



**Board Name: FRANKLIN COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision**

| |
|----------------------|
| Date Stamp |
| Reviewed by: _____ |
| Date Reviewed: _____ |

Applicant Name: City of Pasco

Application Number: FRAN-20-11 (G3-05073)

This record of decision was made by a majority of the board at an open public meeting of the Franklin County Water Conservancy Board held on October 7, 2021. The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

Approval: The Franklin County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on October 7, 2021 and submits this record of decision and report of examination to the Department of Ecology for final review.

Denial: The Franklin County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on _____ and submits this record of decision to the Department of Ecology for final review.

Signed:

| | | |
|---|------------|------------------|
| Water Conservancy Board Name: FRANKLIN | | Date: 10/07/2021 |
| Chair Name: Lynn Hall | Signature: | |
| (choose one) <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain) | | |

| | | |
|--|--------------------|------------------|
| Water Conservancy Board Name: FRANKLIN | | Date: 10/07/2021 |
| Title: Vice-Chair | Name: Larry Rogers | Signature: _____ |
| (choose one) <input type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain) | | |

| | | |
|--|--------------------|------------------|
| Water Conservancy Board Name: FRANKLIN | | Date: 10/07/2021 |
| Title: Treasurer | Name: Mark Nielson | Signature: |
| (choose one) <input type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain) | | |

| | | |
|--|-------------------|------------------|
| Water Conservancy Board Name: FRANKLIN | | Date: 10/07/2021 |
| Title: Alternate | Name: Rick Miller | Signature: _____ |
| (choose one) <input type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain) | | |

| | | |
|---|--------------------|------------------|
| Water Conservancy Board Name: FRANKLIN | | Date: 10/07/2021 |
| Title: Alternate | Name: Kara Kaelber | Signature: |
| (choose one) <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain) | | |

Mailed with all related documents to the Dept of Ecology (send to the Regional office below), and any other interested parties.



Board Name: **Franklin County**

WATER CONSERVANCY BOARD

Application for Change/Transfer

OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON

REPORT OF EXAMINATION

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

NOTE TO AUTHOR: *Read the instructions for completing a water conservancy board report of examination. [Use the Tab key to move through the form or with your mouse, select the fields to enter information.](#)*

Surface Water Ground Water

| | | | | |
|---|--|--|-----------------------------|------------------------------------|
| Date Application Received | 5/6/2020 (Amended 6/4/20 and 8/17/20) | Water Right Document Number (i.e., claim, permit, certificate, etc.) | G3-*05073 / 3730-A | |
| Water Right Priority Date | December 2, 1956 | Board-Assigned Change Application Number | FRAN-20-11 | |
| Name: | City of Pasco | Phone: | (509) 543-5738 | |
| | | Email: | worleys@pasco-wa.gov | |
| Address (street): | 525 N. 3rd Avenue | City: | Pasco | State: WA Zip: 99301 |
| Changes Proposed: | | | | |
| <input checked="" type="checkbox"/> Change purpose <input type="checkbox"/> Add purpose <input type="checkbox"/> Add irrigated acres <input type="checkbox"/> Change point of diversion/withdrawal <input checked="" type="checkbox"/> Add point of diversion/withdrawal <input checked="" type="checkbox"/> Change place of use <input type="checkbox"/> Other (Temporary, Trust, Interties, etc.) | | | | |
| SEPA: | | | | |
| The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the <u>application</u> is: <input type="checkbox"/> Exempt <input checked="" type="checkbox"/> Not Exempt | | | | |

BACKGROUND AND DECISION SUMMARY

Please include a map(s) reflecting all referenced existing and proposed point(s) of diversion or withdrawal and place(s) of use (RCW 90.03.260(7); WAC 173-153-070 (6)(c).

