For Ecology Use Only

Received: RECEIVED AUG - 9 2004 DEPARTMENT OF ECOLOGY EASTERN REGIONAL OFFICE

Reviewed:

Date Reviewed:

Franklin County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

Applicant: City of Connell Application Number: FRAN-04-02

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 August 5, 2004.

☒ **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 August 5, 2004 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 _____, 2004 and submits this record of decision to the Department of Ecology for final review.

Signed:

R. Henry Johnson, Chair
Franklin County Water Conservancy Board
Date: 8-5-04
Approve ☑ Deny ☐ Abstain ☐ Recuse ☐

John Griffin, Vice Chair
Franklin County Water Conservancy Board
Date: 8-5-04
Approve ☑ Deny ☐ Abstain ☐ Recuse ☐

Absent
Larry Rogers, Treasurer
Franklin County Water Conservancy Board
Date: _____
Approve ☐ Deny ☐ Abstain ☐ Recuse ☐

Mailed to the Department of Ecology Eastern Regional Office of Ecology, via certified mail, and other interested parties on 8/6/04.

Franklin County
WATER CONSERVANCY BOARD

Application for Change/Transfer

Report of Examination

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☐ Surface Water ☒ Ground Water

DATE APPLICATION RECEIVED	PERMIT NUMBER	CERTIFICATE NUMBER	CHANGE APPLICATION NUMBER
March 4, 2004	G3-26993P	G3-26993C	FRAN-04-02

NAME
City of Connell

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
PO Box 1200	Connell	WA	99326

Changes Proposed:

☐ Point of Diversion/Withdrawal ☒ Place of Use ☒ Purpose ☐ Temporary ☐ Other

DECISION HISTORICAL SUMMARY

Existing Use						Proposed Use					
QUANTITY, TYPE OF USE, PERIOD OF USE						QUANTITY, TYPE OF USE, PERIOD OF USE					
1500 gpm, 1411 af/yr for seasonal irrigation of 874 acres.						1500 gpm, 1411 af/yr for continuous municipal supply.					
Point of Diversion or Withdrawal						**Point of Diversion or Withdrawal**					
SOURCE				TRIBUTARY OF (IF SURFACE WATER)		SOURCE				TRIBUTARY OF (IF SURFACE WATER)	
A well						A well					
NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,	NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
	SE	SE	4	13N	32E		SE	SE	4	13N	32E
Place of Use						**Place of Use**					
LEGAL DESCRIPTION OF LANDS WHEREWATER IS PRESENTLY USED:)						LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED					
220 acres within the SW¼ of Sec. 3 and N½SE¼ and S½NE¼ of Sec. 4; and 654 acres within E½ of Sec. 9 and the W½ of Sec. 10; ALL IN T. 13 N., R. 32 E.W.M.; Franklin County, Washington.						Area served by the City of Connell as described by current and future comprehensive water system plans.					
NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,	NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,

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 application is: ☐ Exempt ☒ Not exempt

Water Right Priority Date: May 6, 1981

BOARD'S TENTATIVE DETERMINATION

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
	1500	1411	continuous municipal supply

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
A well	

AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY
106040071	SE	SE	4	13	32 E	36	Franklin

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Area served by the City of Connell as described by current and future comprehensive water system plans.

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
various					

DESCRIPTION OF PROPOSED WORKS

Extend existing water system to include municipal supply to the City of Connell.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
Begun	December 1, 2023	December 1, 2024

REPORT

BACKGROUND

The Franklin County Water Conservancy Board (Water Board) has jurisdiction to consider the three subject change applications, which are here considered together because of the interrelated nature of the rights and change requests. The three applications considered in this report are for Ground Water Certificate (GWC) No. 7528-A, and Certificates G3-26993C and G3-29441C. Franklin County Water Conservancy Board Application Numbers FRAN-04-01, FRAN-04-02, and FRAN-04-03 respectively.

On March 4, 2004, the City of Connell, Washington filed the above three applications for change of water right with the Water Board. Notice of the applications was published in accordance with Revised Code of Washington (RCW) 90.03.280.

