

THIS DRAFT ORDER IS SHARED PURSUANT TO RCW 90.44.130, TO SUPPORT A 30-DAY PUBLIC REVIEW AND COMMENT PROCESS. A FINAL ORDER WILL BE PREPARED FOLLOWING A REVIEW OF COMMENTS RECEIVED AND REVISIONS TO THE ORDER, AS APPROPRIATE.

DATE

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF ESTABLISHING
THE BOUNDARY OF THE PASCO
BASIN GROUNDWATER SUBAREA

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REPORT, FINDINGS OF FACT,
AND ORDER

REPORT

This Report, Findings of Fact, Determination and Order have been prepared to fulfill the intent of 90.44.130 and 89.12.170, Revised Code of Washington (RCW).

The purpose of this Order is to establish boundaries for the Pasco Basin groundwater subarea as the initial step toward development of a groundwater management program for this part of the Columbia Basin. [Order 72-24, § 173-124-020, filed 1/15/73.]

The Department of Ecology (Ecology) has investigated and is issuing this Order pursuant to 89.12, 90.03, 90.44, and 90.54 RCW.

FINDINGS OF FACT

1. 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 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 ensure that the project's purpose of settling and developing the agricultural lands within said project is realized.

2. 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.
3. Beneath the surface of the lands within and adjoining the Columbia Basin project are large quantities of naturally occurring and artificially stored groundwater, of which the source, extent, volume and flow characteristics are generally known.
4. 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.
5. In 1967, Chapter 508-14 Washington Administrative Code (WAC) established an interim rule for managing the commingled state and federal groundwater in the Columbia basin until formal management programs could be established for specific subareas within the basin. In the Quincy and Odessa subareas, jurisdiction over groundwater has been resolved and management programs established through rulemaking. However, in the Pasco subarea, groundwaters have remained under the interim rule despite numerous efforts over the past 50 years.
7. Within the Pasco subarea, as legally described below, the U.S. Bureau of Reclamation (Reclamation) claims interest in the portions of these commingled groundwaters that exist as a result of the Columbia Basin Project.
8. In 2021, the Washington Legislature revised Ecology's authority under Chapter 89.12.170 RCW to enter into an agreement with Reclamation to allow the two agencies to develop a groundwater co-management strategy. An integral step in the process is establishing a groundwater management subarea within which any future agreements for the allocation of groundwater would apply.
9. According to 89.12.170 RCW the agreement between Reclamation and Ecology "*shall not require compliance with the procedures set forth in RCW 90.44.130 for declarations of claims of ownership of artificially stored groundwater within the groundwater area or subarea.*" Therefore, no such declarations will be accepted and processed.

DETERMINATION AND ORDER

It is therefore, ORDERED that the Pasco Basin groundwater subarea mean those lands lying within the Columbia Basin and described as follows:

Pasco Basin Groundwater Subarea Boundary

DATE

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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 N¼ corner of Sec. 14, thence south about 1.0 mile to the S¼ 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 W¼ 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.

This description is consistent with the current boundary established by chapter 508-14 WAC with subsequent modifications (see map included with the *SEPA Environmental Checklist*).

Contact information

Information will be provided in the Final Order following the public review and comment period

Your right to appeal

Information will be provided in the Final Order following the public review and comment period

Filing an appeal

Information will be provided in the Final Order following the public review and comment period

More information

Information will be provided in the Final Order following the public review and comment period

Americans with Disabilities Act information

Information will be provided in the Final Order following the public review and comment period

Translation services available to you

Information will be provided in the Final Order following the public review and comment period

Signature

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