



Board Name: Douglas County  
**WATER CONSERVANCY BOARD**  
 Application for Change/Transfer  
**Record of Decision**

Reviewed by: \_\_\_\_\_  
 Date Reviewed: \_\_\_\_\_

**RECEIVED**  
**MAY 11 2018**  
 Dept of Ecology  
 Central Regional Office

Applicant Name: Crown ColumbiaWater Res. LLC

Application Number: DOUG 17-01

This record of decision was made by a majority of the board at an open public meeting of the (Board Name) Douglas County Water Conservancy Board held on (date meeting was held) 4-16-18. The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

**Approval:** The (board name) Water Conservancy Board hereby grants conditional approval for the water right transfer described and conditioned within the report of examination on (date report of exam was signed) 4-16-18 and submits this record of decision and report of examination to the Department of Ecology for final review.

**Denial:** The (board name) Water Conservancy Board hereby denies conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) 4-16-18 and submits this record of decision to the Department of Ecology for final review.

**Signed:**

Water Conservancy Board Name: Douglas County		Date: <u>4-16-18</u>
Chair Name: Lee Hemmer	Signature: <u>Lee Hemmer</u>	
(choose one) <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)		

Water Conservancy Board Name: Douglas County		Date: <u>4/16/18</u>
Title: Vice Chair	Name: Courtney Hill	Signature: <u>Courtney Hill</u>
(choose one) <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)		

Water Conservancy Board Name:		Date:
Title:	Name:	Signature:
(choose one) <input type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)		

Water Conservancy Board Name:		Date:
Title:	Name:	Signature:
(choose one) <input type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)		

Water Conservancy Board Name:		Date:
Title:	Name:	Signature:
(choose one) <input type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)		

Mailed with all related documents to the Dept of Ecology (send to the Regional office below), and any other interested parties.

ECY 040-105 (05/14) If you need this document in a format for the visually impaired, call Water Resources Program at 360-407-6872. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.



**Douglas County**  
**WATER CONSERVANCY BOARD**  
*Application for Change/Transfer*  
 OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF  
 THE STATE OF WASHINGTON

**RECEIVED**  
**MAY 11 2018**  
 Dept of Ecology  
 Central Regional Office

**Report of Examination**

Surface Water                       Ground Water

DATE APPLICATION RECEIVED 11/20/2017	WATER RIGHT DOCUMENT NUMBER S4-24166C	WATER RIGHT PRIORITY DATE 01/23/1976	BOARD-ASSIGNED CHANGE APPLICATION NUMBER DOUG 17-01
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NAME

Crown Columbia Water Resources, LLC

ADDRESS (STREET) c/o Marc Marquis, Peterson & Marquis Law Office 1227 First Street (509) 679-0337	(CITY) Wenatchee	(STATE) WA	(ZIP CODE) 98801
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**Changes Proposed:**     Change purpose     Add purpose     Add irrigated acres     Change point of diversion/withdrawal  
 Add point of diversion/withdrawal     Change place of use     Other (Temporary, Trust, Interties, etc.) Trust Donation of a portion of the right

**SEPA**

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is:     Exempt            Not exempt

**BACKGROUND AND DECISION SUMMARY**

**Existing Right (Tentative Determination)**

MAXIMUM CUB FT/ SECON 1.34cfs	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FI/YR 240af	TYPE OF USE, PERIOD OF USE 60ac Irrigation, April 1 <sup>st</sup> to Oct. 1 <sup>st</sup>				
SOURCE Columbia River			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼ Gov Lot 1	SECTION 21	TOWNSHIP N. 21N	RANGE 22E	WRIA 44	COUNTY. Douglas
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED W1/2 NW1/4 Sec. 22, T21N, R22EWM							
PARCEL NO. 2122220001 2122220002 2122220003 2122220004 2122220005 2122220006	¼ W1/2	¼ NW1/4	SECTION 22	TOWNSHIP N. 21N	RANGE, 22E		

### Proposed Use

MAXIMUM CUB FT/ SECOND A)1.34 B)1.34	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR A)140afy B)100afy	TYPE OF USE, PERIOD OF USE A) Irrigation 35ac, April 1 <sup>st</sup> to October 1 <sup>st</sup> B) Trust, April 1 <sup>st</sup> to October 1st				
SOURCE A) Columbia River B) Columbia River			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼ A)GovLt1 B) n/a	SECTION A)21	TOWNSHIP N. A)21N	RANGE A)22E	WRIA 44	COUNTY. Douglas
<b>LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED</b>							
A) Same as existing POU B) From a point on the Columbia River located 1100ft west of the north qtr corner of Sec.21, T21N, R22E continuing on to the Pacific Ocean							
PARCEL NO. A) 21222220001 21222220002 21222220003 21222220004 21222220005 21222220006 B)n/a	¼ A) W1/2	¼ NW1/4	SECTION 22	TOWNSHIP N. 21N	RANGE, 22E		

