

**Yakima County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision**

For Ecology Use Only

Received:
 Received
DEC 09 2013
 Date Stamp
 CENTRAL REGION OFFICE

Reviewed by: _____
 Date Reviewed: _____

Applicant: ADH Home Ranch, LLC

Application Number: YAKI-12-01

This record of decision was made by a majority of the board at an open public meeting of the Yakima County Water Conservancy Board held on December 5, 2013, 2013.

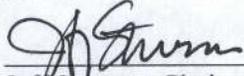
Approval:

The Yakima County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on December 5, 2013 and submits this record of decision and report of examination to the Department of Ecology for final review.

Denial:

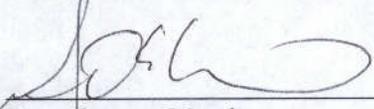
The Yakima County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on _____ and submits this record of decision to the Department of Ecology for final review.

Signed:


 Jeff Stevens, Chair
 Yakima County Water Conservancy Board

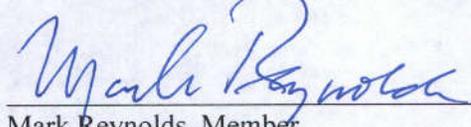
Date: December 5, 2013

Approve
 Deny
 Abstain
 Recuse


 Dave Brown, Member
 Yakima County Water Conservancy Board

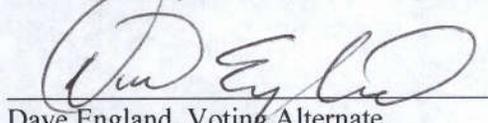
Date: December 5, 2015

Approve
 Deny
 Abstain
 Recuse


 Mark Reynolds, Member
 Yakima County Water Conservancy Board

Date: December 5, 2015

Approve
 Deny
 Abstain
 Recuse


 Dave England, Voting Alternate
 Yakima County Water Conservancy Board

Date: 12/5/13

Approve
 Deny
 Abstain
 Recuse

Mailed to the Department of Ecology Central Regional Office of Ecology, via certified mail, and other interested parties on _____.

Proposed Use

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 1280	MAXIMUM ACRE-FT/YR 744	TYPE OF USE, PERIOD OF USE 744 ac-ft/yr for irrigation of 305 acres from February 15 to November 30				
SOURCE Two (2) wells			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
22082631004	S1/2	SW1/4	26	08 N	22 EWM	37	Yakima
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
SW1/4 of Section 26, T. 8 N., R. 22 E.W.M.							
AND W1/2NW1/4 of Section 26, T. 8 N., R. 22 E.W.M. EXCEPTING THEREFROM: The south 270 feet of the east 484 feet of SW1/4NW1/4 of said Sec. 26. (Strickland)							
AND INCLUDING SE1/4NE1/4 and E1/2SE1/4 of Section 27, T. 8 N., R. 22 E.W.M. (Jansen)							
Parcel Nos. 220826-31004, 31003 (ADH Home Ranch); 220826-21003, 23001 (Strickland); 220827-14001, 41001, 44001 (Jansen).							
PARCEL NO. See above.	¼	¼	SECTION See above.	TOWNSHIP N. See above.	RANGE, See above.		

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 1280	MAXIMUM ACRE-FT/YR 420	TYPE OF USE, PERIOD OF USE 420 ac-ft/yr for irrigation of 305 acres from February 15 to November 30				
SOURCE Two (2) wells			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
22082631004	S1/2	SW1/4	26	08 N	22 EWM	37	Yakima
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
SW1/4 of Section 26, T. 8 N., R. 22 E.W.M.							
AND W1/2NW1/4 of Section 26, T. 8 N., R. 22 E.W.M. EXCEPTING THEREFROM: The south 270 feet of the east 484 feet of SW1/4NW1/4 of said Sec. 26.							
AND INCLUDING SE1/4NE1/4 and E1/2SE1/4 of Section 27, T. 8 N., R. 22 E.W.M.							
Parcel Nos. 220826-31004, 31003, 21003, 23001; 220827-14001, 41001, 44001.							
PARCEL NO. See above.	¼	¼	SECTION See above.	TOWNSHIP N. See above.	RANGE, See above.		