GWC No. 7528-A, under priority date of 12/27/1965 and issued 1/18/1972, authorizes withdrawal from a well (City Well 9) located within the SE¼SE¼ Sec. 4, T13N, R32EWM, WRIA 36, Franklin County, Washington. The certificate authorizes water to be used for domestic supply and stockwater as needed (2 af/yr) and irrigation of 105 acres from 4/1-10/31 each year (275 af/yr) within the S1/2SW1/4 of Sec. 3 and S1/2SE1/4 of Sec. 4, T. 13 N., R. 32 E.W.M., WRIA 36, Franklin County. The certificate authorizes withdrawal and use of 900 gpm and 277 af/yr.

Certificate G3-26993C, under priority 5/6/1981 and issued 7/25/1984, authorizes withdrawal from a well (City Well 9) located within the SE1/4SE1/4SE1/4 Sec. 4, T13N, R32EWM. The certificate authorizes water to be used for seasonal irrigation of 874 acres. The certificate authorizes water to be used within the following described place of use: 220 acres within the SW1/4 Sec. 3, N1/2SE1/4 and S1/2NE1/4 Sec. 4; and 654 acres within the E1/2 Sec. 9 and W1/2 Sec. 10; T13N, R32EWM. The certificate authorizes 1500 gpm and 1411 af/yr.

Certificate G3-29441C, under priority 2/5/1991 and issued 11/18/1997, authorizes withdrawal from a well (City Well 10) located within the SE1/4 Sec. 9, T13N, R32EWM. The certificate authorizes water to be used for supplemental irrigation of 460 acres. The certificate authorizes water to be used within the following described place of use: 460 acres within the W1/2 of Sec. 10, and the E1/2 of Sec. 9, less 3.6 acres of right of way and less the N 800 ft of E 300 ft of E1/2 Sec. 9; T13N, R32EWM. The certificate authorizes 1800 gpm and 1150 af/yr. The annual volume is not in addition to G3-26993C.

The water supply is made from two basalt formation wells within T13N, R32EWM more specifically located as follows:

- City Well 9; 100 feet north and 500 feet west from the SE corner of Sec. 4, within SE1/4SE1/4.
- City Well 10; 900 feet south and 900 feet west from the E1/4 Corner of Sec. 9, within SE1/4.

These three certificates authorize water use at the City of Connell Farm, for a total of 3300 gpm, 1686 af/yr for seasonal irrigation of 979 acres, plus 2 af/yr for domestic and stockwater supply. The City proposes to modify the rights so the wells may supply the City's current and future water demands. The City will continue to operate the farm, with a gradual decrease in use at the farm as new demands are added within its service area. There will be no change in well locations, but the place of use for each right is requested to supply the service area of the City. Also, the purpose of use for each right is requested to be changed to year round municipal supply.

All three certificates are in good standing. A historic use analysis has been performed and the Water Board has tentatively quantified the transferable rights as shown in the below table:

Water Right	Source	Flow Rate	Volume
GWC 7528-A	City Well 9	900 gpm	277 af/yr [1]
G3-26993C	City Well 9	1500 gpm [2]	1411 af/yr
G3-29441C	City Well 10	1800 gpm	1100 af/yr
	TOTAL=>	3300 gpm	1688 af/yr [3]

[1] 275 af/yr irrigation, 2 af/yr domestic and stockwater.
[2] 1500 gpm maximum between G3-26993C and GWC 7528-A combined.
[3] 1686 af/yr all rights combined for irrigation plus 2 af/yr domestic/stock under GWC 7528-A.

Table. Transferable Water Right Quantities.

Certificates G3-26993C and G3-29441C are Family Farm Act water rights. State law provides that such rights may be transferred to any purpose of use if the use takes place within an urban growth area boundary. RCW 90.66.065(2)(c). Also, before a change in purpose to municipal supply can be authorized, the City must meet the water conservation requirements of its current water system plan. RCW 90.66.065(4). The City is in compliance with both of these requirements and has demonstrated to the Water Board that the provisions of the Act will be complied with in carrying out the requested changes.

