

May 9, 2025

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF ESTABLISHING	)	REPORT, FINDINGS OF FACT,
THE BOUNDARY OF THE PASCO	)	AND ORDER
BASIN GROUNDWATER SUBAREA		

## REPORT

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

The purpose of this Order is to establish boundaries for the Pasco Basin groundwater subarea as an 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 chapters 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 (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. 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, 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 State Legislature revised Ecology's authority under RCW 89.12.170 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 RCW 89.12.170 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 means those lands lying within the Columbia Basin and described as follows:

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 $\frac{1}{4}$  corner of Sec. 14, thence south about 1.0 mile to the S $\frac{1}{4}$  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 $\frac{1}{4}$  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.

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

Please direct all questions about this Order to:

Jaime Short  
Eastern Region Section Manager  
Water Resources Program  
Eastern Region Office

Phone: 509-990-7636

Email: [jaime.short@ecy.wa.gov](mailto:jaime.short@ecy.wa.gov)

## Your right to appeal

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do all of the following within 30 days of the date of receipt of this decision:

- File your notice of appeal and a copy of this decision with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this decision on the Department of Ecology by mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

## Filing an appeal

### Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://eluhho.wa.gov/> or call: 360-664-9160.

## Service on Ecology

### Street Address:

Department of Ecology  
Attn: Appeals Processing Desk  
300 Desmond Drive SE  
Lacey, WA 98503

### Mailing Address:

Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

### E-Mail Address:

[ecologyappeals@ecy.wa.gov](mailto:ecologyappeals@ecy.wa.gov)

## More information

- **Pollution Control Hearings Board Website**  
<https://eluhho.wa.gov/>
- **Chapter 43.21B RCW – Environmental Hearings Office - Pollution Control Hearings Board**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Ecology's Laws, Rules & Rulemaking**  
<https://www.ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking#ws>

## Americans with Disabilities Act information

### Accommodations Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

## Translation services available to you

There are translation services available to you. Ecology and the Water Resources Program want to provide timely, effective, and culturally responsive language assistance.

English	If you have difficulty understanding English or have a disability, free language assistance or other aids and services are available upon request. Please call: 509-329-3400.
Spanish	Si tiene dificultades para entender la lengua inglesa o presenta una discapacidad, puede solicitar asistencia lingüística y otros tipos de ayuda y servicios sin coste alguno. Llame al siguiente número de teléfono: 509-329-3400.

Chinese TR	如果您理解英語有困難或有殘疾，可應要求提供免費語言援助或其他幫助和服務。請致電：509-329-3400.
Vietnamese	Nếu quý vị gặp khó khăn trong việc hiểu tiếng Anh hoặc bị khuyết tật, hỗ trợ ngôn ngữ miễn phí hoặc các hỗ trợ và dịch vụ khác được cung cấp theo yêu cầu. Xin gọi: 509-329-3400.
Korean	영어를 이해하시는 데 어려움이 있거나 장애가 있는 경우, 요청하시면 무료 언어 지원 또는 기타 지원 및 서비스를 이용하실 수 있습니다. 전화해 주십시오: 509-329-3400.
Russian	Если у вас есть трудности с пониманием английского языка или у вас инвалидность, по запросу предоставляется бесплатная языковая помощь или другие вспомогательные средства и услуги. Пожалуйста позвоните по телефону: 509-329-3400.

## Signature

So ordered this 9<sup>th</sup> day of May 2025.



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Ria Berns, Water Resources Program Manager  
Department of Ecology