| Existing Right (Tentative Determination) | | | | | | | |
|---|-----------------------------|---|---|---------------------------------|-------------|---------|-----------------|
| Maximum cub ft/second | | Maximum gal/minute | 350 | | | | |
| Maximum acre-ft/yr | 300 | Describe Type(s) of use, and period(s) of use | Municipal Water Supply Purposes. | | | | |
| Source | a well (Gov't Lot 1) | | | Tributary of (if surface water) | | | |
| At a Point Located: Parcel No. | 113300106 | | | | | Section | 19 |
| Township N. | 9 | Range | 30 E. | WRIA | 36 | County | Franklin |
| LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED | | | | | | | |
| Type detailed legal description of the place of use: NW ¼ of Sec. 9, T. 9N, R. 30E.W.M. | | | | | | | |
| Parcel no. | | ¼ | | | N1/4 | Section | 19 |
| Township N. | 9 | Range | 30 E.W.M | WRIA | 36 | County | Franklin |

| Proposed Use | | | | | | |
|--|---|---|--|------|------|------|
| Maximum cub ft/second | | Maximum gal/minute | 350 | | | |
| Maximum acre-ft/yr | 300 | Describe Type(s) of use, and period(s) of use | Municipal Supply January 1 to December 31. | | | |
| Source | 4 Surface water intakes (Columbia River) and 28 groundwater wells | | Tributary of (if surface water) | | | |
| SOURCE | NO. | ¼ | ¼ | SEC. | TWP. | RGE. |
| I-182 Pump Station (River Station – Irr.) | 1 | SW | NW | 18 | 9N | 29E |
| I-182 Pump Station (W. Pasco Intake – WTP) | 2 | SW | NW | 18 | 9N | 29E |
| Columbia River (FCID) | 3 | NE | SW | 18 | 9N | 29E |
| WTP Intake | 4 | SW | NE | 31 | 9N | 30E |
| Well | 1 | SE | SE | 3 | 9N | 29E |
| Well | 2 | | SW | 9 | 9N | 29E |
| Well | 3 | | SE | 10 | 9N | 29E |
| Well | 4 | NW | NW | 11 | 9N | 29E |
| Well | 5 | NW | NW | 11 | 9N | 29E |
| Well | 6 | NW | NW | 11 | 9N | 29E |
| Well | 7 | SW | NW | 11 | 9N | 29E |
| Well | 8 | SE | SE | 11 | 9N | 29E |
| Well | 9 | NE | SW | 11 | 9N | 29E |
| Well | 10 | N½ | NE | 14 | 9N | 29E |
| Well | 11 | N½ | NW | 14 | 9N | 29E |
| Well | 12 | NE | SW | 14 | 9N | 29E |
| Well | 13 | | NE | 15 | 9N | 29E |
| Well | 14 | SE | NW | 15 | 9N | 29E |
| Well | 15 | SE | SE | 15 | 9N | 29E |
| Well (Gov't Lot 1) | 16 | NW | NW | 19 | 9N | 30E |
| Well | 17 | NE | SW | 20 | 9N | 30E |
| Well | 18 | NE | NW | 21 | 9N | 30E |
| Well | 19 | NE | SE | 21 | 9N | 30E |
| Well | 20 | NW | SW | 28 | 9N | 30E |
| Well | 21 | NE | NE | 29 | 9N | 30E |
| Well | 22 | NE | NE | 29 | 9N | 30E |
| Well | 23 | SW | NW | 29 | 9N | 30E |
| Well | 24 | NE | SW | 30 | 9N | 30E |
| Well (Gov't Lot 7) | 25 | NE | NW | 31 | 9N | 30E |
| Well (Gov't Lot 7) | 26 | NE | NW | 31 | 9N | 30E |
| Well | 27 | NE | NW | 33 | 9N | 30E |
| Well | 28 | SW | SE | 34 | 9N | 30E |
| LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED | | | | | | |

Type detailed legal description of the place of use:

City of Pasco municipal water service area as described within the City of Pasco Comprehensive Water System Plan.

| | | | | | | | |
|-------------|--|-------|--|------|--|---------|--|
| Parcel no. | | ¼ | | 1/4 | | Section | |
| Township N. | | Range | | WRIA | | County | |