The Family Farm water rights G3-26993C and G3-29441C can retain Family Farm conditions with respect to the portion of municipal supply use pertaining to irrigation of agricultural land. The appropriate classification for such rights appears under 90.66.050(4) "Public water entity permits"; stating that "such permits may be issued to public water entities under provisions requiring such public water entity, with respect to delivery of water for use in the irrigation of agricultural lands, to make water deliveries under the same provisions as would apply if separate permits were issued for persons eligible for family farm permits, permits to develop family farms, or for the irrigation of publicly owned land: PROVIDED, HOWEVER, That such provisions shall not apply with respect to water deliveries on federally authorized reclamation projects if such federally authorized projects provide for acreage limitations in water delivery contracts."

The Family Farm provision can be updated for the change in purpose accordingly as follows: That portion of this authorization to use public waters of the state relating to agricultural irrigation is classified as a PUBLIC WATER ENTITY PERMIT in accordance with Chapter 90.66 RCW (Initiative Measure No. 59).

The project including the three change applications discussed herein involves a change of a maximum of 3300 gpm combined and is therefore subject to State Environmental Policy Act (SEPA) review. The City has completed SEPA review, both for the pipeline extension and the water right changes. The Water Board has determined that compliance has been met under SEPA.

The certificates have not been further amended through water right change applications since issuing.

COMMENTS AND PROTESTS

Public notice of the applications was made in accordance with applicable laws and rules. No comments or protests, including comments provided by other agencies, Indian tribes, or other interested parties were received. The applications have been distributed to other entities as required, including state resources agencies, tribes, and/or interested parties. No comments have been received by the Water Board from these parties.

INVESTIGATION

A. Description of Proposed Project

The City proposes to modify the rights so the wells will supply the City's current and future water demands. The City will continue to operate the farm, with a gradual decrease in use at the farm as new demands are added within its service area. There will be no change in well locations, however, the place of use for each right is requested to supply the service area of the City. Also, the purpose of use for each right is requested to be changed to year round municipal supply. A pipeline will connect the wells to the City's existing municipal distribution system.

B. Proposed Development Schedule

The City is currently in the process of completing its comprehensive water system plan six year update, but has not finalized the update. A projection of use within a 20 year planning horizon is warranted due to the quantity of water involved and the uncertainty inherent in growth projection for the City. This time period may be extended in cooperation with Ecology.

C. Review of Potential Impairment

State law provides that other existing water rights must not be impaired when a change is made. Impairment, as used in water rights administration, connotes a harmful effect, to the extent that other water right holders are unable to exercise their water right, in whole or in part. In the case of groundwater rights, the concept is tied to protection of a reasonable or feasible pumping lift. A pumping effect is acceptable as long as a reasonable or feasible pumping lift is not exceeded. Groundwater right holders also bear responsibility to construct qualifying withdrawal works to make full use of the available aquifer.

In this case, there will be no change in well locations. The only change in well operations will be to serve the municipal needs of the City. This will involve a change from seasonal to year-round withdrawals. For the time being, the Connell Farm will continue to be operated in open space for farming, as a source of commercial income for the City. Over the long-term planning horizon, as new demands are created within the City, the uses at the Connell Farm will be decreased in order to supply the new demands.

Copies of well reports for the two City wells are included in Exhibit 4 to the water right change applications filed with the Board. Rodstol Well 1, the source for GWC 7528-A and G3-26993C, is also referred to as City Well 9. Rodstol Well 2, the source for G3-29441C, is also referred to as City Well 10.

According to the driller's reports, City Well 9 is 527 feet deep with a water level of 413 feet below ground. City Well 10 is 1295 feet deep with a water level of 667 feet below ground. Based on the construction and water levels, Well 9 is interpreted to withdraw from the Wanapum Basalt Formation aquifer, and Well 10 is interpreted to withdraw from the Grande Ronde Basalt Formation aquifer.

Both wells are located within the boundaries of the Odessa Ground Water Subarea (WAC 173-130A). Because the well locations will remain the same before and after the changes, the subarea rules do not raise any new requirements for the water right changes.