### Board's Decision on the Application

MAXIMUM CUB FT/ SECOND A)0.70 B)0.64	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR A)140af B)100af	TYPE OF USE, PERIOD OF USE A) Irrigation 35ac, April 1 <sup>st</sup> to October 1st B) Trust, April 1st to October 1st				
SOURCE A) Columbia River B) Columbia River			TRIBUTARY OF (IF SURFACE WATER) A)Pacific Ocean B)Pacific Ocean				
AT A POINT LOCATED: PARCEL NO.	¼	¼ A)GovLt1 B)n/a	SECTION A)21	TOWNSHIP N. 21N	RANGE 22E	WRIA 44	COUNTY. Douglas
<b>LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD</b>							
A) W1/2 NW1/4 Sec. 22, T21N, R22EWM B) From a point on the Columbia River located 1100ft west of the north qtr corner of Sec.21, T21N, R22E continuing on to the Pacific Ocean							
PARCEL NO A) 21222220001 21222220002 21222220003 21222220004 21222220005 21222220006 B)n/a	¼ A)W1/2	¼ NW1/4	SECTION 22	TOWNSHIP N. 21N	RANGE, 22E		

DESCRIPTION OF PROPOSED WORKS

N/A

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: 75 days from the date of decision	COMPLETE PROJECT BY THIS DATE: October 1 <sup>st</sup> , 2018	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: October 1 <sup>st</sup> , 2019
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REPORT

BACKGROUND (See WAC 173-153-130(6)(a))

On Month November, day 20, year 2017.

Name of applicant: Crown Columbia Water Resources, LLC of County: Spokane State: WA filed an application for change to transfer up to 1.34cfs and 100af into trust. The balance of quantities not transferred to trust are to be retained for continued use at the existing place of use.

Under Water right number: S4-24166C

The application was accepted at an open public meeting on Month: 11 Day: 20 Year: 2017 and the Board assigned application number: DOUG 17-01.

*Attributes of the water right as currently documented*

Name on certificate, claim, permit: Billy A. Nelson

Water right document number (e.g., cert #, claim #, permit #, superseding document #): S4-24166C

As modified by certificate of change number: None

Priority date, first use Date of priority or claimed date water was originally first put to beneficial use: 01/23/1976

Water quantities: Qi (Instant qty): 1.34cfs Qa (Annual qty): 240 acre ft./ year

Source (well, river, etc): Columbia River

Point of diversion/withdrawal (Distance from 1/4, Section, Township, Range EWM): Gov Lt 1Sec.21, T21N, R22EWM

Purpose of use: Irrigation Number of Acres if Irrigation: 60

Period of use: April 1<sup>st</sup> to October 1st

Place of use: W1/2 NW1/4 Sec. 22, T21N, R22EWM

*Tentative Determination*

The source of water, location of diversion, place of use, and extent of beneficial use are as tentatively described on the front page of this report. Hearings were held in Douglas County by the Douglas County Water Conservancy Board which tentatively determined the extent and validity of the right as referenced above following investigation into the historical water use as described below. A full analysis of the Board's tentative determination is provided in the Investigation Section.

*History of water use*

Describe the historical water use information that was considered by the board:

Bill Nelson acquired land at the subject location in the 1970's to develop as orchard. He initially applied for ground water permit G4-24156P which authorized 150gpm and 56af for group domestic use and 10ac irrigation all for use within the W1/2 NW1/4 Sec. 21. Due to the inability to source sufficient ground water from the well site, Mr. Nelson alternatively applied for and received surface water permit S4-24166P to serve the same place of use. Bill subsequently planted orchard consisting of at least 60ac and requested that DOE cancel the ground water permit. In 1998, a small area of excess acreage was removed to accommodate the expansion of a commercial retail business. Since that date, Mr. Nelson has consistently irrigated approximately 60ac.

*Previous changes*

Described any previous change decisions associated with the water right:

None

*SEPA*

The board has reviewed the proposed project in its entirety (Provide a detailed explanation of how the board complied with the State Environmental Policy Act):

The quantity proposed for transfer is less than 1.0cfs and is therefore exempt from the requirements of the State Environmental Policy Act.

