

WAC 508-14-030 Withdrawal of groundwaters—Permit required—Certain conditions and areas declared appropriate.

(1)(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 groundwaters of the state and all "artificially stored" groundwaters that have been abandoned or forfeited are public groundwaters 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 naturally occurring and artificially stored groundwater, the source, extent, volume and flow characteristics being generally known, but the depth being largely unknown.

(d) With the development of the Columbia Basin project, by the United States Department of the Interior, Bureau of Reclamation, the groundwater characteristics of the land within the project have, without doubt, undergone change, including a substantial commingling of natural and "artificially stored" groundwaters.

(e) Within the Columbia Basin project, but outside the Quincy groundwater management subarea, established by chapter 173-124 WAC, and the Odessa groundwater management subarea established by chapter 173-128A WAC, certain persons and entities presently claim interests in portions of these commingled waters.

(f) To insure that the public interest is protected as well as the interests of those claiming interests in said groundwaters 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 department in granting authority to make withdrawal from these commingled waters until groundwater subareas are established under the procedures set forth in RCW 90.44.130.

(2)(a) Applications filed with the department of ecology pursuant to RCW 90.44.060 requesting permission to withdraw public groundwaters within the exterior boundaries of the Columbia Basin project underlying lands within the legal description described in subsection (3) of this rule shall be received, and permits issued if it appears to the department as a tentative conclusion that public groundwaters are available; however, all such permits shall be conditioned that if it is subsequently determined by the department that public waters are not available in the amounts authorized for withdrawal by such permits, the department shall, by order of notification, withdraw or modify the authority granted therein as may be appropriate.

(b) No certificates of water right as provided for in RCW 90.44.080, relating to public groundwaters underlying lands described in the following subsection (3), shall be issued by the department until such time as a more definite determination can be reached as to the availability of public waters.

(3) Beginning at the northwest corner of Sec. 14, T. 17 N., R. 23 E.W.M.; thence south about 3 miles to the northwest corner of Sec. 35,

said township and range; thence east about 1 mile to the northeast corner of said Sec. 35; thence south about 1 mile to the southeast corner of said Sec. 35; thence west about 1 mile to the southwest corner of said Sec. 35; thence south about 4 miles to the southwest corner of Sec. 23, T. 16 N., R. 23 E.W.M.; thence east about 1 mile to the southeast corner of said Sec. 23; thence south 25° west about 2.5 miles to the point of intersection of the westerly right of way for State Highway No. 243 and the south bank of Lower Crab Creek, said point being situated approximately 3700 feet south and 400 feet west from the NE corner of Sec. 3, T. 15 N., R. 23 E.W.M., thence southerly along western highway right of way boundary about 7.5 miles to the NW corner of Sec. 14, T. 14 N., R. 23 E.W.M., thence east about 0.5 mile to the N 1/4 corner of Sec. 14, thence south about 1.0 mile to the S 1/4 corner of Sec. 14, thence east 0.5 mile to SE corner of Sec. 14, thence south about 1.0 mile to SE corner of Sec. 23, thence west about 0.5 mile to the westerly right of way boundary of State Highway No. 243, thence southeasterly about 1.0 mile along westerly right of way to the SW corner of Sec. 25, T. 14 N., R. 23 E.W.M., thence east about 2 miles to the SE corner of Sec. 30, T. 14 N., R. 24 E.W.M., thence south about 1 mile to the SW corner of Sec. 32, thence east to SE corner of Sec. 32, thence south about 0.5 mile to the W 1/4 corner of Sec. 4, T. 13 N., R. 24 E.W.M., thence east about 1.5 miles to the center of Sec. 3, thence south about 1.25 miles to the boundary line between Grant and Benton counties, in the Columbia River; thence downstream, southerly and easterly, along said boundary line and the boundary line between Grant and Benton counties, about 16.5 miles, to intersection of said county boundary line with the south line of Sec. 1, T. 14 N., R. 26 E.W.M.; thence east about 4.1 miles to the northwest corner of Sec. 11, T. 14 N., R. 27 E.W.M.; thence south about 2 miles to the southwest corner of Sec. 14, said township and range; thence east about 2 miles to the northwest corner of Sec. 19, T. 14 N., R. 28 E.W.M.; thence south about 1 mile to the southwest corner of said Sec. 19; thence east about 5 miles to the northeast corner of Sec. 26, said township and range; thence south about 2 miles to the southeast corner of Sec. 35, said township and range; thence west about 1.5 miles to intersection with the north-south centerline of Sec. 34, said township and range; thence north along said centerline to intersection with the north line of said Sec. 34; thence west about 7 miles to intersection with the boundary between Franklin and Benton counties, in the Columbia River, and the north line of Sec. 33, T. 14 N., R. 27 E.W.M.; thence downstream, southerly, about 29.25 miles to intersection with the eastwest centerline of Sec. 11, T. 9 N., R. 28 E.W.M.; thence east along contiguous section eastwest centerlines about 12.75 miles to the center of Sec. 12, T. 9 N., R. 30 E.W.M.; thence south 2° west about 3.17 miles to the north bank of Lake Wallula; thence northeasterly along said bank to a point about 1.38 miles south of the northwest corner of Sec. 19, T. 9 N., R. 31 E.W.M.; thence north about 1.38 miles to said northwest corner of Sec. 19; thence easterly along the north line of said Sec. 19 and of Sec. 20 about 1.85 miles to the northeast corner of said Sec. 20; thence north about 9 miles to the southeast corner of Sec. 32, T. 11 N., R. 31 E.W.M.; thence west about 1 mile to the southwest corner of said Sec. 32; thence north about 6 miles to the southeast corner of Sec. 31, T. 12 N., R. 31 E.W.M.; thence west about 0.73 mile to the southwest corner of said Sec. 31; thence north about 6 miles to the northwest corner of Sec. 6, T. 12 N., R. 31 E.W.M.; thence north 45° east about 4 miles to the southeast corner of Sec. 10, T. 13 N., R. 31 E.W.M.; thence west about 4 miles

to the southwest corner of Sec. 7, T. 13 N., R. 31 E.W.M.; thence north about 7.75 miles to the centerline of the East Low Canal; thence northerly along said canal centerline about 16.5 miles to intersection with the north line of Sec. 17, T. 17 N., R. 30 E.W.M.; thence west about 3 miles to the northwest corner of Sec. 13, T. 17 N., R. 29 E.W.M.; thence south about 1 mile to the southwest corner of said Sec. 13; thence west about 9 miles to the northwest corner of Sec. 21, T. 17 N., R. 28 E.W.M.; thence south about 1 mile to the southwest corner of said Sec. 21; thence west about 15 miles to the southwest corner of Sec. 24, T. 17 N., R. 25 E.W.M.; thence north about one mile to the northwest corner of said Sec. 24; thence west about 9 miles to the southeast corner of Sec. 17, T. 17 N., R. 24 E.W.M.; thence north about 1 mile to northeast corner of said Sec. 17; thence west about 4 miles to the northwest corner of Sec. 14, T. 17 N., R. 23 E.W.M., said point being the point of beginning.

[Statutory Authority: RCW 43.21A.060. WSR 86-04-058 (Order DE 86-02), § 508-14-030, filed 2/4/86; Order DE 74-34, § 508-14-030, filed 12/30/74.]