The effect of the change in water rights will be to gradually, over time, broaden the range of uses from the wells to include other seasonal uses, such as irrigation and processing; as well as year-round uses such as household supply and manufacturing within the City service area. As year-round uses are added, the peak demands in July through September that have historically occurred will tend to be lessened. During the off-irrigation season, there will be new pumping effects which had previously not occurred. None of these effects, however, will be greater in magnitude than has historically occurred under the existing water rights during peak use periods.

According to state records, the nearest neighboring well is approximately ¾ miles easterly from Well 9, in the name of Pete Cisneros (SW¼SE¼ Sec. 3, T13N, R32EWM). The Cisneros well is 480 feet deep, with a 438 feet water level. The well is interpreted to withdraw from the Wanapum Basalt formation, however it does not appear to penetrate the full thickness of the aquifer. Because of the distance of separation, and the likely reduction in peak withdrawals associated with a change to year-round use, the Cisneros well will not experience any significant increases in water level lowering, compared to current and historic conditions. Other neighboring wells are the Mason 460 feet deep well (NE¼NW¼ Sec. 4, T13N, R32EWM) and the Bennett 310 feet deep well (NW¼NE¼ Sec. 3, T13N, R32EWM). These wells are about one mile away from City Well 9, and would be affected less. There are no Grande Ronde aquifer wells within a mile of City Well 10. The groundwater sources are deep confined basalt aquifers and there will be no increase in annual use. Under these circumstances the Water Board finds there will be no impairment to surface water rights through the changes.

From this information, and after a thorough review of the hydrogeology of the area, rights of record and other pertinent data, it is concluded by the Water Board that the change/transfers requested will not impair existing water rights from groundwater or surface water.

The changes will not cause reasonable or feasible pumping lifts to be exceeded, but rather will be similar to status quo effects, with reduced peak period pumping. The current water rights will not be enlarged due to the change, but will retain their authorized quantities.

D. Associated Rights and Uses

The rights being changed are in addition to other existing City rights. According to state records, the City holds prior water rights in the amounts of 4350 gpm, 3155 af/yr for municipal supply and commercial/industrial use under Certificate Nos. GWC 547-D, GWC 548-D, GWC 3023-A, GWC 3837-A, GWC 5930-A, G3-00598C, and G3-25255C combined. There will be no conflict with existing rights due to the requested changes.

Provision updates for G3-26993C. Three provisions under Certificate G3-26993C will need to be updated should the changes be approved. The first such provision currently reads as follows: "This certificate is supplemental to Ground Water Certificate No. 7528-A for the irrigation of 979 acres and is a primary water right for 874 acres. The total combined appropriation under this certificate and Ground Water Certificate No. 7528-A shall not exceed 1500 gallons per minute, 1686 acre-feet per year, for the irrigation of 979 acres; (275 acre feet per year for 105 acres and 1411 acre feet per year for 874 acres)." With the proposed changes, the reference to irrigation use is not relevant, however the quantity limits must remain in force. The updated provision for municipal supply will read as follows: This certificate is supplemental to Ground Water Certificate No. 7528-A for 275 acre feet per year and primary for 1411 acre feet per year. The total combined appropriation under this certificate and Ground Water Certificate No. 7528-A shall not exceed 1500 gallons per minute, 1688 acre-feet per year.

The second provision reads as follows: "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 provision can be updated consistent with the change as follows: 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 use specified. This same provision update also applies to G3-29441C.

The third provision relates to the Family Farm Water Act and has already been discussed in the Background section of this Report.

Provision updates for G3-29441C. The following current provision will also need updating. "Ground Water Certificate No. G3-29441C is supplemental to Ground Water Certificate No. G3-26993C. The quantities authorized under G3-29441C allows an additional 1800 gallons per minute instantaneous only for the E1/2 of Sec. 9 and the W1/2 of Sec. 10, T. 13 N., R. 32 E.W.M. No additional acre footage is authorized." This provision can be updated consistent with the change in place of use as follows: Ground Water Certificate No. G3-29441C is supplemental to Ground Water Certificate No. G3-26993C. The quantities authorized under G3-29441C allow an additional 1800 gallons per minute instantaneous. No additional acre footage is authorized.

