

FRANKLIN COUNTY

WATER CONSERVANCY BOARD

RECEIVE

Application for Change/Transfer

Record of Decision

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

NOV - 9 2001

D

Surface Water

(Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and

DEPARTMENT OF ECOLOGY

amendments thereto, and the rules and regulations of the Department of Ecology.)

EASTERN REGIONAL OFFICE

Ground Water

(Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and

amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE

PERMIT NUMBER

CERTIFICATE NUMBER

CHANGE APPLICATION NUMBER

DATE APPLICATION RECEIVED

July 7, 1976

G3-24981C(B)

CG3-24981C(B)

July 5, 2001

NAME

Gerald Wolfley (Desert Estates Irrg.)

ADDRESS (STREET)

(CITY)

(STATE)

(ZIP CODE)

3016 West Wilcox Dr.

Pasco

WA

99301

DECISION HISTORICAL SUMMARY

Existing Use

Proposed Use

QUANTITY, TYPE OF USE, PERIOD OF USE

QUANTITY, TYPE OF USE, PERIOD OF USE

400 gpm, 160 ac-ft/year, from January 1 through

400 gpm, 155.9 ac-ft/year, fom January 1 through

December 31, each year for the irrigation of 40 acres.

December 31, each year for irrigation of 42.5 acres.

SOURCE

TRIBUTARY OF (IF SURFACE WATER)

SOURCE

TRIBUTARY OF (IF SURFACE WATER)

A Well

A Well

NO.

SECTION

TOWNSHIP

RANGE,

NO.

SECTION

TOWNSHIP

RANGE,

1/4

1/4

1/4

1/4

1/4

1/4

1/4

1/4

1

NW

SE

SE

11

9 N.

29 EWM

1

NW

SE

SE

11

N.

29 EWM

Place of Use

Place of Use

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED

Parcel #'s 116-460-018 and 116-470-016, Franklin

Parcel #'s 116-460-018 and 116-470-016, Franklin

County Washington

County Washington

NO.

SECTION

TOWNSHIP

RANGE,

NO.

SECTION

TOWNSHIP N.

RANGE,

1/4

1/4

1/2

1/4

1

SW

SE

11

N.

29 EWM

1

S

SE

11

9 N.

29 EWM

1/2

1/4

1/4

1/2

1/4

1/4

2

S

NW

SE

11

N.

29 EWM

2

S

NW

SE

11

N.

29 EWM

1/2

1/4

1/4

3

W

SE

SE

11

N.

29 EWM

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules

11 WAC and has determined the application is:

Exempt

Not exempt

BOARD DECISION

MAXIMUM CUB FT/ SECOND

MAXIMUM GAL/MINUTE

MAXIMUM ACRE-FT/YR

TYPE OF USE, PERIOD OF USE

400 gpm

155.9 ac-ft/yr

Seasonal irrigation from January 1, through December 31.

SOURCE

TRIBUTARY OF (IF SURFACE WATER)

A Well

AT A POINT

LOCATED:

SECTION

TOWNSHIP N.

RANGE

WRIA

COUNTY.

Lat. 46' 16' 27.86"

1/4

1/4

1/4

Long. -119° 08' 32.61"

NW

SE

SE

11

9 N.

29 EWM

36

Franklin

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

PARCEL NO.

NO.

SECTION

TOWNSHIP N.