**Other**

N/A

**The information or conclusions in this section were authored and/or developed by (Name of Person):** Marc Marquis, Lee Hemmer, and Courtney Hill

**COMMENT AND PROTESTS (See WAC 173-153-130(6)(b))**

Public notice of the application was given in the (Name of Publication(s): Empire Press  
On Dates Published: 12/07/2017 and 12/14/2017. Protest period ended on (end date of protest period):  
01/13/2018.

There were **NO** protests received during the 30 day protest period. In addition, no oral or written comments were received at an open public meeting of the board or other means as designated by the board.

**Other**

Provide any other pertinent information relative to the comments and protests received:

N/A

**The information or conclusions in this section were authored and/or developed by (Name of Person):** Marc Marquis, Lee Hemmer, and Courtney Hill

**INVESTIGATION (see WAC 173-153-130(6)(C))**

Conservancy Board members conducted a site visit of the subject location on 12/07/2017. Persons present included: Lee Hemmer, Board Chair; Mr. Nelson, Owner of the Right; and Marc Marquis, Attorney for the Applicant.

***Proposed project plans and specifications***

Describe the proposed use of water to include the number of connections, method of irrigation, type of crop, commercial use etc. Also describe any issues related to development, such as the proposed development schedule and effect of the proposed transfer on other water rights, pending change applications & instream flows established under state law.

The proposed use is a trust transfer for the instream flow benefit of the Columbia River. 25ac of orchard will be fallowed within the place of use to accommodate quantities placed into trust. The balance of quantities not placed into trust shall be retained to supply irrigation to orchard crops within the existing place of use. Although the general location of where trees are intended to be removed is known, this location may be replanted with new varieties while older trees are removed from other locations within the place of use. The resulting irrigated acreage will not exceed 35ac.

***Development Schedule***

As proposed, 25ac of orchard will be fallowed. Fallowing will be completed by 10/01/2018. One full irrigation season is required for the trusted quantities to fully manifest within the Columbia River. 10/01/2019 is the date to complete the trust transfer and apply the water to full beneficial use as instream flows.

***Other Water Rights:***

Describe any other water rights or uses associated with both the current and proposed place of use and an explanation of how those other rights or uses will be exercised in conjunction with the right proposed to be transferred.

The identified place of use is irrigated pursuant to surface water right S4-24166C. Ground water permit G4-24156P was initially issued to Mr. Nelson for irrigation and domestic use. Upon request by the Applicant, the ground water permit was cancelled by Ecology. Potable domestic water supplied to residences is sourced from a separate exempt withdrawal. All irrigation occurring within the existing place of use is conveyed via the commercial irrigation system and is attributable to the subject surface water right.

***Public interest (groundwater only):***

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. Provide an analysis as to whether it is detrimental to the public interest, including impacts on any watershed planning activity. Public interest is not considered if the proposed water right is authorized under RCW 90.03.380 exclusively.

The subject application is exclusively limited to the trust transfer of surface water and is not subject to a public interest analysis as per RCW 90.44.100.

***Tentative Determination:***

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed on the first page of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historical beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.140 RCW. Water rights may additionally be lost through abandonment. The Board tentative determination was based upon the following findings. Describe any information that an existing water right or portion of a water right has been relinquish or abandoned due to non-use and the basis for that determination.

A review of aerial images supplied with the application indicate that a minimum of 60ac of orchard have been developed and maintained within the authorized place of use. The subject right is not metered and, although they could be obtained, separate power records were not provided by Mr. Nelson. Observed crops consist of mixed orchard with cover. As per Washington Irrigation Guide for the Wenatchee Station, the crop water duty for cherries with cover is 36.46in/ac. Irrigation is applied via solid set under-tree impact sprinklers at an estimated efficiency of 75% (See DOE GUID 1210) which results in an irrigation requirement of 4ft/ac. Based upon information provided by Mr. Nelson regarding the water system's use and operation and the Board's direct observations of the water system including their knowledge of standard industry practices, the Board estimated the rate of supply @ 0.02cfs/ac. This rate of supply is consistent with information observed within Ecology's files regarding the subject right.

Thus, the Board tentatively determined water quantities attributable to the subject right for 60ac orchard irrigation are 1.34cfs and 240afy.

**Consumptive Use:**

Consumptive use analysis is required by RCW 90.03.380(1) because the proposed change requests to add a trust transfer for instream flows as a purpose of use. Annual consumptive quantity is defined as the ESTIMATED or actual annual amount of water diverted pursuant to the water right, reduced by the ESTIMATED annual amount of return flows, averaged over the two years of greatest use within the most recent five-year period of continuous beneficial use of the water right.