As mentioned above, the same previous provision for G3-26993C needs to be updated consistent with the update for G3-29441C. Specifically, the current provision is: "The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and the place of use specified." The updated provision is: 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 use specified.

As with G3-26993C, the Family Farm Water Act provision will be updated, as discussed in the Background section of this Report.

E. Public Interest

The Water Board finds that the changes requested are consistent with public policy objectives of the state to provide for efficient use of water resources, to supply new and expanding uses through change/transfer of existing rights, and to provide greater operational control to water managers. Supply by municipal purveyors within urban growth boundaries is consistent with the state Growth Management Act, and is encouraged under the state Water Resources Act of 1971. The Water Board finds that approval of the applications for change would assist in providing for the continued supply of water including fire, health and safety benefits for water users within the City municipal water service area. There is no identifiable negative impact to watershed planning activities. The Water Board finds that approval of the requested transfer will not prove detrimental to the public interest.

F. Verification of Existing Water Rights

Board staff member Mark Nielson conducted a field examination on July 30, 2004. The field examination included viewing the existing wells and the surrounding area. The field investigation confirmed information provided by the applicant through personal communications and supporting application materials.

The City provided a technical report detailing verification of the subject water rights. The City has been in the process of seeking additional water rights to supply its needs for several years. In 1998 and 1999 it undertook a review of the Jim Rodstol Farm, located three miles easterly of downtown Connell. After investigating actual beneficial use and confirming the validity of the water rights, in February 2000 the City purchased the farm together with the two wells and water rights. Prior to the purchase, the City fixed its plan to make future use of the wells and water rights to serve its current and future water demands. The purchase was a major first step and commitment to implementation of the plan.

In 1999, the City obtained power records and operating conditions from the previous owner, Jim Rodstol. Electrical power records were obtained for the years 1995-1998. At that time, Mr. Rodstol was irrigating 720 acres in alfalfa, wheat, pasture, and rotational cropping for potatoes. It is not known when the full documented acreage of 979 acres was last irrigated. Such irrigation would presumably have included supplemental irrigation of wheat in order to cover this larger area. The current irrigation program does not call for irrigating 979 acres at the Connell Farm, but will include the 720 acres which were known to have been irrigated by Rodstol. The evidence before the Water Board is that 720 acres has been the most recent beneficial use for irrigation.

Electrical power consumption was used to estimate the volume of water pumped, using the pump wire-to-water efficiency, the electrical energy consumed in kilowatt-hours (kwh), and the total head (load on pump) in feet; taken as elevation (lift), pressure head, and losses.

Operating conditions for the farm were determined from discussion with Jim Rodstol. The Rodstol Well 1 (City Well 9 within SE1/4SE1/4 Sec. 4, T13N, R32EWM) had a booster pump, which was run for an approximate 10 psi back pressure at the well head. The total load on the Rodstol Well 1 main pump was estimated using pumping lift/losses of 415 feet and 10 psi discharge pressure. Using this approach, energy consumed by the booster pump is not needed for the estimate, and was not included. The Rodstol Well 2 (City Well 10 within SE1/4 Sec. 9, T13N, R32EWM) had a discharge pressure of about 90 psi, and pumping lift/losses of 705 feet. Both wells were estimated to have a 65% wire to water efficiency. Both the Rodstol Well 1 (200 hp pump) and Rodstol Well 2 (400 hp pump) were capable of pumping the water right peak flow allowances of 1500 gpm and 1800 gpm, respectively.

The resulting combined water use estimates were: 1994 (no data), 1995 (1429 af/yr), 1996 (1700 af/yr), 1997 (1184 af/yr) 1998 (1235 af/yr), and 1999 (no data). During the 1996 irrigation season, an estimated 1700 acre-feet was used, indicating full use of the available 1688 af/yr in water rights. Based on this showing of beneficial use, the City purchased the land and water rights. After acquisition of the rights, the next major step in carrying out the City's plan of development was to change the water rights' purpose and place of use, as requested in the application filings with the Water Board. This would allow the wells to be connected to the main municipal supply system for the City.