Board's Decision on the Application

| | | | |
|-----------------------|------------|---|---|
| Maximum cub ft/second | | Maximum gal/minute | 350 |
| Maximum acre-ft/yr | 300 | Describe Type(s) of use, and period(s) of use | Municipal Supply January 1 to December 31. |

| | | | | | |
|--------|--|--|--|---------------------------------|--|
| Source | 4 Surface water intakes (Columbia River) and 21 groundwater wells | | | Tributary of (if surface water) | |
|--------|--|--|--|---------------------------------|--|

| SOURCE | NO. | ¼ | ¼ | SEC. | TWP. | RGE. |
|--|-----|----|----|------|------|------|
| I-182 Pump Station (River Station – Irr.) | 1 | SW | NW | 18 | 9N | 29E |
| I-182 Pump Station (W. Pasco Intake – WTP) | 2 | SW | NW | 18 | 9N | 29E |
| Columbia River (FCID) | 3 | NE | SW | 18 | 9N | 29E |
| WTP Intake | 4 | SW | NE | 31 | 9N | 30E |
| Well | 2 | | SW | 9 | 9N | 29E |
| Well | 3 | | SE | 10 | 9N | 29E |
| Well | 8 | SE | SE | 11 | 9N | 29E |
| Well | 10 | N½ | NE | 14 | 9N | 29E |
| Well | 12 | NE | SW | 14 | 9N | 29E |
| Well | 13 | | NE | 15 | 9N | 29E |
| Well | 14 | SE | NW | 15 | 9N | 29E |
| Well | 15 | SE | SE | 15 | 9N | 29E |
| Well (Gov't Lot 1) | 16 | NW | NW | 19 | 9N | 30E |
| Well | 17 | NE | SW | 20 | 9N | 30E |
| Well | 18 | NE | NW | 21 | 9N | 30E |
| Well | 19 | NE | SE | 21 | 9N | 30E |
| Well | 20 | NW | SW | 28 | 9N | 30E |
| Well | 21 | NE | NE | 29 | 9N | 30E |
| Well | 22 | NE | NE | 29 | 9N | 30E |
| Well | 23 | SW | NW | 29 | 9N | 30E |
| Well | 24 | NE | SW | 30 | 9N | 30E |
| Well (Gov't Lot 7) | 25 | NE | NW | 31 | 9N | 30E |
| Well (Gov't Lot 7) | 26 | NE | NW | 31 | 9N | 30E |
| Well | 27 | NE | NW | 33 | 9N | 30E |
| Well | 28 | SW | SE | 34 | 9N | 30E |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED

ECY 040-106 (03/2017) To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program 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.

Type detailed legal description of the place of use:

City of Pasco municipal water service area as described within the City of Pasco Comprehensive Water System Plan.

| | | | | | | | |
|-------------|--|-------|--|------|--|---------|--|
| Parcel no. | | ¼ | | 1/4 | | Section | |
| Township N. | | Range | | WRIA | | County | |

Description of Proposed Works

Description of water diversion/withdrawal, conveyance, and distribution system:

The project will physically connect the points of diversion/withdrawal such that the system may deliver water to the new place of use.

Development Schedule

| | |
|---|------------------------|
| Begin project by this date (At least 75 days after Board's ROD issuance): | January 1, 2023 |
| Complete project by this date: | January 1, 2024 |
| Complete change & put water to full use by this date: | January 1, 2029 |

Report

NOTE TO AUTHOR: This form reflects the minimum regulatory requirements as required in WAC 173-153-130(6). In accordance with WAC 173-153-130(5), "It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." **Completion solely of the minimum regulatory requirements may not constitute a fully documented decision.**

BACKGROUND [See WAC 173-153-130(6)(a)]

On Month May, day 6th, year 2020

Name of applicant: City of Pasco of City: Pasco State: WA filed an application

for change (to do what e.g., POU, POD, POW, etc) **Change the purpose of use, change/transfer the place of use, and Add point(s) of diversion/withdrawal** under (Water right number, e.g., certificate, permit,

claim , superseding document #, cert of change #): G3-*05073 / 3730-A. The application was accepted at an open public meeting

on Month: May, day: 7th, year: 2020, and the board assigned application number(XXXX-YR-##): FRAN-20-11. **The application was amended on June 4th and August 17, 2020.**

Attributes of the water right as currently documented

Name on certificate, claim, permit: City of Pasco

Water right document number (e.g., cert #, claim #, permit #, superseding document #): G3-*05073 / 3730-A

As modified by certificate of change number: _____

Priority date, first use Date of priority or claimed date water was originally first put to beneficial use : December 2, 1958

Water quantities: Qi (Instant qty): 350 gpm Qa (Annual qty): 300 acre ft./ year

Source (well, river, etc): a Well

Point of diversion/withdrawal (Distance from ¼¼, Section, Township, Range EWM): Gov't Lot 1 in Section 19, T. 9N., R. 30 E.W.M.

