

BEFORE THE
DEPARTMENT OF CONSERVATION
STATE OF WASHINGTON

IN THE MATTER OF PROMULGATING)
A REGULATION RELATING TO THE)
WITHDRAWAL OF GROUND WATERS)
UNDERLYING LANDS WITHIN THE)
COLUMBIA BASIN PROJECT.)

Rule
NOTICE

Docket No. 67-3

Notice is hereby given in accordance with RCW 34.04.020 (3) and RCW 42.32.010 that the undersigned will hold a public meeting at 10:00 a.m. on the 12th day of May, 1967, at the office of the Director of the Department of Conservation, 335 General Administration Building, Olympia, Washington, to promulgate a regulation relating to the withdrawal of ground waters underlying lands within the Columbia Basin Project; said regulation having been the subject of a public hearing held by the Department of Conservation on April 20, 1967 at Moses Lake, Washington.

The authority under which the regulation is proposed is RCW 43.21.130, Chapter 90.03 RCW and Chapter 90.44 RCW.

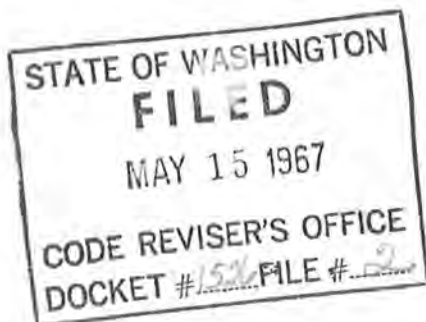
A copy of the proposed regulation is on file with the Code Reviser. Copies of the proposed regulation are available upon request from Herbert W. Pollock, Supervisor, Division of Water Resources, 335 General Administration Building, Olympia, Washington

Given under my hand and seal this 3rd day of May, 1967.

DEPARTMENT OF CONSERVATION

By *Maurice R. Alquist*
Director

By *Herbert W. Pollock*
Supervisor
Division of Water Resources



335 General Administration Bldg.
Olympia, Washington 98501

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PROMULGATION
OF
REGULATION

Docket No. 67-3

Section 1. The Department of Conservation, through the Division of Water Resources, by virtue of the authority vested in it under Chapters 43.21, 90.03 and 90.44 RCW, after due notice as provided for in Chapters 34.04 and 42.32 RCW and after a public hearing held in Moses Lake, Washington, on April 20, 1967, promulgates the following regulation as set forth in Section 3 thereof; said regulation remaining in effect until amended or rescinded.

Section 2. A. All who are acquainted with the State of Washington know of the Grand Coulee Dam and the Columbia Basin Project. In 1943, the Congress of the United States passed the Columbia Basin Project Act, 57 Stat. 14 (1943), 16 U.S.C. §835 (1958) so that waters made available by the dam for irrigation purposes could be beneficially used. The state's historical position, as set forth in both state legislation and executive statements, has been one of full cooperation with the federal government to insure that the project's purpose of settling and developing the agricultural lands within said project is realized.

B. Under state law, subject to existing rights, all natural ground waters of the state and all "artificially stored" ground waters that have been abandoned or forfeited are public

ground waters available for appropriation as provided for in Chapters 90.44 and 90.03 RCW.

C. Beneath the surface of the lands within and adjoining the Columbia Basin Project are large quantities of ground water; the source, extent, depth, volume and flow characteristics of said water being largely unknown.

D. With the development of the Columbia Basin Project, by the United States Department of the Interior, Bureau of Reclamation, the ground water characteristics of the land within the project have, without doubt, undergone change, including a substantial commingling of natural and "artificially stored" ground waters.

E. Certain interests presently claim that portions of these commingled waters are artificially stored ground waters which are not subject to appropriation under state law.

F. For the purpose of gathering further information relating to the source, extent, depth, volume and flow of the aforementioned ground waters, public and otherwise, this office is initiating an intensive and extensive investigation program relating to said waters; said program to be completed not later than December 31, 1972. Thereafter, this office intends to initiate the procedures of RCW 90.44.130 to insure that ground waters in question are properly managed and allocations made in accordance with the rights thereto.