RANGE,

116-460-018

1/2

1/4

116-470-016

1

S

SE

11

9 N.

29 EWM

1/2

1/4

1/4

2

S

NW

SE

11

9 N.

29 EWM

MR BOB ALBERTS

CITY OF PASCO

PO BOX 293

Record of Decision

1

No. G3-24981C(B)

Updated: 02/13/01

DESCRIPTION OF PROPOSED WORK

Infrastructure for irrigation delivery to subdivision lots (pipes, pumps, and necessary appurtenances)

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:

COMPLETE PROJECT BY THIS DATE:

COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:

6/1/2002

6/1/2005

6/1/2008

REPORT

See WAC 173-153-130

BACKGROUND

An application for change/transfer of water right was filed with the Franklin County Water Conservancy Board by Gerald Wolfley (Desert Estates Irrig.) of Pasco, Washington on July 5, 2001. The application was accepted by the conservancy board and public notice was made in accordance with RCW 90.03.280. No letters of protest or request for intervenor status were received during the thirty day protest period. The following information was obtained from the applicant, individuals with relevant personal knowledge, review of Department of Ecology records, and analysis of pertinent data.

Certificate No. G3-24981C (B) issued January 15, 1986 with a priority date of

July 7, 1976; in the amounts of 400 gallons per minute (gpm) ; 160 acre-feet

per year (af/yr) for irrigation from January 1 through December 31 each year.

The certificate issued for one well site within the NW14 SE14 SE14 of Section

11, T. 9 N., R. 29 E.W.M. The permit authorized use within the following

place of use: SW14 SE1/4; St/2 NW14 SE14; and Wt/2 SE14 SE14 of Section 11, T. 9 N., R.

29 E.W.M., Franklin County."

INVESTIGATION

Requested Change/Transfer. The application for change/transfer proposes to

add 2.5 acres of irrigation to the current certificate and to add an

additional 20 acres to the area description where irrigation water may be

applied.

The transfer does not involve any increase in the amount of water pumped as

permitted under G3-24981C(B) The effect of the transfer will be to convert

from the irrigation of alfalfa to the irrigation of landscape areas within a

housing subdivision.

Permit 63 249810 issued January 1, 1977 which Precedes the

Family Farm Act. The priority date of this certificate precedes the Family

Farm Act thus this action is exempt from any conditions relating to the

Family Farm Act.

Family Farm Act

8,1997

Demonstrated Use. The Department of Ecology performed a proof inspection in

March, 1985 and issued a certificate for G3-24981C (B) on January 15, 1986.

Aerial photography (attachment 1), satellite imagery (attachment 2), and the

applicant's Report of Examination demonstrate that the certificate has been

utilized continuously since issuance of the certificate. The cropping

rotation/cycle identified by the applicant is 2 years alfalfa and 1 . year

potatoes. A field investigation conducted by Franklin County Water

Conservancy Board volunteer staff member Mark Nielson on August 1, 2001

confirmed active irrigation and thus beneficial use within the place of use.

Available Water for Transfer/Diminishment of Existing Certificate

The change/transfer diminishes the total quantity to be pumped because return

flows cannot be transferred (RCW 90.03.380). Return flows are characterized

in this circumstance as deep percolation of applied water as no flows are

returned directly to surface waters. Attachment 3 shows the calculations for

determining the available water for transfer per RCW 90.03.380. For purposes

of the change/transfe application, the valid, transferable right under

permit G3-24981C (B) is 400 gpm, 155.9 af/yr for irrigation from January 1

through December 31 each year.

Record of Decision

2

No. G3-24981C(B)

Updated: 02/13/01

Continued

Place of Use. The requested place of use is within the boundaries of the

City of Pasco. The site is zoned R-1-S (Suburban District) . The

Comprehensive Plan for Pasco designates this area and surrounding areas for

Single Family Residential development. With the increased difficulty in

obtaining water rights for municipal purposes, the City of Pasco encourages

a

separate irrigation system for lawns and landscaping and has made this a

condition for plat approval.

The 20 acres to be added to the area description where irrigation water may be applied is currently vacant. Certificate G3-24981C(B) currently describes 81 acres where irrigation water. may be applied of which only 40 acres may be irrigated. The change/transfer request describes a total of 101 acres where irrigation water may be applied of which only 42.5 acres may be irrigated.