Purpose of use: Municipal Water Supply Purposes Number of Acres if Irrigation:

Period of use:

Place of use: NW1/4 of Sec. 19, T. 9N, R. 30E. B.W.M.

Existing provisions (family farm act, interruptable, etc.):

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.

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.

Maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An airline and gauge may be installed in addition to the access port.

All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

The right to use of the water aforesaid hereby confirmed is restricted to the land or place of use herein described except as provide in RCW 90.03.380, 90.03.390, and 90.44.100.

This superceding certificate of water right is specifically subject to relinquishment for non-use of water as provide in Chapter 90.14.

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

Describe the historical water use information that was considered by the board:

The history of water use on the subject property is based on a review of aerial photographs, Ecology water right files, information from the application and other documents related to the property.

Available information shows the subject property being irrigated for turfgrass varieties in order to support a municipal golf course. Aerial photos show no break in use from the time the certificate was issued to present. However, it appears that sometime between 1964 and 1985, the place of use shifted to the east.

Previous changes

Describe any previous change decisions associated with the water right:

The water right was issued a superceding certificate on March 10th, 2020 based on a Request for a Conforming Document under 90.13.560. This changed the purpose of use to Municipal Water Supply Purposes. Also, there was a de-facto change in the place of use that occurred sometime between 1964 and 1985. This shifted the place of use from the NW1/4 of Section 19 to the E3/4 of the NW1/4 and the W1/2 of the NE1/4 of Section 19, all within T.9 N., R. 30 E.W.M.. This also increased the acreage irrigated to approximately 118 acres. The irrigated area continued to expand and now there is approximately 126 acres.

SEPA

The board has reviewed the proposed project in its entirety (Provide a detailed explanation of how the board complied with the State Environmental Policy Act):

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- It is a surface water right application for more than 1 cubic feet per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gallons per minute;
- 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.

Because this application, in combination with other applications, would entail the withdrawal of more than 2,250 gallons per minute, it is subject to a SEPA threshold determination.

A completed Environmental Checklist was submitted with this application by the City of Pasco. The Franklin County Water Conservancy Board (Board) is the Lead Agency for evaluation of the SEPA checklist. After review of this checklist and other information on file with Ecology, this proposal was determined by the Board to not have significant adverse impact on the environment. A final Determination of Non-Significance (DNS) was issued by the Franklin County Water Conservancy Board on February 4th, 2021, which concluded that no environmental impact statement is required. Public notice of issuance of the DNS was published in the Franklin County Graphic on February 11th, 2021; no comments regarding the DNS were received by the Board.

Other

Provide any other pertinent information relative to the background of this water right:

N/A

The information or conclusions in this section were authored and/or developed by (Name of Person): Mark Nielson

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application was given in the (Name of Publication(s): **Franklin County Graphic**
on Dates Published: **October 1st and 8th, 2020**. Protest period ended on (end date of protest period): **November 9th, 2020**
There were # ____ or no protests received during the 30 day protest period. In addition, no or # ____ oral and
written comments were received at an open public meeting of the board or other means as designated by the board.

Date (protest/comment received): ____
This was recognized by the board as a Protest Comment
Name/address of protestor/commenter: ____
Issue (describe issues raised): ____
Board’s analysis (board’s response to the protest/comment): ____

*NOTE to author: Repeat this table as necessary to describe each protest or comment
(attach a separate sheet if needed)*

Other

Provide any other pertinent information relative to the comments and protests receive:

The information or conclusions in this section were authored and/or developed by (Name of Person): Mark Nielson

INVESTIGATION [See WAC 173-153-130(6)(c)]

The following information was obtained from a site inspections conducted by (person(s)): Mark Nielson, FCWCB Board
Member on various dates in 2020 and 2021, and review and evaluation of documents which include, but are not limited to,
the following: aerial/satellite photos, Pasco Water System Plan documents, Ecology policies and guidelines, technical
reports, research of department records, review of relevant state laws and rules, review of the water right files and
conversations with the applicant and/or other interested parties.

Proposed project plans and specifications

Describe proposed use of water to include # of connections, method of irrigation, type of crop, commercial use, etc. Also
describe any issues related to development, such as the proposed development schedule and an analysis of the effect of the
proposed transfer on other water rights, pending change applications & instream flows established under state law.

