storage and Exchange Contract No. 09XX101700).

#### Proposed Use and Basis of Water Demand

#### Site Description

Price's project is in Yakima County, Washington, within a portion of Section 30 Township 14 North, Range 18 East Willamette Meridian (E.W.M.), as shown on Figure 1. The project is situated within the Selah structural basin of the Yakima River Basin aquifer system west of Gleed, Washington.

The project location historically consisted of three rural residential properties. Price purchased the properties and is redeveloping the area for a new fruit packing and storage facility. The new facility is planned to operate similar to the Price facilities next door concerning number of employees and hours of operation. The project is phased; however, phases 1 to 3 will occur immediately with phase 4 occurring under a 5- to 10-year timeframe. A description of the phases include the following:

- Phase 1 consists of construction of 38,037 square feet cold storage building, 2,600 square feet engine room, and loading dock that will include a breakroom and restroom facility.
- Phase 2 consists of 32,669 square feet of additional cold storage.
- Phase 3 consists of a new 66,270 square feet packing line and an additional breakroom and restroom facility.
- Phase 4 consists of cold storage in the 71,280 square feet space.

Price currently segregates, packs, stores, and ships fruit at their existing facilities across the street. Price's administrative offices are co-located with the existing packing plant and cold storage. A separate facility (Fossum) is located next door where Price stores and segregates fruit for shipping. Jason Shira of Aspect conducted a site visit on April 30, 2020, to inspect the existing water supply wells (Well Nos. 1 and 2), water distribution manifold, two engine rooms, and discharge locations.

#### Water System Description

Price will complete their proposed point of withdrawal as an Upper Undifferentiated Ellensburg aquifer well. The location of the proposed point of withdrawal (Well No. 3) is shown on Figure 1. The proposed well will be drilled through the overlying alluvium and Ellensburg formation and into the flow top of the underlying Columbia River Basalt Group (CRBG) flow top, which is likely Frenchman Springs member of the Wanapum Basalt formation.

The proposed well will likely consist of a final 10-inch-diameter casing with a continuous wire-wrap stainless steel screen, pack, and extended surface seal. An anticipated total depth of approximately 125 feet will likely complete the well in the flow top of the Frenchman Springs member. The well will capture groundwater from the Ellensburg aquifer hosted in the Ellensburg and basaltic flow top. Final design of the water supply well is pending drilling.

Water will be withdrawn from Well No. 3, metered, then conveyed a short distance to the new facility. Wastewater from the packing line and engine rooms will be discharged into the existing wastewater vault located across Breaum Road. Wastewater is then discharged directly to surface water (irrigation ditch to Naches River) from the vault. Domestic wastewater will be discharged to ground through a septic tank and drain field. The new water system will not be supplied by other existing wells or be intertied with other existing facilities. Additional description of the water system is also provided in the project's SEPA documentation.

#### Proposed Use

The proposed water use is to support a new cold storage and packing facility. The project is planned to occur in phases with the first three phases occurring immediately followed by a fourth phase that may begin in 5 to 10 years.

A site-specific water use study was completed in support of the subject application using the existing Price facility as a surrogate (Aspect, 2021). Aspect subcontracted installation of telemetry enabled sonic water meters at the Price facility to estimate consumptive use rates. Water meters were installed on the main transmission line from the source well and three locations on the water distribution manifold. Discharge measurements were provided by Price. Additionally, water use for the office was estimated using the Washington State Department of Health Design Manual to differentiate from industrial uses.

The consumptive water uses due to packing fruit and running two engine rooms was quantified by comparing total water use for the packing line and engine rooms to discharge measurements, which resulted in a 22 percent consumptive use rate.

Next consumptive use rates of 10 percent for the packing line, 10 percent for domestic use, and 95 percent for engine room operations (100 percent for cooling tower evaporation) were assigned to the observed water demand for each operation to evaluate if the assigned consumptive use rates provided a reasonable estimate of consumptive use rate. Using the assigned consumptive use rates in an overall consumptive use rate of 40 percent, as shown in Table 2. This indicates using assigned consumptive use rates provided a conservative estimate of consumptive water use. In addition, several conservative operational assumptions are included in the design, such as doubling the designed engine room cooling load from quarter to half time, which accounts for more that 85 percent of the total consumptive use of

the project. As part of the proposed project, all withdrawal and discharge will be metered to quantify project-specific percent consumptive use during the permit development schedule.