Since its purchase, the City has operated the farm as a commercial enterprise for the benefit of its citizens and will continue to do so while water demands allow. The City of Connell Farm is primarily in rotational cropping for potatoes, with approximately 720 acres being farmed. The City had fixed its plan for future development use of the water rights by 1999, closing its purchase in early 2000. Because the City had a future determined plan within five years of 1996, a year in which full use was made of the water rights, no further analysis of beneficial use is required for purposes of verifying the water rights for transferability. It is the Water Board's tentative determination that since 1999 the rights have been exempt from relinquishment as claimed for a future determined development within the City's municipal supply. RCW 90.14.140(2)(c); see also, *R.D. Merrill Co. v. State, Pollution Control Hearings Board, 137 Wn 2d 118, 969 P. 2d 458 (1998), reconsideration denied.* This exemption is particularly suited for application in this case due to the time necessary to effect the conversion of use to meet current and growth needs of the City. It is also the Water Board's tentative determination that the water rights qualify for exemption from relinquishment on at least two other bases: rotational cropping for potatoes [RCW 90.14.140(1)(k)], and for Certificate G3-29441C as a supplemental right, used as a standby or reserve supply to the other rights [RCW 90.14.140(2)(b)]. The domestic and stockwater uses were being made in 1996 and through the time that the City purchased the water rights. They are included in the change of purpose to municipal supply for the City. Evidence before the Water Board is that 720 acres have been irrigated through this time period, which is tentatively determined by the Water Board as the extent of irrigation beneficial use for transfer purpose. This represents an average water duty of 2.3 feet in 1996, which is within crop requirements. The transferable water rights are summarized as follows:

Water Right	Source	Flow Rate	Volume
GWC 7528-A	Well 1 (City Well 9)	900 gpm	277 af/yr [1]
G3-26993C	Well 1 (City Well 9)	1500 gpm [2]	1411 af/yr
G3-29441C	Well 2 (City Well 10)	1800 gpm	1100 af/yr
	TOTAL=>	3300 gpm	1688 af/yr [3]

[1] 275 af/yr irrigation, 2 af/yr domestic and stockwater.
[2] 1500 gpm maximum between G3-26993C and GWC 7528-A combined.
[3] 1686 af/yr all rights combined for irrigation plus 2 af/yr domestic/stock under GWC 7528-A.

Table. Transferable Water Right Quantities.

The three existing water rights are certificates in good standing. Transferable quantities are limited to the respective amounts existing for each certificate and as described in this report. With these express conditions there will be no enlargement of existing rights as requested by the change/transfers.

G. Technical Investigations or Reports Reviewed

The Water Board has reviewed the applicant's Ecology files and records contained therein, including any reports/comments submitted by Ecology staff, and pertinent Ecology water right records. The Water Board notes that the wells are within the Odessa Groundwater Subarea, which has been subject of long-term study by Ecology. The Water Board has also referenced hydrogeology materials and resources made available through the Columbia Basin Ground Water Management Area and draft hydrostratigraphy study. The applicant provided a technical report dated March 30, 2004 which included a discussion of the Family Farm Water Act provisions related to the changes, an estimate of historic beneficial use, an analysis of relinquishment, and an analysis of potential impairment to existing rights The technical report has been reviewed by the Water Board, and pertinent technical data and results have been adopted and incorporated by the Board in its decision.

The applicant has provided technical information, personal communications, and technical references requested by the Water Board; and the applicant has communicated with Water Board members to answer specific questions about the change/transfer requests. The Water Board has conducted a field examination to verify the information contained within the applicant's certificates and technical information submitted. The technical information contained in these reports has been used by the Water Board to help conceptualize the aquifer conditions and to evaluate the potential for impairment to existing rights due to the changes.

CONCLUSIONS

The Water Board has thoroughly investigated all relevant issues identified during its evaluation of the subject change applications, and has discussed these issues as documented in this Report. The following conclusions are made.