The intent of this application is to integrate this water right and associated wells with the City of Pasco municipal water supply system. The proposed changes to accomplish this are to (1) purpose of use from irrigation to municipal supply, (2) change the place of use to the approved Pasco service area, (3) and add points of withdrawal to the existing water right. There are a total of 28 wells and 4 surface water diversions which currently serve as sources of supply for the Pasco municipal water supply system. Seven (7) of these wells are associated with the area designated under Chapter 508-14 WAC. These seven wells, and the water rights associated with them, are being considered for consolidation separately from the non-508-14 wells/water rights. There are a total of 21 wells being proposed as authorized points of diversion/withdrawal separately from the 508-14 wells/water rights. The 4 surface water diversion points will be added to both the 508-14 and non-5018 water rights. The well currently authorized for use under certificate G3-*05073 / 3730-A are part of the proposed integrated/consolidated system for the non-508-14 WAC wells/water rights.

This application was filed for the purpose of authorizing changes to the water right which are essentially de-facto in nature, in that they have already been developed and implemented.

Other water rights appurtenant to the property (if applicable)

Describe any other water rights or other water uses associated with both the current and proposed place of use and an explanation of how those other rights or uses will be exercised in conjunction with the right proposed to be transferred.

A review of Ecology records shows numerous overlapping water rights issued to the City of Pasco (municipal supply), the US Bureau of Reclamation (irrigation) and the Franklin County Irrigation District (irrigation). Certificate No. G3-*05073 / 3730-A is considered as additive to these overlapping water rights. Ecology records show no privately held water rights which overlap the place of use of the subject water right.

Public Interest (groundwater only)

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. Provide an analysis of the transfer as to whether it is detrimental to the public interest, including impacts on any watershed planning activity. Public interest is not considered if the proposed water right is authorized under RCW 90.03.380 exclusively.

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest. Expressions of public interest for this proposed change potentially include: comments or protests regarding approval of the proposed change and the Franklin County Comprehensive Plan.

- a. *Comments/Protests:* No comments or protests were received regarding potential approval of the proposed changes, either in response to a legal notice published in the Franklin County Graphic, nor through any comments presented at Board meetings.
- b. *Franklin County Comprehensive Plan (Adopted as Resolution Number 2008-089, February 27, 2008):* The Plan states that new land use development with urban characteristics will be encouraged to locate first in areas with existing public infrastructure and service capacity. The place of use for this right is currently within the City's approved service area (City of Pasco Comprehensive Water System Plan, revised January 2019), and the proposed changes will enhance the water service capacity and flexibility of the City within this service area. The proposed changes are consistent with the Franklin County Comprehensive Plan and the goals of the Growth Management Act (RCW 36.07A) through which it was created.

Tentative Determination

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board’s tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board’s tentative determination was based upon the following findings. Describe any information indicating that an existing water right or portion of a water right has been relinquished or abandoned due to nonuse and the basis for the determination.

Description of Irrigation System

The irrigation system consists of a pop-up spray type allowing for the irrigation of the golf course area which at the current time is approximately 126 acres.

Instantaneous Water Use (Qi)

The current superseding certificate issued in March 2020 allocated 350 gallons per minute and was based on the original certificate which allowed the irrigation of 100 acres. While no specific historical records could be located which would document the use of 350 gallons per minute (3.5 gpm/acre), aerial photos do clearly establish the existence and extent of irrigation of the subject property. The rate of 3.5 gpm/acre would not satisfy the turf grass needs during the peak of the growing season. However, the golf course receives the excess overflow water from the Franklin County Irrigation District (FCID) which is delivered to a large pond which acts as a re-regulation reservoir. Thus, they can pump an instantaneous volume necessary to meet their demands. The initial permit for G3-05073 was issued for 1,200 gpm but was reduced to 350 gpm. The author assumes this reduction was due, in part, because the golf course was receiving this supplemental water and did not need the original instantaneous rate requested in the permit.

Irrigated Area

The total area irrigated was derived from aerial photos from 1996 and 2019. The most recent photograph showing a total of 126 acres were determined to be irrigated which exceeds the original certificated acreage of 100 acres. Full instantaneous allocation of 350 gallons per minute at the rate of 3.5 gpm per acre is determined to be reasonable beneficial use.