G. To insure that the public interest is protected as well as the interests of those claiming rights in said ground waters and that at the same time public waters are when

appropriate made available for beneficial use, this office, in carrying out its duties and obligations, deems it necessary to set forth certain interim policies which shall guide the Supervisor of Water Resources in granting authority to make withdrawals from the waters under investigation until the aforementioned program has been completed.

Section 3. A. Applications filed with the Supervisor of Water Resources pursuant to RCW 90.44.060 requesting permission to withdraw public ground waters within the exterior boundaries of the Columbia Basin Project underlying lands within the following legal descriptions:

(See appendix A attached)

shall be received and a date of priority affixed thereto. However, because it appears to the Supervisor of Water Resources as a tentative conclusion, from a preliminary examination, that public waters are presently not available for further appropriation in said area, all such applications shall be held in abeyance in the office of said supervisor, and no permits as requested in such applications shall be issued pending completion of the aforementioned ground water investigation program.

B. Applications filed with the Supervisor of Water Resources pursuant to RCW 90.44.060 requesting permission to withdraw public ground waters within the exterior boundaries of the Columbia Basin Project underlying lands within the following legal descriptions:


(See appendix B attached)

shall be received, and permits issued if it appears to the Supervisor as a tentative conclusion that public ground waters are available; however, because of the insufficient information and data upon which said tentative conclusion is based, all such permits shall be conditioned that if, upon completion of the aforementioned program, it is determined by the Supervisor of Water Resources that public waters are not available in the amounts authorized for withdrawal by such permits, the Supervisor shall, by order of notification, withdraw or modify the authority granted therein as may be appropriate.


C. No certificates of water right as provided for in RCW 90.44.080, relating to public ground waters underlying lands described in Section 3A and 3B hereof, shall be issued by the Supervisor of Water Resources until completion of the program hereinbefore described and persons accepting permits as provided in Section 3B hereof accept the same with the understanding that the permit is so conditioned.

Section 4. This regulation supersedes the regulation embodied in Department of Conservation Docket No. 67-2, dated the 17th of March, 1967.

DATED at Olympia, Washington, this 15th day of May, 1967



Director
Department of Conservation



Supervisor of Water Resources

A P P E N D I X "A"

Section 3-A

Beginning at the southwest corner of Section 35, Township 18 North, Range 23 East W.M.; thence east along the township line between Twps. 17 and 18 N., a distance of 26 miles, more or less, to the southeast corner of Twp. 18 N., Rge. 27 E.; thence north 12 miles, more or less, to the northeast corner of Twp. 19 N., Rge. 27 E.; thence west 6 miles to the northwest corner of said Twp. 19 N., Rge. 27 E.; thence north 17 miles, more or less, to the southeast corner of Sec. 1, Twp. 22 N., Rge. 26 E.; thence west 1 mile, more or less, to the southwest corner of said Sec. 1, Twp. 22 N., Rge. 26 E.; thence south a distance of 1 mile, more or less, to the southwest corner of Sec. 12, Twp. 22 N., Rge. 26 E.; thence west 1 mile to the southwest corner of Sec. 11, Twp. 22 N., Rge. 26 E.; thence south $5^{\circ}00'$ west, 3.6 miles, more or less, to the south line of Twp. 22 N., Rge. 26 E.; thence running south 22° west a distance of 4.2 miles, more or less, to the northeast corner of Sec. 29, Twp. 21 N., Rge. 26 E.; thence westerly 18 miles, more or less, to the northwest corner of Sec. 28, Twp. 21 N., Rge. 23 E.; thence south 3 miles, more or less, to the southwest corner of Sec. 4, Twp. 20 N., Rge. 23 E.; thence west 1 mile to the southwest corner of Sec. 5, Twp. 20 N., Rge. 23 E.; thence south 6 miles to the southwest corner of Sec. 5, Twp. 19 N., Rge. 23 E.; thence east 3 miles to the southwest corner of Sec. 2, Twp. 19 N., Rge. 23 E.; thence south a distance of 2.5 miles; thence west 3 miles to the west quarter corner of Sec. 20, Twp. 19 N., Rge. 23 E.; thence southwesterly along the west boundary of Block 771, Col-