Site-Specific Con	sumptive Use Ra	te Estimate			
Operation	Total	%CU	CU	Units	
Packing line spray bars					
Packing main tank	15 337		1 534		
Packing secondary tank	10,007	10%	1,004	gpd	
Packing Sanitation					
Employee black/gray water	1,250		125		
Defrost tank cleanout					
Cooling tower evaporation	9,206 9	95%	8,746		
Misc refrig. maintenance					
Discharge	20,040			gpd	
Total	25,793		10,404	gpd	
%CU	22%		40%	%	

#### Table 2: Consumptive Use Rate Estimates

Based on equipment water demand and assigned consumptive use rates, Table 3 provides a summary of the anticipated total and consumptive use water demand for each phase of the project. Details on determining the annual water use and consumptive water use are provided in Aspect (2021).

#### Table 3: Annual Water Use Estimate

	Phase	1&2	Phas	ie 3	Phase 4		
	Total	CU	Total	CU	Total	CU	
	(gallons)	(gallons)	(gallons)	(gallons)	(gallons)	(gallons)	
Total (gallons per year)	2,212,320	2,113,392	6,645,600	664,560	3,757,104	3,745,310	
Total (acre feet)	6.8	6.5	20.4	2.0	11.5	11.5	
Cumulative Total (acre-feet)	6.8	6.5	27.2	8.5	38.46	20.0	
CU (%)	95%	96%		10%	100%	100%	
			Cum	ulative %CU	52	.%	

Based on the results of this analysis, the maximum total water right authority necessary to support the new facility is estimated 38.46 acre-feet that results in 20.0 consumptive acre-feet based on a consumptive use rate of 52%. Both total and consumptive use will be evaluated during the proof examination prior to certification. Based on the preliminary design of the water system, including the specified packing equipment, a peak instantaneous rate of 200 gpm is requested.

#### Other Rights Associated with Project or Place of Use

Ecology's Water Resources Explorer and GWIS databases were queried in consideration of overlapping water rights. In each case, the available online water right files were reviewed to determine if the identified water right is appurtenant to the proposed place of use. The following water rights have places of use that overlap with that of Water Right Application No. G4-33272. No other water right applications were identified within the proposed place of use.

#### Nos. S4-01141P(B), S4-84606-J, S4-84607-J, S4-84608-J, S4-84609-J, and S4-84610-J (City of Yakima) -

The City of Yakima has a superseding water right permit (S4-01141P(B)) and adjudicated certificates (S4-8406-J, S4-8407-J, S4-8408-J, S4-8409-J, and S4-8410-J for municipal supply projects. The City of Yakima supplies fire flow to the area. Price's project will have City of Yakima fire flow water for fire suppression sprinklers and hydrants. The place of use is presumed throughout the City of Yakima service area. The City of Yakima's water rights have the follow attributes:

- S4-01141P(B) authorizes 1986 acre-feet per year with a maximum diversion rate of 29 cubic feet per second (cfs) from the Naches River for the purposes of municipal supply with a January 29, 1959, priority date.
- S4-8406-J authorizes 2,879 acre-feet per year with a maximum diversion rate of 17.73 cfs from the Naches River for municipal purposes with a June 30, 1878, priority date.
- S4-8407-J authorizes 945 acre-feet per year with a maximum diversion rate of 3 cfs from the Naches River for municipal purposes with an April 1, 1869, priority date.
- S4-8408-J authorizes 7,260 acre-feet per year with a maximum diversion rate of 10 cfs from the Naches River for municipal purposes with a June 30, 1902, priority date.
- S4-8409-J authorizes 4,414 acre-feet per year with a maximum diversion rate of 29 cfs from the Naches River for municipal purposes with a January 29, 1951, priority date.
- S4-8410-J authorizes 4,500 acre-feet per year with a maximum diversion rate of 29 cfs from the Naches River for municipal purposes with a May 10, 1905, priority date.

**No. G4-27261CWRIS (Price Cold Storage & Packing)** - Price has a certificated water right (G4-27261CWRIS) for the existing facility located across the street from the new facility with a January 20, 1981, priority date. Water right No. G4-27261 authorizes 48.9 acre-feet per year with a maximum rate of 90 gpm from groundwater (Wanapum Basalt aquifer) for the continuous purposes of fruit packing and storage. The place of use is a portion of the SW1/4 of Section 30, T. 14 N., R. 18 E.W.M. This place of use of use for G4-33272 and is part of Price's water right portfolio that serves their multiple facilities.