Annual Water Use (Qa)

Aerial photographs clearly establish the irrigation of a minimum of 100 acres from the time the certificate was issued. Various Turf grass varieties have been grown at the golf course since its development. The highest one year of use within the last 5 years of operation should reasonably represent the water beneficially used on the subject acres.

The crop irrigation requirements over the last 5 years were calculated and are shown in the table below. The State of Washington Irrigation Guide, Richland Station (1992 Revision) was used to estimate crop water use. Application efficiency was estimated using Ecology Water Resource Program Guidance “*Determining Irrigation Efficiency and Consumptive Use*”, Table I”.

Crop Irrigation Requirement

| <u>Year</u> | <u>Crop</u> | <u>2nd Crop</u> | <u>Crop Irrigation</u> | <u>2nd Crop Irrigation</u> | <u>Net Irrigation</u> | <u>Gross Irrigation</u> | <u>Gross Irrigation</u> |
|--------------------|--------------------|------------------------|-------------------------------|-----------------------------------|------------------------------|--------------------------------|--------------------------------|
| | | | Inches/Ac | Inches/Ac | Inches/Ac | Inches/Ac | Ac-ft/Act |
| 2020 | Turf | | 43.88 | | 43.88 | 58.51 | 4.9 |
| 2019 | Turf | | 43.88 | | 43.88 | 58.51 | 4.9 |
| 2018 | Turf | | 43.88 | | 43.88 | 58.51 | 4.9 |
| 2017 | Turf | | 43.88 | | 43.88 | 58.51 | 4.9 |
| 2016 | Turf | | 43.88 | | 43.88 | 58.51 | 4.9 |

Notes:

- 1) Crop Water Use taken from Richland, WA210-VI-WAIG (WIG), REV. 1, april 1992
- 2) Irrigation System Type = Pop-up Spray. Efficiency values from Table 1 of Ecology Guidance Document 1210 = 75%

The highest one year of use out of the last 5 years for turf grass is 58.51 inches per acre or 4.9 acre-feet per acre. Over 100 acres, this equates to 490 acre-feet per year. This compares with the maximum allocated quantity authorized under No. G3-05073 of 300 acre-feet per year (3.0 acre-feet per acre). The calculated quantity exceeds that authorized, which would suggest full beneficial use of water under the water right. The 300 acre-feet authorized under No. G3-05073 represents a maximum allocation, which cannot be exceeded. The determined maximum annual quantity available for consideration of the proposed changes is 300 ac-ft/year.

Summary

The quantities determined to have been put to historic beneficial use under this right, and which are therefore available for consideration of the proposed changes, are 350 gallons per minute, 300 acre-feet per year.

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

Describe the results of any geologic, hydrogeologic, or other scientific investigations that were considered by the board and how this information contributed to the board's conclusions.

An evaluation as to the hydrologic continuity of the existing and proposed wells and the McNary Pool of the Columbia River was conducted by Jonathon S. Travis and Kevin A. Lindsay, PhD, LHG of GeoEngineers for the City of Pasco in support of this and other concurrent change applications. A technical memo describing the findings of this evaluation is attached to this report as “*Technical Memorandum File 4309-007-00: Hydrologic Continuity of Wells in the Water Rights Consolidation with McNary Pool*”, September 2020”.

The findings of the memorandum concluded that all wells proposed as points of withdrawal through this application, which include the two wells currently authorized for use under this right, are producing water from the alluvial aquifer system, and that this alluvial aquifer system is in direct hydraulic connection with the Columbia River – McNary Pool.

The memorandum states that while this source aquifer primarily discharges to the McNary Pool, recent US Geological Survey reports suggest the potential for the Columbia River in the West Pasco area to also recharge portions of the alluvial aquifer system, which then flows to the east-southeast before discharging into the Columbia River – McNary Pool. The authors conclude that all wells considered herein have hydrologic continuity with the Columbia River - McNary Pool.

Water Table Data

Water table elevation data was obtained from the South Columbia Basin Irrigation District (SCBID) for 18 wells in and around the proposed place of use. Measurement of all wells began in 1995 and has continued to present for 14 of the wells (the other four were discontinued over time). While the graphed water level data shows normal seasonal fluctuations in the water table for most of the wells, over the full 20 + period of data collection the water levels have remained consistently stable. The data suggests that the de-facto changes from seasonal irrigation use to continuous municipal supply within the City of Pasco service area, which have occurred over the period during which the data has been collected, have not altered the pre-conversion hydrologic patterns.