DESCRIPTION OF PROPOSED WORKS

Extension of irrigation system, booster pump(s) as needed.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Begun	COMPLETE PROJECT BY THIS DATE: December 31, 2017	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: December 31, 2018
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REPORT

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

On June 14, 2012 ADH Home Ranch, LLC filed an application for change to change/amend the place of use and increase the number of water right acres. On June 6, 2013 the applicant amended its application to include additional lands for irrigation of 305 acres total, without increasing the annual volume of use. The water savings is possible due to a cropping conversion from orchard to wine grapes. The current place of use is being retained and nearly 200 acres of adjoining land area to the north and west is requested to be added. The applicant also asks to lengthen the irrigation season to accommodate the irrigation needs of wine grapes.

The document being changed is Certificate No. G4-25323C. The change application was assigned number YAKI-12-01 by the Yakima County Water Conservancy Board (YCWCB or Board). The Department of Ecology (Ecology) originally assigned application No. CG4-25323C@1. As amended, Ecology assigned the application No. CG4-25323C@2.

Attributes of the water right as currently documented

Name on certificate, claim, permit: Robert R. Fergus.

Water right document number: G4-25323C.

As modified by certificate of change number: n/a.

Priority date, first use: June 7, 1977.

Water quantities: Qi: 1280 gallons per minute (gpm) Qa: 744 acre-feet/year (af/yr or ac-ft/yr).

Source: Two (2) wells [Second well by showing of compliance under RCW 90.44.100(3)].

Point of diversion/withdrawal: S1/2SW1/4 S.26, T08N, R22EWM; 1300 ft E and 150 ft N of SW1/4 corner Sec. 26 and 800 ft N and 150 ft E of SW1/4 corner Sec. 26.

Purpose of use: 744 af/yr for irrigation of 140 acres.

Period of use: April 1 to October 31.

Place of use: SW1/4 of Section 26, T. 8 N., R. 22 E.W.M.

Existing provisions:

This authorization to make use of public waters of the state is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.
Installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An air line and gage may be installed in addition to the access port.
All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for the Construction and Maintenance of Water Wells).
This authorization to use public waters of the state is classified as a FAMILY FARM PERMIT in accordance with Chapter 90.66 RCW (Initiative Measure No. 59). This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 2,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 2,000 acres of irrigated agricultural lands in the state of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

Continued

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

Information about historic use was obtained from water right file documents, and was also provided by the applicant and the applicant's consultant. The applicant acquired the water right and land in 2009 from Patricia Fergus. At that time the farm was being converted from its prior cropping of orchard under drip irrigation, to vineyard under drip irrigation. The applicant's consultant reviewed aerial photos from public sources. The aerial photos indicated that following certification and Ecology inspection in 1992, the same 140 acre footprint of orchard was irrigated up until 2008 (during 2008 the orchard was being removed). Aerial photos from public sources were reviewed for the years 1996, 2002, 2005 and 2006. An aerial photo from 2008 showed about half of the orchard removed. Vineyard was then planted in phases during 2009, 2010 and 2011; to a total of 130 acres in vineyard.

Previous changes

n/a.

SEPA

The Board has reviewed the proposed project in its entirety. The requested change involve less than 2250 gpm and are considered categorically exempt (WAC 197-11-800(4)). The Board has determined that SEPA compliance is satisfied.

Other

See Investigation Section describing proposed plans and specifications.

The information or conclusions in this section were authored and/or developed by Tim Reierson.

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

Public notice of the application was given in the *Yakima Herald Republic* on July 27, 2013 and July 31, 2013. The protest period ended on or around August 31, 2013. 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.

Date: n/a.

This was recognized by the Board as a Protest Comment n/a.

Name/address of protestor/commenter: n/a.

Issue: n/a.

Board's analysis: n/a.

Other

n/a.

The information or conclusions in this section were authored and/or developed by Tim Reierson.

INVESTIGATION [See WAC 173-153-130(6)(c)]

The following information was obtained from a site inspection conducted by Mark Reynolds and Dave Brown on September 13, 2013, a technical report, research of department records, and conversations with the applicant and/or other interested parties.

Proposed project plans and specifications

Proposal Summary. Using water saved by crop conversion, additional acres of wine grapes are to be planted for a total of 305 acres, using drip irrigation. The current irrigation system will be expanded to deliver the water.

Estimate of Beneficial Use. The Board reviewed information provided by the applicant's consultant Tim Reiersen, which included a September 12, 2013 memorandum of supporting information ("technical memo"). The technical memo included an estimate of beneficial use for annual volume, peak flow rate, and acres irrigated.