**No. G4-\*07344CWRIS (Fossum Orchards, Inc)** – Price has a certificated water right (G4-\*07344CWRIS) for the existing facility located northwest of the packing and storage facility next door with a September 18, 1964, priority date. Water right No. G4-\*07344CWRIS authorizes 232 acre-feet per year with a maximum rate of 145 gpm from groundwater (sedimentary aquifer) for the continuous purpose of industrial supply. The place of use is a portion of the E½SW¼ of Section 30, T. 14 N., R. 18 E.W.M. This place of use overlaps a portion of the place of use for G4-33272 and is part of Price's water right portfolio that serves their multiple facilities.

**No. S4-83221-J (Gleed Canal Company)** – The Gleed Canal Company has an adjudicated certificate (S4-83221-J) for irrigation and stock water with a priority date of September 1, 1880. Water right No. S4-83221-J authorizes 3,933.32 acre-feet per year for irrigation of 811 acres and 19 acre-feet per year for

stock water with a maximum diversion rate of 16.22 cfs for irrigation, 12.84 cfs for conveyance loss, and 0.383 cfs for stock water from April 1 through October 31 from the Naches River.

**No. S4-83222-J (Naches Union Irrigation District)** – The Naches Union Irrigation District has an adjudicated certificate (S4-83222-J) for irrigation and stock water with a priority date of September 1, 1880. Water right No. S4-83222-J authorizes 3,100 acre-feet per year for irrigation of 724.3 acres and 23.15 acre-feet per year for stock water with a maximum diversion rate of 14.46 cfs for irrigation, 11.33 cfs for conveyance loss, and 0.463 cfs for stock water from April 1 through October 31 from the Naches River.

**Claims (Multiple)** – Numerous claims overlap the place of use for G4-33272. The attributes of the claims are provided in Table 4 below. The claims are a collection of domestic, irrigation, stock watering, fruit packing, and fruit storage water uses and are likely either post-1945 priority dates, no longer in use following redevelop of the property, or redundant filings.

Record / Document No.	Priority Date	Status	Phase	TRS
G4-133154CL	06/27/1974	Active	Claim	T14.0N/R18.0E/18
G4-129855CL	06/26/1974	Active	Claim	T14.0N/R18.0E/18
G4-129872CL	06/26/1974	Active	Claim	T14.0N/R18.0E/18
G4-123640CL	04/01/1970	Active	Claim	T14.0N/R18.0E/18
G4-101733CL	01/01/1961	Active	Claim	T14.0N/R18.0E/18
G4-101883CL	02/01/1960	Active	Claim	T14.0N/R18.0E/18
G4-098608CL	05/14/1974	Active	Claim	T14.0N/R18.0E/18
G4-092194CL	05/28/1974	Active	Claim	T14.0N/R18.0E/18
G4-086519CL	06/07/1974	Active	Claim	T14.0N/R18.0E/18
G4-086520CL	06/07/1974	Active	Claim	T14.0N/R18.0E/18
G4-086521CL	06/07/1974	Active	Claim	T14.0N/R18.0E/18
G4-086522CL	06/07/1974	Active	Claim	T14.0N/R18.0E/18
G4-086523CL	06/07/1974	Active	Claim	T14.0N/R18.0E/18
G4-074763CL	03/21/1974	Active	Claim	T14.0N/R18.0E/18
G4-075028CL	03/27/1974	Active	Claim	T14.0N/R18.0E/18
G4-075029CL	03/25/1974	Active	Claim	T14.0N/R18.0E/18
G4-070205CL	03/08/1974	Active	Claim	T14.0N/R18.0E/18
G4-048854CL	08/01/1955	Active	Claim	T14.0N/R18.0E/18

#### **Table 4: Overlapping Claims**

#### Hydrogeologic Evaluation

Aspect completed a hydrogeologic investigation (Aspect, 2021) in support of permitting a new groundwater right for the Price facility. The investigation included a multiple line of evidence approach that used the best available data describing the hydrogeology of the site. The objective of the investigation was to determine if the local aquifer relied on by the points of withdrawal is in hydraulic continuity with the adjacent reach of the Naches River, if groundwater rights, or ESA-listed species would occur. The investigation included a description of regional geology, site hydrostratigraphic units, and

temporal groundwater elevations and flow directions, which were used to develop a site-specific hydrogeologic conceptual model.