In pre-application conferences with Ecology permitting and technical staff it was agreed that the proposed wells and surface water diversions can be considered to appropriate water from the same source of water, and together be considered as authorized points of withdrawal through this and associated applications. One caveat is that the Columbia River diversion points be provisioned such that no direct diversion of surface water be allowed during times that the Columbia River is under active regulation under Chapter 173-563 WAC or other authority which is actively regulating diversion of surface water from this source.

Other

Provide any other pertinent information relative to the investigation of this application.

This application requests a change in purpose of use to continuous municipal supply, which is consistent with how water under this right is currently being appropriated.

The proposed change to continuous municipal supply will not impair existing water rights, including instream flows.

The information or conclusions in this section were authored and/or developed by (Name of Person): Mark Nielson

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

Describe whether, and to what extent, a valid water right exists.

Certificate No. G3-05073 represents a valid water right in good standing and has been tentatively determined to be valid to the extent of 350 gallons per minute and 300 acre-feet per year. These quantities are available for consideration of the proposed changes.

Relinquishment or abandonment concerns

Describe any relinquishment or abandonment of the water right associated with the water right transfer application as discussed in the investigation section of this report.

RCW 90.14.180 provides that:

“Any person hereafter entitled to divert or withdraw waters of the state through an appropriation authorized under RCW 90.03.330, 90.44.080, or 90.44.090 who abandons the same, or who voluntarily fails, without sufficient cause, to beneficially use all or any part of said right to withdraw for any period of five successive years shall relinquish such right or portion thereof, and such right or portion thereof shall revert to the state, and the waters affected by said right shall become available for appropriation in accordance with RCW 90.03.250. All certificates hereafter issued by the department of ecology pursuant to RCW 90.03.330 shall expressly incorporate this section by reference.”

As noted above, a tentative determination as to historic beneficial use under Certificate No. G3-05073 concluded that the quantities available for consideration of the proposed change are 350 gallons per minute, 300 acre-feet per year.

The quantities authorized under Certificate No. G3-05073 have been tentatively determined to have been put to full beneficial use, with no quantities, Qi or Qa, subject to relinquishment for non-use.

The subject water right has been used for irrigation purposes since the right was certificated. The water right was issued a conforming document changing the purpose of use from irrigation to municipal supply in 2020. Water under this right has been put to beneficial use continuously since the certificate was issued.

Hydraulic analysis

Describe the result, as adopted by the board, of any hydraulic analysis done related to the proposed water right transfer.

A hydraulic analysis of the proposed change has been provided within this report, which determined that both the existing and proposed wells withdraw water from the same upper alluvial aquifer. The findings of the report conclude that the existing and proposed wells all withdraw water from the same source of public ground water.

This analysis also determined this alluvial aquifer is in direct hydraulic continuity with the Columbia River – McNary Pool. The existing and proposed wells and river pumping stations are essentially pumping from the same source of water.

Consideration of comments and protests

Discuss the board's conclusions of issues raised by any comments and protests received.

Public notice of the application was provided in the Franklin County Graphic, a newspaper of record for Franklin County, on October 1st and 8th, 2020. There were no protests received during the 30-day protest period following the last date of publication. Likewise, no comments or objections regarding this application were received at open public meetings of the Board.

Impairment

Describe how or if the transfer proposal will impair existing rights of others.

There has been no evidence provided during the course of this investigation and evaluation of the application that would suggest that the proposed changes would, if approved, result in the impairment of any existing water rights – ground or surface. The proposed changes would not increase the quantities of water historically put to beneficial use under this right;

the application only proposes to add points of withdrawal/diversion and to change (expand) the place of use, and change the season of use for those quantities determined to be valid and available for the proposed changes. There are no records with Ecology indicating any issues with well interference in the vicinity of this project, and the capacity of the aquifer in this area is sufficient to provide the quantities of water allocated. The proposed change would distribute the water withdrawal over the entire year instead of confining it to the irrigation season. This would reduce the peak pumping withdrawal and flatten the water withdrawal curve over the year. This would provide less potential interference and impairment to nearby water rights. The proposed change in season of use will allow for reduced impact to critical instream flows by distributing the period of withdrawal over higher-flow periods of time.