Here, information supplied by Mr. Nelson in addition to the Board's review of available aerial images and water use history indicates that the subject right has consistently supported irrigation to an area consisting of at least 60ac. As per the Board's tentative determination, the Irrigation Requirement is 4ft/ac for a Total Irrigation Requirement of 240afy. Irrigation is applied via fixed set under tree applicators at an estimated efficiency of 75%. DOE GUID1210 advises this configuration is associated with 10% evaporation for an estimated consumptive use of 85%. The area of irrigation has not changed during the most recent 5 year period of beneficial use. Therefore, the estimated annual consumptive use, reduced by the estimated annual amount of return flows, average over the two years of greatest use within the most recent five-year period of continuous beneficial use is 204af with 36af attributed to return flows.

Subsequent to change approval, use of the subject right will include 140af for the irrigation of 35ac and 100af for the instream flow benefit of the Columbia River. Future consumptive use for 35ac is estimated at 119af. Quantities transferred to trust for instream flow will be non-consumptive. As such, the proposed change will not result in increased consumptive use of the right.

***Relinquishment and Abandonment:***

The Board observed no 5 years periods of non-use of the subject right which might indicate relinquishment. In addition, the Board did not identify any intent by the water right holder to abandon all or portions of the right.

***Hydrogeologic or other Scientific Investigations:***

n/a

***Other:***

**The information or conclusions in this section were authored and/or developed by (Name of Person):** Lee Hemmer, Board Chair; Courtney Hill, Board Member, and Marc Marquis, attorney for the Applicant

**CONCLUSIONS:**

**Tentative determination (validity and extent of the right):**

The water right proposed for change exists to the extent set forth above on page 1.

**Relinquishment or abandonment:**

The Board did not identify any evidence of relinquishment or intent to abandon the right.

**Hydraulic analysis:**

n/a

**Consideration of comments and protests:**

There were no comments or protests and the change is exempt from the requirements of SEPA.

**Impairment**

The proposed changes can be made without injury, impairment and/or detriment to existing water rights.

**Public Interest**

n/a

**Other**

As per RCW 90.42.080(1)(b) and pursuant to Applicant conditions included in Section 6 of the application the Board's decision includes the following:

1. Trusted portions of the subject right are indicated as transferred to Crown Columbia Water Resources, LLC. Portion A is for continued use at the existing place of use. Portion B is for the instream flow benefit of the Columbia River;
2. The Applicant and/or its assignee shall retain the right to withdraw trusted quantities from the Trust Water Program in whole or in part any time after providing notice of intent to the Department of Ecology; and
3. Quantities transferred into trust are tentatively determined by the Board.

**DECISION (A)**

Name on Water Right:	Billy A. Nelson
Priority Date:	01/23/1976
Instantaneous Quantity:	0.7cfs
Annual Quantity:	140af
Source:	Columbia River
Point of Diversion/Withdrawal:	Gov. Lot 1 Sec. 21, T21N, R22E
Purpose of Use:	35ac Irrigation
Period of Use:	April 1 <sup>st</sup> to October 1 <sup>st</sup>
Place of Use:	W1/2 NW1/4 Sec. 22, T21N, R22EWM

**PROVISIONS (A)**

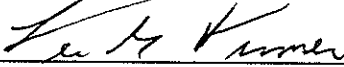
The following provisions are to be included as a part of the application approval decision referred to in the preceding section:

1. Subsequent to this decision, irrigation within the place of use is limited to 35ac orchard. 25ac of orchard shall be removed from production as dictated by the construction schedule. The balance of irrigated orchard may occur at any location within the existing place of use provided that the total area of irrigation may not exceed 35ac.

**DECISION (B)**

Name on Water Right:	Crown Columbia Water Resources, LLC
Priority Date:	01/23/1976
Instantaneous Quantity:	0.64cfs
Annual Quantity:	100af
Source:	Columbia River
Point of Diversion:	n/a
Purpose of Use:	Trust
Period of Use:	April 1 <sup>st</sup> to October 1st
Place of Use:	From a point on the Columbia River located 1100ft west of the north qtr corner of Sec.21, T21N, R22E continuing on to the Pacific Ocean.

Signed at Waterville, Washington.

  
 Lee Hemmer, Chair  
 Douglas County Water Conservancy Board

4-16-18  
 Date