Proposed Well No. 3 is completed in the Undifferentiated Ellensburg Formation aquifer, which are locally administered as one source. In this source, groundwater flow directions are driven by the recharge of precipitation along the surrounding higher-elevation hills, Cleman Mountain, and losing reaches of the Naches River. The interaction of groundwater with the Naches River is well documented by Ecology, USGS, and the US Bureau of Reclamation (Kinnison and Sceva, 1963; Snyder and Stanford, 2001; Carey, 2007; Vaccaro, 2011). The apparent groundwater gain of 7.7 cubic feet per second per mile (cfs/mile) to the Naches River along a 12.3-mile stretch downstream of the town of Naches to the confluence with the Yakima River (Carey, 2007). There are no mapped or otherwise known barriers to groundwater flow between the project point of withdrawal in the Ellensburg formation and the Naches River. Therefore, the Alluvium and Upper Undifferentiated Ellensburg aguifer, and the subject wells, are in hydraulic continuity and competing for water with the Naches River. In addition, based on the sitespecific hydrogeologic conceptual model presented in the technical memorandum, it was determined that groundwater in the Undifferentiated Ellensburg Formation aquifer is physically available for appropriation; groundwater withdrawals in the Undifferentiated Ellensburg Formation aquifer are in hydraulic continuity with the Naches River; and authorization of the proposed well will not impair nearby groundwater users, surface water, or ESA-listed species.

#### **Mitigation Suitability**

The subject application proposes to mitigate up to 20 ac-ft/yr (CU) with a pre-1905 priority date water right (No. S4-83689-J(A)) currently enrolled in the TWRP. The trust water right originated from a Yakima Basin adjudicated surface water right on the mainstem Yakima River. During the investigation in support of placing the water right into the TWRP, the water right was found to be seasonally reliable, even during times of drought, and has not been subject to curtailment or nonuse due to local water availability.

Area wells completed in the alluvial formation are in direct hydraulic continuity with the Naches River. Drawdown effects from pumping of the proposed wells would reduce lateral groundwater flow which, in turn, would reduce baseflow contribution to the Naches River and impact TWSA. The proposed mitigating water right will provide offset and be water budget neutral with respect to TWSA in the Yakima River Basin as measured at the Parker gage. Month by month mitigation is offered to account for the project's year-round water use, and the Water Storage and Exchange Contract No. 09XX101700 may mitigate out-of-season impacts to instream flows, if needed. The proposed water right transfer will not affect System Operation Advisory Committee (SOAC)-recommended reach-specific target flows.

#### ANALYSIS

Under Washington State law (RCW 90.03.290), each of the following four criteria must be met for an application for a new water right permit to be approved:

- Water must be available for appropriation.
- Water withdrawal and use must not cause impairment of existing water rights.
- The proposed water use must be beneficial.
- Water use must not be detrimental to the public interest (public welfare).

#### Water Availability

For any new appropriation, water must be both physically and legally available.

#### Physical Availability

For water to be physically available for appropriation, water must be present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses. An analysis of physical availability is required for both surface water and groundwater applications.

Well No. 2 was drilled and constructed with an 8-inch-diameter open bottom casing to 70 feet bgs with no perforations or screens in 1964. The well was tested with a 7.5 horsepower pump at 145 gpm resulting in 25 feet of drawdown and a specific capacity of 5.8 gpm/foot-drawdown. Driller's logs for the area indicate an average static water level of about 20 feet bgs, or about 1,245 feet elevation and similar specific capacities. It is also noted that many of the wells partially penetrate the source aquifer. The target aquifer consists of the alluvium, Upper Undifferentiated Ellensburg, and broken flowtop of the Wanapum Basalt Formation locally extends to at least 125 feet bgs according to the driller's report for Price's Well No. 1. Based on the available drawdown in the aquifer, individual yield of a 10-inch-diameter well completed to fully penetrate the source aquifer is expected to yield more than 200 gpm. Well capacity will be confirmed by pumping test(s) as required by the Department of Health source approval process. Based on this information, water is determined to be physically available for appropriation.

#### Legal Availability

To meet the legal availability test, the proposed appropriation may not withdraw and use water that is already "spoken for", such as water from sources that are protected by administrative rule or court order.