There are currently two state-issued water rights within the place of use; certificate G3-24981A (C) which provides for irrigation of 8 acres within the VW1 SE14 and W1/2 W12 SW14 SE14 of section 11, T. 9 N. R 29 E.W.M. ; and the proposed certificate for change/transfer G3-24981C(B) There is no conflict between the two certificates as the Department of Ecology has performed proof inspections and issued certificates for both. There are no pending water right applications within the place of use. Certificate G3-24981A (C) is being put to beneficial use but the point of withdrawal is not consistent with the existing certificate. It is suggested that Mr. Wolfley submit a change application for G3-24981A(C) to address the inconsistency between the current point of withdrawal and the existing certificate.

Impairment Analysis. The effect of the transfer is to add 2.5 acres of irrigation to the existing certificate. Because of the reduction in consumptive use by converting from irrigation of alfalfa to lawn and Landscape, there will be no increase in the total water pumped. Because return flows cannot be transferred, an actual reduction in the total water pumped will occur.

The current well is a 10 inch diameter well with casing extending from 1' above ground surface to 141.5' below ground surface (bgs) This well is screened from 140'bgs to 151' bgs and pumps water from the Pasco Gravels aquifer formation of the sedimentary aquifer. It has a static water level of

135 feet and has maintained this level during continual use since 1981. No change in point of withdrawal is requested.

Research of state records shows that there are 11 state-issued water rights within one mile of the current well site and Franklin Conservation District records show 18 wells within one mile of the current well site. The nearest water rights are for irrigation wells within section 11, T.9 N., R. 29 E.W.M. The aquifer in this area is not experiencing water level declines, and there are no known well interference problems in the area.

In summary, after review of the hydrogeology of the area, rights of record and other pertinent data, it is concluded that the change/transfer requested will not impair existing water rights and will not adversely affect pending applications.

Public Interest. Water right transfers are anticipated and provided for by the state water code to accommodate modifications to existing water rights which become necessary or desired in the course of developing a water use project. The subject application for change/transfer is consistent with public policy objectives of the Department of Ecology to provide for efficient use of water resources and to encourage supply through transfer of existing water rights. There are no detrimental effects to the public interest associated with the requested transfer.

State Environmental Policy Act (SEPA) The requested change/transfer involves a water right modification in the amount of 400 gpm of groundwater. Such an action falls under a categorical exemption to SEPA for water right applications.

Special Conditions. The total usage under Certificate G3-24981C will be Limited to a maximum of 400 gpm, 155.9 af/yr from the well.

Certificate of Conditional Approval & Record of Decision

3

No. G3-24981C(B)

Continued

Gerald Wolfley has proposed a development schedule for completing the requested transfer of water right and proposes expedited completion in order to comply with diligence for the overall project.

Completion of Construction (construction of facilities for irrigation) due June 1, 2005 unless further extended for good cause.

Proof of Appropriation (for actual beneficial use of water) due June 1, 2008 unless further extended for good cause.

The proposed schedule is suitable for accommodating orderly development, taking into account the type and magnitude of the project. A proof of inspection by the Department of Ecology is recommended to certify actual development of the water right as amended.

The priority date, and purposes of use for the permit are not modified.

CONCLUSIONS

Applications for change of water right permits and certificates are governed by RCW 90.44.100, RCW 90.03.380 and RCW 90.80 (Conservancy Board legislation). RCW 90.44 states 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 by the department only on the conditions that; (1) the additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use

f the original well or wells shall be discontinued upon construction of the
ubstitute well or wells; (3) the construction of an additional well or wells
hall not enlarge the right conveyed by the original permit or certificate;
nd (4) other existing rights shall not be impaired. The department may
pecify an approved manner of construction and shall require a showing of
compliance with the terms of the amendment.

'indings

There is a water right eligible for change/transfer.

The proposed change/transfer will not enlarge the right.

The proposed change/transfer will be for the same body of public
groundwater as the original permit.

The proposed change/transfer will not impair existing rights.

Approval of the change/transfer will not be detrimental to the public
interest.

according to these findings, state law allows for approval of the
change/transfer application in the amounts and manner requested.