Annual Volume. Flow meter records are not available. For the time period prior to 2008, the property was consistently farmed as cherry orchard under drip irrigation. The Washington Irrigation Guide (WAIG), Sunnyside station, indicates a crop water demand of 34.3 inches for cherry orchard without cover crop. This does not account for the water application efficiency. Ecology guidance (GUID-1210) has an average application efficiency of 88% (range 70-95%) for trickle/drip irrigation with an additional 5% of applied water lost to evaporation.

Using the WAIG information, the total applied water for cherry orchard was estimated to have been $(34.3/0.88=)$ 39 inches, or 3.3 ft. Ecology guidance has a typical consumptive use factor for trickle/drip irrigation of 93% such that the consumptively used portion of the water duty would be estimated as $(39 \times 0.93=)$ 36 inches, or 3 ft. This corresponds to a beneficial use estimate of $(3.3 \text{ ft} \times 140 \text{ ac}=)$ 460 af.

In 2009, the year in which the applicant took ownership, the first phase of wine grapes were planted under drip irrigation. The WAIG does not have crop use estimates for wine grapes. For wine grapes, applied water can be highly variable depending on grape varieties, soils and vineyard setting. Typically, young wine grape plantings are watered more heavily than mature vines in order to establish the plants. Bearing vineyards are then put on a deficit irrigation program in order to improve the quality of the fruit for wine production.

The applicant was able to get power records going back to 2008, the year before they purchased the property. The applicant's consultant used the power records to estimate water use during this time period.

There are two wells that have historically served the property, though only one is identified on the water right certificate (larger well, southerly of the two).

According to public record file documents, the smaller well to the north was the original well drilled and used; however it has a six inch production casing limiting the pump size, which is 25 hp. The prior owners drilled a second larger diameter well and used it for the main supply prior to issuance of the certificate. A 250 hp pump is installed in this well according to the Benton REA service description and pump name plate. They continued to use the smaller well (25 hp) for peaking demands and when demands were limited. On May 21, 1997 Patricia Fergus filed a change application to have the smaller well added formally, as a source on the subject certificate. The application was never acted upon and remains pending. The applicant has continued to use the small well in similar fashion to the prior owner. Because the larger (southerly) well serves as the major water supply, only the larger well pump was considered in the estimate based on electrical power consumption.

The electrical power consumption of a pump can be related to the volume of water pumped by the standard efficiency equation, which is based on the conservation of energy principle. **Table 1** summarizes operating conditions for the ADH Home Ranch main well.

estimated discharge pressure (psi)	5
estimated lift & losses (ft)	620-650
total head (ft)	630-660
estimated efficiency	0.65-0.7

Table 1. Operating conditions for well.

The electrical energy consumption for the years 2008-2012, and the resulting water volume use estimates for vineyard (using median values from **Table 1**) are given in **Table 2**.

Year	Energy Use (kwh)	Volume (ac-ft)	Duty on Acres [1] (inches over given acres)
2008	54440	56	n/a
2009	68960	71	17 in on 50 ac
2010	172080	177	19 in on 110 ac
2011	84400	87	8 in on 130 ac
2012	196640	202	19 in on 130 ac

Note[1]: Duty is for total acres irrigated that year.

Table 2. Water use estimates from electrical power records.

In summary, the methods of estimating beneficial use during past time frames were:

- a) Cherry orchard, drip irrigation through 2007. WAIG, GUID-1210.
- b) Transition period and vineyard drip irrigation, 2008 to 2012. Pump power records.

Peak Flow Rate. According to the applicant the main well pumps about 900-1100 gpm, with the higher flow rates on startup and early in the season. The smaller well pumps about 100 gpm. Because of uncertainty in these estimates, the peak flow rate maintained by use was estimated to be 1280 gpm, same as the water right limit. According to analysis by the applicant's consultant, reviewed by the Board, this is within the theoretical ability of the pumps to produce, based on horsepower and the range of possible operating conditions (low discharge pressure, higher water levels in the spring).

Area Irrigated. The water right was certified for 140 acres in August 1992 following an April 1992 proof inspection by Ecology. The proof inspection found the property planted to orchard under drip irrigation. Aerial photos showed this same footprint in irrigation until 2008 when orchard was removed. By 2011, the current irrigation area of 130 acres had been replanted in phases to a vineyard for wine grape production.

Analysis of Beneficial Use Information. The Board reviewed the history of use to see whether there were any five consecutive year periods of non-use of all or part of the water right. The authorized flow rate of 1280 gpm has been maintained in use, and the authorized irrigation area of 140 acres was maintained through 2007, and by 2011 was re-established at 130 acres (reduction of 10 acres). The annual volume was maintained at an estimated 460 af/yr through 2007, a reduction of 284 af compared to the certificate.

