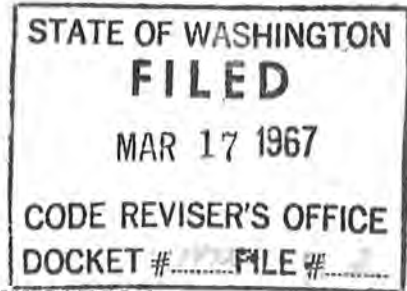


BEFORE THE
DEPARTMENT OF CONSERVATION
STATE OF WASHINGTON



IN THE MATTER OF ESTABLISHING)
AN EMERGENCY REGULATION RELAT-)
ING TO THE WITHDRAWAL OF GROUND)
WATERS UNDERLYING LANDS WITHIN)
THE COLUMBIA BASIN PROJECT)

PROMULGATION
OF
REGULATION

Docket No. 67-2

The Director of Conservation and the Supervisor, Division of Water Resources, State of Washington, do hereby promulgate the following emergency regulation:

Section 1. After the effective date hereof, applications filed with the Supervisor of Water Resources pursuant to RCW 90.44.060 requesting permission to withdraw ground waters within the exterior boundaries of the Columbia Basin project underlying lands within the following legal description:

(See appendix A attached)

shall be received and a date of priority affixed thereto. However, because it appears to the Supervisor of Water Resources, from a preliminary examination, as a tentative conclusion that public waters are presently not available for appropriation in said area, all such applications shall be held in abeyance in the office of the said supervisor, and no permits as requested in such applications shall be issued pending completion by the supervisor of a ground water investigation program; a program now under way and to be completed not later than December 31, 1972.

Section 2. After the effective date hereof, 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 description:

(See appendix B attached)

shall be received, and permits issued, provided, however, because of the insufficiency of information 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 appropriate notification as provided for in said permits, withdraw the authority granted therein.

Section 3. No certificates of water right as provided for in RCW 90.03.340, relating to ground waters underlying lands described in Section 1 and 2 hereof, shall be issued by the Supervisor of Water Resources until completion of the studies hereinbefore described, and persons accepting permits as provided under Section 2 hereof accept the same with the understanding that the permit is so conditioned.

Section 4. The adoption of this regulation is necessary for the protection of the general welfare of the public and shall take effect immediately on its adoption. Further, because of the urgency of this matter, the observance of the requirements of notice and opportunity to present views on this proposed action

as provided for in RCW 34.04.020 would be contrary to public interest. However, prior to promulgation of a permanent regulation with regard to said policy, notice and a full opportunity to be heard will be given to all who wish to present their views, said notice and opportunity to be heard to be given within sixty (60) days. The authority under which this regulation is proposed is RCW 34.04.030, RCW 43.21.130, RCW 90.03.250 through .340 and RCW 90.44.060.

Section 5. The reasons for determining that an emergency exists are as follows:

A. For a number of years a controversy has existed between the Supervisor of Water Resources and various interests over the right to control ground waters underlying lands within the Columbia Basin project. So that the Supervisor might better understand the source, nature and extent of said waters, and to more satisfactorily carry out his duties relating to allocation of public waters, he has initiated an extensive and intensive study of all ground waters within said project area; said study to be completed within three to five years. It is the intention thereafter to institute the procedures of RCW 90.44.130 so that the nature and extent of the rights of all interests to the ground waters can be properly administered.


B. From the information presently available, it appears to the Supervisor, as a preliminary, tentative and conditional conclusion, that in certain areas of the project public ground waters available for appropriation have been or are about to be

exhausted, while in other areas of the project public waters are available for appropriation under the state ground water code.


C. The Supervisor of Water Resources, from time to time, receives applications to withdraw such ground waters. Because the information upon which the conclusion set forth in sub-section B hereof is incomplete and inadequate, it appears to the Supervisor that, for the purpose of protecting all interests, including that of the public, preventing injustices to applicants for water rights and others and providing for a uniform treatment of all applicants as to the waters in question, and until substantially more information relating to said ground waters is obtained, applications for ground waters within the Columbia Basin Project should not be finally ruled upon, but rather guidelines for holding the same in abeyance or ruling on such applications on a conditional basis should be established.

D. At present, this office has no regulations relating to the unique problems pertaining to ruling on applications for withdrawals of waters found under the lands within the Columbia Basin project.

DATED at Olympia, Washington, this 17th day of March, 1967.



Director
Department of Conservation



Supervisor
Division of Water Resources
Department of Conservation

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 3-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 $25^{\circ}00'$ 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 $2^{\circ}00'$ 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 $45^{\circ}00'$ 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.