1. A valid water right exists in the amount of 900 gpm and 277 af/yr for GWC 7528-A.
2. A valid water right exists in the amount of 1500 gpm and 1411 af/yr for G3-26993C (flow rate not in addition to GWC 7528-A).
3. A valid water right exists in the amount of 1800 gpm and 1150 af/yr for G3-29441C (annual volume not in addition to G3-26993C).
4. The combined total of the three water rights is for 3300 gpm and 1688 af/yr, however the most recent irrigated acres have been tentatively quantified as 720 acres.
5. No relinquishment or abandonment of the above listed flow rate or annual volume has occurred.

6. The change to year round use from the existing wells will not cause water levels to lower below reasonable or feasible levels.
7. The requested change/transfers will not impair any existing rights.
8. The requested change/transfers will not be detrimental to the public interest.

DECISION

The Water Board's decision is to conditionally approve the requested change/transfer proposals. In full description, this decision is to conditionally approve 900 gpm and 277 af/yr under GWC 7528-A; to be withdrawn from the current well under GWC 7528-A (City Well 9). Also, the decision is to conditionally approve 1500 gpm and 1411 af/yr under G3-26993C (flow rate not in addition to GWC 7528-A); to be withdrawn from the current well under G3-26993C (City Well 9). Also, the decision is to conditionally approve 1800 gpm and 1150 af/yr for G3-29441C (annual volume not in addition to G3-26993C) to be withdrawn from the current well under G3-29441C (City Well 10). The current places of use as described by each certificate shall be changed to "Area served by the City of Connell as described by current and future comprehensive water system plans". The current purpose(s) of use for each certificate shall be changed to continuous municipal supply.

In conditionally approving the subject applications, the Water Board must by statute advise the applicant that they are not permitted to proceed to effect the proposed transfers until a final decision is made by the director of the Department of Ecology.

PROVISIONS

The Water Board has provided for specific conditions for issuance of the superseding certificates, as identified below:

PROVISIONS APPLYING TO ALL THREE CERTIFICATES

1. An approved measuring device shall be installed and maintained for the source identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly and shall be submitted annually to Ecology by January 31st of each calendar year typically.

2. The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed or available from Ecology as a document entitled "Water Measurement Device Installation and Operation Requirements".

3. At a minimum, the following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, WRIA, Permit or Certificate No., source name, annual quantity used including units, maximum rate of diversion including units, period of use, monthly meter readings including units, and peak flow including units for each month. In the future, Ecology may require additional parameters to be reported or more frequent reporting.

4. Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.

5. 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, but only to the extent otherwise allowed by law.

6. 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.

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

8. 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).

ADDED PROVISIONS APPLYING TO CERTIFICATE G3-26993C

9. This certificate is supplemental to Ground Water Certificate No. 7528-A for 275 acre feet per year and primary for 1411 acre feet per year. The total combined appropriation under this certificate and Ground Water Certificate No. 7528-A shall not exceed 1500 gallons per minute, 1686 acre-feet per year.

10. 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 use specified.

11. That portion of this authorization to use public waters of the state relating to agricultural irrigation is classified as a PUBLIC WATER ENTITY PERMIT in accordance with Chapter 90.66 RCW (Initiative Measure No. 59).

ADDED PROVISIONS APPLYING TO CERTIFICATE G3-29441C

9. Ground Water Certificate No. G3-29441C is supplemental to Ground Water Certificate No. G3-26993C. The quantities authorized under G3-29441C allow an additional 1800 gallons per minute instantaneous. No additional acre footage is authorized.

Continued

10. 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 use specified.

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

12. That portion of this authorization to use public waters of the state relating to agricultural irrigation is classified as a PUBLIC WATER ENTITY PERMIT in accordance with Chapter 90.66 RCW (Initiative Measure No. 59).

Signed at Pasco, Washington
This 5 day of August, 2004

R. Henry Johnson

R. Henry Johnson, Chair
Franklin County Water Conservancy Board

For attachments not included or for more information please contact:

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