As summarized in Aspect (2021), time series groundwater level data for an Ecology monitored well (CRGWDB-2110107) completed in the sedimentary unit of the Naches River basin and located 0.8 miles southeast of the project shows that groundwater levels are stable to increasing over the past 40 years. This is consistent with Snyder and Haynes' (Snyder and Haynes, 2010) finding that most basin-fill aquifers in the Yakima River Basin have stable groundwater levels, in that recharge and infiltration of surface water is sufficient to satisfy pumping. In addition, drawdown from pumping is likely attenuated by leakage from the Naches River.

Based on this information water is determined to be legally available for appropriation.

#### Impairment

In analyzing impairment, Ecology must decide as to whether existing water rights, including adopted instream flows, may be impaired by the withdrawal and proposed use.

RCW 90.03.290 and RCW 90.44.060 require a determination that a water right change will not impair existing rights. Using the reported aquifer parameters by Aspect (2021) and the governing Theis equation (Theis, 1935), Aspect estimated the interference drawdown from pumping the proposed points of withdrawal on neighboring wells completed in the Ellensburg aquifer.

To conduct the interference drawdown analysis, Aspect reviewed Ecology's Well Report Viewer to locate the nearest non-Price-owned wells completed the Ellensburg formation. There are potentially two wells (14N/18E-30P7) located at least 300 feet from the Proposed Well No. 3.

The interference drawdown analysis uses the above distances, the proposed pumping scenario, which assumes pumping occurs at a constant average flow rate fully equal to the authorized quantity of 38.46 acre-feet, to quantify the potential for impairment. Table 5 provides the aquifer parameters and resultant predicted pumping interference drawdown.

Pumping Rate (gpm)	3	6	
Transmissivity (feet <sup>2</sup> /day)	216		
Radius (feet)	30	00	
Storativity (-)	2x10 <sup>-3</sup>	7x10 <sup>-4</sup>	
Drawdown (feet) at Distance Pu	umping Well Contin	uously for 1 Year	
Well No.3	13.2	15.2	

#### Table 5: Pumping Interference Drawdown

Pumping the proposed points of withdrawal at an average continuous withdrawal rate (36 gpm) is estimated to result in less than 16 feet interference drawdown at a 300-foot-radius at the end of one year of pumping.

The estimate conservatively assumes no leakage from the Naches River, and a confined to semi-confined aquifer condition, and is less than 35 percent of the total available drawdown in neighboring wells located at a 300-foot. A smaller percentage, less than 14 percent, of the Ellensburg aquifer thickness (approximately 113 feet). Although pumping interference effects are likely, no impairment of existing groundwater rights—either permit or permit-exempt—will occur in the Ellensburg aquifer with full use of the requested quantity. Site-specific aquifer parameters will be determined during the source approval process, as required by the Washington State Department of Health.

The proposed water right will be water budget neutral with respect to TWSA as measured at the Parker gage. However, if at any point in the future surface water impairment (or availability) issues arise, Naches River surface water impacts can be directly mitigated through use of Water Storage and Exchange Contract No. 09XX101700 between Ecology and Reclamation.

The proposed water use has year-round consumptive use (CU) mitigation with 20 acre-feet per year of reliable water currently enrolled in the TWRP under No. S4-83689-J(A). The trust water will be left instream in the mainstem Yakima River from the historic point of diversion near Yakima, before being withdrawn from the Naches River about 14 miles upstream of the gage and diversion dam at Parker. Reclamation will manage the water to meet in-time instream flow targets on the subject reaches in both the mainstem Yakima and upper Naches River basins, including the Yakima River Basin Enhancement Project (YRBWEP) and TWRP instream flow targets and any reach-specific target flows based on System Operation Advisory Committee (SOAC) recommendations. No reach-specific target flows based on analysis of impact to ESA-listed species and TWSA, the requested use will not impair existing water rights or adopted stream flows.

#### **Beneficial Use**

The proposed appropriation must be for a beneficial use of water.

Commercial and industrial purposes are considered a beneficial use of water under RCW 90.54.020(1).

#### **Public Interest**

The withdrawal and associated use must not be detrimental to the public interest. At a minimum, the following are considered when making this assessment.