umbia Basin Irrigation Project, to where said westerly line intersects the south line of Twp. 19 N., Rge. 23 E.; thence continuing south along said west boundary of Block 771, a distance of 2.5 miles, more or less; thence east a distance of 3.5 miles, more or less, to a point on the west line of Sec. 14, Twp. 18 N., Rge. 23 E., one-half mile south of the northwest corner of Sec. 14; thence south a distance of 2 miles, more or less, to a point on the west boundary line of Block 79, Columbia Basin Irrigation Project; thence southwesterly along said westerly boundary line a distance of 2 miles, more or less; thence easterly on the south line of said Block 79 a distance of 2 miles, more or less, thence south approximately one-half mile to the point of beginning. Said legal description includes all of Twp. 18 N., Rges. 24, 25, 26 and 27 E.; all of Twp. 19 N., Rges. 24, 25, 26 and 27 E.; Twp. 20 N., Rges. 24, 25 and 26 E. and those parts of Twps. 18, 19, 20 and 21 N., Rge. 23 E. and those parts of Twp. 21 N., Rges. 24, 25, 26 E. and that part of Twp. 22 N., Rge. 26 E. outlined as the "Quincy Basin" on the accompanying map.

A P P E N D I X "B"

Section 5-B

Beginning at the northwest corner of Section 2, Township 17 North, Range 23 East W.M.; thence south a distance of 5 miles, more or less, to the southwest corner of Sec. 26, Twp. 17 N., Rge. 23 E.; thence east 1 mile along to the southeast corner of said Sec. 26, and south 1 mile to the southeast corner of Sec. 35; thence west along the south line of Sec. 35, 1 mile to the southwest corner of Sec. 35; thence south a distance of 4 miles, more or less, to the southwest corner of Sec. 23, Twp. 16 N., Rge. 23 E.; thence east 1 mile to the southeast corner of Sec. 23; thence south 25°00' west a distance of 2.5 miles, more or less, to the east meander line of the Columbia River; thence south and easterly along the meander line of the Columbia River for a distance of 33 miles, more or less, to the southwest corner of Sec. 5, Twp. 14 N., Rge. 27 E.; thence east 3 miles to the southeast corner of Sec. 3, Twp. 14 N., Rge. 27 E.; thence south 2 miles to the southeast corner of Sec. 15; thence east 2 miles to the southeast corner of Sec. 13, Twp. 14 N., Rge. 27 E.; thence south 1 mile to the southeast corner of Sec. 24, Twp. 14 N., Rge. 27 E.; thence east 5 miles more or less, to the southeast corner of Sec. 23, Twp. 14 N., Rge. 28 E.; thence south 2 miles to the southeast corner of Sec. 35, Twp. 14 N., Rge. 28 E.; thence west 1.5 miles; thence north 1 mile, more or less, to a point on the south line of Sec. 27, thence west a distance of 5.5 miles, more or less, to the east meander line of the Columbia River. Thence southerly along the east meander line of the Columbia River in a southeast direction a distance of 29