RECOMMENDATIONS

t is recommended that a certificate order conditionally approving the
requested change/transfer, be issued as described herein.

3-24981C (B) :

lame: Gerald Wolfley (Desert Estates Irrg.); 3016 West Wilcox Dr. Pasco, WA
9301.

Priority Date: July 7, 1976.

Quantities and uses: 400 gpm, 155.9 af/yr for irrigation from January 1
through December 31, each year.

ertificate of Conditional Approval & Record of Decision

No. G3-24981C(B)

Continued

Source: A well; located approximately 1297 feet west and 1320 feet north from the SE corner of section 11, T. 9 N., R. 29 E.W.M., within the NW14 SE14 SE14 of section 11; T. 9 N., R. 29 E.W.M.; WRIA 36; Franklin County.

Place of Use: Parcel #116-470-016 and #116-460-018, Franklin County, Washington. Within the S1/2 SE14; and S1/2 NW14 SE14 of section 11, T. 9 N., R. 29 E.W.M., Franklin County.

PROVISIONS

In addition to provisions of the Permit dated August 30, 1994, the following provision is recommended to apply to the change/transfer authorization.

Completion of Construction (construction of facilities for irrigation) shall be due June 1, 2005 unless further extended as allowed by statute. Proof of Appropriation (full beneficial use of water) shall be due June 1, 2008 unless further extended as allowed by statute.

performed on the existing and/OR Reconstructed well shall-

Any

future

pump

test data for the new well shall be submitted as it is

obtained to the Department of Ecology.

An approved measuring device shall be installed and maintained in accordance with RCW 90.03.360 and/or WAC 508-64-020 through WAC 508-64-040.

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.

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

The following provisions, which currently apply to Certificate G3-24981C(B) would also apply to the change/transfer authorization and are repeated here for convenience.

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.

Installation and 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.

If water from facilities of any legally-formed irrigation district is used on any or all of the lands described herein as the place of use, the quantities of water withdrawn under this authorization shall be proportionately reduced to correspond to the acreage for which district water is not available.

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).

This well is subject to closure at any time the above provisions are not complied with to the satisfaction of the Department of Ecology.

Signed at Pasco, Washington

This / st day of November 2001

R. Henry Johnson, Chair

Franklin County Water Conservancy Board

Certificate of Conditional Approval & Record of Decision

5

No. G3-24981C(B)

For Ecology Use Only

Received:

FRANKLIN COUNTY

WATER CONSERVANCY BOARD

Application for Change/Transfer

DEPARTMENT OF ECOLOGY

EASTERN REGIONAL OFFICE

Certificate of Conditional Approval

Reviewed by:

Date Reviewed:

Applicant: Gerald Wolfley (Desert Estates Irrg.). Application Number: CG3-249810 C(B)

Approval:

The Franklin County Water Conservancy Board hereby grants conditional approval for the water right transfer described within the Record of decision on November 1, 2001 and submits this record of decision and certificate for conditional approval to the Department of Ecology for final review or consideration.

Denial:

The Franklin County Water Conservancy Board hereby denies conditional approval for the water right transfer described within the Record of decision on and submits this record of decision to the Department of Ecology for final review or consideration.

Signed:

Date: 11-7-01

Approves

R. Henry Johnson, Chair

Denies

Franklin County Water Conservancy Board

Recuse

John Griffin, F. Coffee Vice- -Chair

Date: 11-7-01

Approves

Denies

Franklin County Water Conservancy Board

Recuse

Date:

Approves

Louis Meissner, Treasurer

Denies

Franklin County Water Conservancy Board

Recuse

Absent

Mailed to the Department of Ecology Eastern Regional Office of Ecology, via certified mail,

and other interested parties on

11/8/01

.

Certificate of Conditional Approval/Notice of Denial

No. CG3-24981C(B)

Updated: 02/13/01