When investigating a water right application, Ecology is required to consider whether the proposal is detrimental to the public interest. Ecology must consider how the proposal will affect an array of factors such as wildlife habitat, recreation, water quality, and human health. The mitigating water right will be held in the TWRP, and the subject application will result in no net increase in consumptive use. Agriculture, including fruit packing and storage, is a long-established public value in the Yakima Valley and this water right helps contribute jobs, property tax, and sales tax revenue to Yakima County public welfare (e.g. schools, roads). In addition, the proposed use of the water is in accordance with the fundamentals for utilization and management of State waters outlined in RCW 90.54.020.

The closest surface water body listed by Washington State Department of Fish and Wildlife (WDFW) database to have Endangered Species Act (ESA)-listed species is the Naches River, located about 0.5 miles southwest of the proposed project area. Based on this information and consultation with the basin stakeholders and the Water Transfer Working Group (WTWG), no impairment of ESA-listed species will occur.

Based on these considerations, the proposed appropriation will not be detrimental to the public interest.

#### 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 application on February 7, 2022, as part of the Water Transfer Working Group consultation. The group gave their "thumbs up" to the project on March 7, 2022, following a specific project plan for Phase 4 development and consumptive use percentage.

#### 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.

The subject application's request is part of a larger proposal that is subject to SEPA for other reason (land use). Therefore, a SEPA threshold determination was completed. The Yakima County Planning

Department issued a mitigated determination of non-significance (MDNS) notice of decision and final threshold determination on November 3, 2021, for CUP2021-00030/SEP2021-00024. Mitigation measure C1 identifies issuance of a mitigated water right permit as necessary prior to commencement of use.

#### **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 to be stored, diverted, and used. Notice of this application was published in the Yakima Herald-Republic on November 6, 2021, and November 13, 2021.

No protests to this water right application were received.

#### Conclusions

I find that:

- Water is physically and legally available.
- The appropriation will not impair existing rights.
- The proposed commercial and industrial purposes are beneficial uses.
- Approval of this application will not be detrimental to the public interest.

#### RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend this request for a water right 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 withdraw water at a rate and quantity within the specified limits that are reasonable and beneficial:

Maximum Instantaneous Rate (gpm)	200
Maximum Annual Quantity (ac-ft/yr)	38.46 acre-feet, not to exceed 20.0 acre-feet (CU)
Purpose(s) of Use	Industrial and Domestic Use
Point of Withdrawal	SW¼, Section 30, Township 14 North, Range 18
	E.W.M.
Place of Use	Beginning at a point 2031 ft North 89° 16' 25" W
	from the SE corner of section 30, T14, R18E; then
	South 89° 44' 5" West 377 ft, then North 40° 15'
	56" West 698 ft, then North 45° 47' 18" West
	1689 ft, then North 17° 18' 30" East 474 ft, then
	South 84° 13' 3" East 320 ft, then South 70° 12'
	22" East 271 ft, then South 58° 38' 19" East 811
	ft, then South 15° 57' 47" East 172 ft, then South
	1° 47' 29" East 396 ft, then South 88° 58' 56" East
	657 ft, then South 0° 12' 36" West 1,061 ft to the
	point of beginning.

#### **Table 4. Recommended Limits and Location**

Jason Shira, LHG

Jolee Ramos, Permit Writer

\_\_\_\_\_ July 1, 2022 Date

July 1, 2022

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. References

- Aspect Consulting, LLC (Aspect), 2021, Technical Memorandum: Water Right Mitigation Suitability Price Cold Storage, November 18, 2021.
- Culhane, T., and D. Nazy, 2015, Permit-Exempt Domestic Well Use in Washington State, Water Resources Program, Washington State Department of Ecology, Publication No. 15-11-006, February 2015.
- Washington Department of Ecology (Ecology), 2019, GUID-2094 Water Resources Program Guidance Final Guidance for Determining Net Ecological Benefit, July 31, 2019, Publication 19-11-079.

Washington State Department of Ecology (Ecology), 2021, Washington State Well Report Viewer, accessed July 2021, available at: https://appswr.ecology.wa.gov/wellconstruction/map/WCLSWebMap/default.aspx.

Washington Department of Health (DOH), 2019, Water System Design Manual, Revised October 2019, DOH Pub 331-123.