miles, more or less, to a point 1.5 miles south of the northwest corner of Twp. 9 N., Rge. 29 E.; thence easterly a distance of 12 miles, more or less, to a point 1.5 miles south and one-half mile west of the northeast corner of Twp. 19 N., Rge. 30 E.; thence south 2°00' west a distance of 3 miles, more or less, to the north bank of the Snake River; thence northeasterly along the north bank of the Snake River to a point 4.5 miles, more or less, south of the northeast corner Twp. 9 N., Rge. 30 E.; thence north along said township line a distance of 1.5 miles to the southwest corner of Sec. 18, Twp. 9 N., Rge. 31 E.; thence east 2 miles to the southeast corner of Sec. 17; thence north 9 miles, more or less, to the northeast corner of Sec. 5, Twp. 10 N., Rge. 31 E.; thence west 1 mile to the northwest corner of Sec. 5; thence north 6 miles to the northwest corner of Sec. 5, Twp. 11 N., Rge. 31 E.; thence west 1 mile to the northwest corner of Sec. 6, Twp. 11 N., Rge. 31 E.; thence north 6 miles, more or less, to the northwest corner of Twp. 12 N., Rge. 31 E.; north 45°00' east a distance of 8.5 miles to the northeast corner of Twp. 13 N., Rge. 31 E.; thence north 6 miles, more or less, to the northeast corner of Twp. 14 N., Rge. 31 E.; thence west 3 miles, more or less, to the northwest corner of Sec. 3, Twp. 14 N., Rge. 31 E.; thence north 14 miles, more or less, to the northwest corner of Sec. 27, Twp. 17 N., Rge. 31 E.; thence north 40° east 3.5 miles, more or less, to the southeast corner of Sec. 12, Twp. 17 N., Rge. 31 E.; thence north 9 miles, more or less, to the northeast corner of Sec. 36, Twp. 19 N., Rge. 31 E.; thence west 5 miles, more or less, to the northeast corner of Sec. 31, Twp. 19 N., Rge. 31 E.; thence north 5 miles, more or less, to the northeast corner of Sec. 6, Twp. 19 N., Rge. 31 E.; thence west 7 miles, more or less, to the

northwest corner of Sec. 6, Twp. 19 N., Rge. 30 E.; thence north 45° west 7 miles, more or less, to the southeast corner of Sec. 6, Twp. 20 N., Rge. 29 E.; thence north 3 miles, more or less, to the northeast corner of Sec. 30, Twp. 21 N., Rge. 29 E.; thence in a northeasterly direction to the northeast corner of Sec. 4, Twp. 21 N., Rge. 29 E.; thence in a circuitous route northerly and southwesterly which lies generally north and east of and parallels the existing route of the East Low Canal of the Columbia Basin Irrigation Project to the southwest corner of Sec. 8, Twp. 22 N., Rge. 28 E.; thence easterly to the northeast corner of Sec. 12, Twp. 22 N., Rge. 28 E.; thence north a distance of 7 miles, more or less, to the northeast corner of Twp. 23 N., Rge. 28 E.; thence westerly along the north line of said township, 4 miles to the northwest corner of Sec. 4, Twp. 23 N., Rge. 28 E.; thence south 1 mile to the southwest corner of said Sec. 4; thence southwesterly along the right-of-way of the NPRR Continental Branch to the point where said railway intersects at the south line of Twp. 23 N., Rge. 27 E.; thence westerly 1 mile to the southwest corner of Sec. 34, Twp. 23 N., Rge. 27 E.; thence north 2 miles, more or less, to the northeast corner of Sec. 28, Twp. 23 N., Rge. 27 E.; thence west 1 mile to the northwest corner of said Sec. 28; thence southwesterly along the west boundary line of Block 91, Columbia Basin Irrigation Project, to the northwest corner of Sec. 31, Twp. 23 N., Rge. 27 E.; thence south 19 miles, more or less, to the southwest corner of Twp. 20 N., Rge. 27 E.; thence east 6 miles to the southeast corner of said township; thence south 12 miles, more or less, to the southeast corner of Twp. 18 N., Rge. 27 E.; thence west 26 miles, more or less, to the northwest corner of Sec. 2, Twp. 17 N., Rge. 23 E.; said point being the point of beginning of this legal description.

This cover letter is
actually meant as a
rule adoption
notice. Called the
dept. They may
send over another
cover letter to
indicate that their
meeting was held.

5/14/07

Del
Docket

1527