Public Interest

If the proposed transfer is authorized pursuant to RCW 90.44.100, describe whether it is detrimental to the public interest. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively.

No detriment to the public welfare was identified during the processing of this application. The proposed changes are consistent with the Franklin County Comprehensive Plan.

Other

The board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision. Provide any other pertinent information relative to the board's conclusions.

None.

DECISION [See WAC 173-153-130(6)(e)]

Provide a complete description of the board's decision, fully and comprehensively addressing the entire application proposal.

Applications for change of ground water rights permits and certificates are governed by RCW 90.03.380 and RCW 90.44.100, which state in part that: the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Such amendment shall be issued only on the conditions that:

- The change must not cause detriment or injury to existing rights;
- A valid right/claim exists that is eligible to be changed;
- The change shall not allow for the enhancement of the right perfected under the original certificate
- An additional or new well shall withdraw water from the same source as the original
- The proposed change would not be detrimental to the public welfare.

It is the conclusion of the Franklin County Water Conservancy Board that in accordance with RCW 90.44.100:

1. The proposed changes to Superseding Ground Water Certificate No. G3-*05073 / 3730-A – additional points of withdrawal/diversion, and change in place of use, - will not impair existing rights.
2. A valid right exists and is eligible to be changed to the extent the right has been put to historic beneficial use, as summarized above;
3. That the changes will not expand or enhance the right which was perfected under the original certificate;
4. That the proposed wells will withdraw water from the same source of public ground water (alluvial aquifer) as the existing well, and these wells are in direct continuity with the Columbia River – McNary Pool.
5. The proposed changes will not be detrimental to the public welfare.

It is the conclusion of the Board that the requested changes to add points of withdrawal/ diversion, and change the place of use authorized under Superseding Ground Water Certificate No. G3-*05073 / 3730-A have passed the statutory tests and recommend that the proposed changes be approved to the extent of 350 gallons per minute, 300 ac-ft/yr, continuously, for municipal supply subject to the provisions and conditions listed below.

Provide any other pertinent information relative to the board's decision.

The information or conclusions in this section were authored and/or developed by (Name of Person): Mark Nielson

PROVISIONS [See WAC 173-153-130(6)(f)]

Conditions and limitations

Identify any conditions and limitations recommended as part of an approved transfer, and/or any other corrective action necessary to maintain the water use in compliance with state laws and regulations.

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.

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.

Maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An airline and gauge may be installed in addition to the access port.

All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

The right to use of the water aforesaid hereby confirmed is restricted to the land or place of use herein described except as provide in RCW 90.03.380, 90.03.390, and 90.44.100.

This superceding certificate of water right is specifically subject to relinquishment for non-use of water as provided in Chapter 90.14.

In case of regulation of surface water rights subject to minimum flows on the Columbia River under WAC 173-563-040 and WAC 173-563-050, the total QI/QA associated with any surface water rights subject to minimum flows under WAC 173-563-040 and WAC 173-563-050 shall be reduced to reflect only the authorized ground water quantities as the points of withdrawal (wells) are not alternate sources to the surface water rights under this change unless mitigation has been secured.

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

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

The water 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.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

Mitigation (if applicable)

Describe any requirement to mitigate adverse effects of the project. Mitigation may be proposed by the applicant or the board and be required in the board's decision.

None.

Construction Schedule

Provide a schedule for development and completion of the water right transfer, if approved in part or in whole that includes a definite date for completion of the transfer and application of the water to an authorized beneficial use.

Beginning of Construction: January 1, 2023
Completion of Construction: January 1, 2024
Proof of Appropriation: January 1, 2029

Other

Provide any other pertinent information relative to provisions

None.

The information or conclusions in this section were authored and/or developed by (Name of Person): Mark Nielson

The undersigned board commissioner certifies that he/she understands the board is responsible “to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination.” [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report’s conclusions.

Signed at Pasco, Washington
(City)
This 7th day of October 2021
Date (Day) (Month) (Year)

Name of Board Representative: Mark Nielson

Name of Water Conservancy Board: Franklin County Water Conservancy Board

Signature: _____