Figure 1 - Vicinity Map Figure 2 – Overlapping Water Rights Attachment 1 – Legal Description by parcel



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# Attachment 1. Legal Description Project No. 200142, Gleed, Washington

00	0	SEC	TWP	RGE	COUNTY	PARCEL NO.	Legal Description
SE	sw	30	14N	18E	Yakima	18143031015	Section 30 Township 14 Range 18 Quarter SW: Beginning at the center of Section 30, thence along the North line of the South Half of siad Section, South 88 <sup>+</sup> 59 <sup>0</sup> 05" West 2671.15 feet to the West Quarter corner of said Section, thence along the said North line North 88 <sup>+</sup> 59 <sup>0</sup> 05" East 254.33 feet to the intersection with the North line of the Vacated Yakima Valley Railway Company right of way, thence along said North line South 47 <sup>+</sup> 30 <sup>0</sup> 00" East 1562.70 feet, thence at right angles North 47 <sup>+</sup> 30 <sup>0</sup> 00" East 75 feet to the most Southerly corner of Lot 1, Block 7, of Eschbach (D-35) and the True Point of Beginning, thence North 47 <sup>+</sup> 30 <sup>0</sup> 00" West along the Northerly right of way line of the Naches Branch of the Northern Pacific Railway 35.68 feet, thence North 27 <sup>+</sup> 19 <sup>-</sup> 00" East 70.62 feet, thence North 42 <sup>+</sup>
NE	sw	30	14N	18E	Yakima	18143031015	30° 00" East along the line of said Lot 1, 306.82 feet to a line parallel to and 450 feet distant from the North line of said Yakima Valley Railway Company right of way, thence South 49^ 30° 00" East along said line, 562.36 feet to a line parallel to and 64 feet distant from the West line of Record of Survey 28-85 thence along said line South 84^ 00° 10" East 232.87 feet, thence South 47^ 30° 00" East 63.86 feet to the West line of said Survey, thence South 42 ^ 30° 00" West 183.08 feet to a line parallel to and 74 feet distant from the said North line of Yakima Valley Railroad Company right of way, thence along said parallel to and 74 feet distant from the said North line of Yakima Valley Railroad Company right of way, thence along said parallel line North 47^ 30° 00" West 703.75 feet to the True Point of Beginning TOGETHER WITH that portion of the Vacated Central Washington Railway described as follows: Beginning at the said True Point of Beginning, thence South 47^ 30° 00" West 2173.75 feet, thence South 42^ 30° 00" West 75 feet, thence North 47^ 30° 00" West along the North line of said Yakima Valley Railway Company right of way, 823.55 feet to the East line of Eschbach road, thence North03^ 56' 00" East along said East line, 95.92 feet, thence South 47^ 30° 00" East 179.60 feet to the True Point of Beginning
NE	sw	30	14N	18E	Yakima	18143031012	Section 30 Township 14 Range 18 Quarter SW: That part of the NE1/4 of the SW1/4 of Section 30 lyiny South of the centerline of the Naches-Union Canal described as follows: Commencing at the Northwest corner of Lot 1, Block 7, Plat of Eschbach (D-35), thence North 03^36' 00" East along the East right of way line of Eschbach Road 133 feet to the Point of Beginning, thence South 86^24' 00" East 293 feet, thence North 03^36' 00" East 208 feet to said centerline, thence Westerly along said centerline to said Easterly right of way, thence South 03^36' 00" West to the Point of Beginning

QQ	Q	SEC	TWP	RGE	COUNTY	PARCEL NO.	Legal Description
NE	sw	30	14N	18E	Yakima	18143031006	Section 30 Township 14 Range 18 Quarter SW: Plat ESCHBACH (D-35): Block 7 Lot 1 EXCEPT that portion conveyed to the State of Washington for highway under Auditor's File No. 2167235 AND EXCEPT that portion of Lot 1 described as follows: Beginning at the Southerly corner of said Lot 1, thence North 47* 30' 00' West along the Northerly line of the Naches Branch of the Northern Pacific Railway, 35.68 feet, thence North 27* 19' 00'' East 70.62 feet, thence South 03* 56' 00'' West 87.20 feet to the Point of Beginning AND that part of the NE1/4 of the SW1/4 of Section 30 described as follows: Beginning at the Easterly most corner of Lot 1, Plat of Eschbach (D-35), thence North 47* 30' 00'' West along the boundary of said Lot 107.77 feet, thence North 86* 04' 00'' West 88.48 feet to the Easterly right of way of the county road, thence North 03* 56' 00'' East along said right of way line 5.30 feet, thence East 88.56 feet, thence South 43* 05' 00'' East 15.23 feet to the Point of Beginning
NE	sw	30	14N	18E	Yakima	18143031900	Section 30 Township 14 Range 18 Quarter SW: "BUILDING ONLY" LOCATED ON PARCEL 181430-31015 EX 433029 SALE OF BUILDING DATED: 10/18/13
NE	sw	30	14N	18E	Yakima	18143031016	Section 30 Township 14 Range 18 Quarter SE: That portion of the Southwest Quarter of Section 30, lying Northerly of the right of way of the North Yakima and Valley rialway Company, EXCEPT that portion thereof lying Northerly of the following described line: Beginning at a point 332.7 feet North of the Southwest corner of said Subdivision, thence South
SE	sw	30	14N	18E	Yakima	18143031016	82^ 04' 00" East to the East line of said subdivision, AND except the East 30 feet and the West 25 feet of said subdivision for road, AND EXCEPT the North 15 feet of the East 30 feet of said Premises, AND EXCEPT that portion conveyed to the State of Washington for SR12 by instrument recorded in Volume 710 of Deeds, under Auditor's File No, 2168679, ALSO The unused portion of the Central Washington Railroad right of way through the Southwest Quarter of the Southeast Quarter ofSection 3
sw	SE	30	14N	18E	Yakima	18143043412	Section 30 Township 14 Range 18 Quarter SE: SPM D-12 (AF 2399892): Lot B
sw	SE	30	14N	18E	Yakima	18143043014	TH PT OF SW1/4 SW1/4 SE1/4 LY N'LY OF FOL DESC LN: BEG 332.7 FT N OF SE COR SD SUB,TH S 82^04'E TO E LN SD SUB & END OF SD LN EX N 110 FT OF W 193 -> FT EX W & E CO RD R/W

Aspect Consulting 11/3/2021 Vyakdiskstation.aspect.local/Projects/Projects/Price Cold Storage 200142/Report Drafts/ROE/Attachment 1 Legal Desc

Attachment 1

Price Fruit Cold Storage Page 2 of 3

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# Attachment 1. Legal Description Project No. 200142, Gleed, Washington

QQ	Q	SEC	TWP	RGE	COUNTY	PARCEL NO.	Legal Description
sw	SE	30	14N	18E	Yakima	18143043016	Section 30 Township 14 Range 18 Quarter SW: That portion of the SW1/4 of Section 30, lying Southerly of the Naches Union Canal and lying Northerly of the North line of the Yakima Valley Railway Company right of way; EXCEPT Beginning at the Center of said Section 30, thence South 01^ 04' 10" East along the center subdivision line, 1618.05 feet to the True Point of Beginning, thence South 01^ 04' 10" East 483.75 feet, thence along the arc of a curve to the right having a central angle of 01^ 47' 20", a radius of 5831 feet and a chord bearing and distance of South 42' 18' 30" East 182.04 feet to the said center subdivision line, thence North 01^ 04' 10" W 620 feet to the True Point of Beginning, EXCEPT Beginning at the center of Section 30, thence along the North line of the South Half of said Section South 88^ 59' 05" West 2671.15 feet to the West Quarter corner of said Section, thence along the said North line North 88^ 59' 05" East 254.33 feet to the intersection with the North line of the Vacated Yakima Valley Railway Company right of way, thence along said North line South 47^ 30' 00" East 1562.70 feet, thence at right angles North 47^ 30' 00" East 75 feet to the most Southerly corner of Lot 1, Block 7, Eschbach (D-35) and the True Point of Beginning thence North 47^ 30' 00" West along the Northerly right of way line of the Naches Branch of the Northen Pacific Railway 35.68 feet, thence North 27^ 19' 00" East 70.62 feet, thence North 42^ 30' 00" East along said line, 562.36 feet to a line parallel to and 450 feet distant from the North line of Yakima Valley Railway Company right of way thence South 49^ 30' 00" East 36 feet to the West line of said Survey, thence South 42 * 30' 00" West 133.08 feet to a line parallel to and 61 feet distant from the Said North line of Yakima Valley Railvay Company right of Way, thence North 37^ 56' 00" East 32.20 feet, thence North 43^ 30' 00" East 5.20 feet, thence North 43^ 30' 00" East 5.20 feet, thence North 43^ 30' 00" East 5.20 feet, thence North 43^ 30' 00" East 5.2.36 f

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Attachment 1 Price Fruit Cold Storage Page 3 of 3

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