The time period from 2008-2012 is five consecutive years and corresponds to a reduction in acreage and annual volume with the replacement of orchard with vineyard. A significant weather-related incident occurred in the fall of 2010, however, which dramatically reduced the need for irrigation in 2011, described by the applicant as follows:

"An early freeze severely impacted this site in the fall of 2010. The vines, vulnerable as new plantings, were damaged enough to require retraining. The cold snap also significantly reduced expected crop load. These two factors, combined with a cooler year than normal, warranted a water reduction starting in June, much earlier than under normal conditions. This reduction in water use in 2011 was necessary to ensure the recovering vines were not subjected to the stress of excessive growth and to ensure that the vines were sufficiently prepared for winter."

The reduction in use during 2011 is reflected in the power record estimates. In comparison to the years 2009, 2010 and 2012, with water duty estimates of 17 to 19 inches, the 2011 use was only 8 inches. The Board notes that state law provides that certain reductions in water need are exempt from relinquishment:

Temporarily reduced water need for irrigation use where such reduction is due to varying weather conditions, including but not limited to precipitation and temperature, that warranted the reduction in water use, so long as the water user's diversion and delivery facilities are maintained in good operating condition consistent with beneficial use of the full amount of the water right; RCW 90.14.140(1)(g).

If the 2011 reduction met these criteria, then the beneficial use review would look to the five year period preceding 2011, which was 2006-2010. In 2006 and 2007 (and prior years to date of certificate issuance), the water right was being used to irrigate orchard, and the beneficial use estimate would be: 1280 gpm, 460 af/yr for irrigation of 140 acres. This is the current estimate of the valid extent of the water right, for purposes of making a tentative determination.

Annual Consumptive Quantity Analysis. An analysis of the annual consumptive quantity is necessary because of the request to increase irrigated acres. State law provides that

Calculating annual consumptive quantity. For purposes of calculating annual consumptive quantity as defined under RCW 90.03.380(1), if, within the most recent five-year period, the water right has been in the trust water rights program under chapter 90.38 or 90.42 RCW, or the nonuse of the water right has been excused from relinquishment under RCW 90.14.140, the department shall look to the most recent five-year period of continuous beneficial use preceding the date where the excuse for nonuse under RCW 90.14.140 was established and remained in effect. See RCW 90.03.615. Underline added. [2009 c 283 § 7.]

This would allow a look-back period that precedes 2011. The highest two years within that period would be 2006 and 2007. Earlier in this report it was stated that orchard use during those years was estimated to be 460 af/yr. The applicant's consultant concluded that all is consumptive to the aquifer because no water returns to the aquifer (deep confined basalt aquifer), however the final beneficial use estimate was based on a 3 ft duty to remove any question about return flow. Annual volume subject to change was therefore estimated to be 420 af/yr with any deep percolation / return flows removed. The two in five year averaging of those years would equal the same result, 420 af/yr. According to this analysis the transferable quantity, with an increase in acres to a total of 305 acres, and with no increase in annual consumptive quantity, would be 420 af/yr; with 1280 gpm.

It was noted by the applicant that the years 2009, 2010 and 2012 used less water than would otherwise have been required due to cooler and more wet natural conditions at key times at the site. According to the applicant this allowed for lower irrigation rates even during the establishment period of the new vineyard (approximate 18 inch water duty was estimated to have been used). The applicant expects to need all of the available water for mature vineyard at 305 acres in size, during hot and dry years. This would equate to a duty just under 17 inches for mature wine grapes (420 af averaged over 305 acres).

Impairment Analysis. No change in well location is requested. The certificate authorized the larger diameter production well (1300 feet deep) which is south of the small diameter well (950 feet deep). The small diameter well was added to the certificate authorization by authority of state law under RCW 90.44.100(3). Both wells have been in use for over 25 years without any known issues of impairment. The wells are drilled in an isolated area nearing the crest of the Horse Heaven Hills. The site is adjacent to significant thrust faults to the south, associated with the Horse Heaven Hills uplift. The applicant's consultant stated that it is therefore difficult to name the basalt aquifer unit with certainty, however due to the similar construction and aquifer depth exhibited by the wells, it can be concluded that both wells draw from the same body of public groundwater (statutory condition, see RCW 90.44.100).

The applicant also requests to lengthen the irrigation season from the current season (April 1-October 31) to a season from February 15-November 30. The longer season will allow for water use in support of wine grape production, for example filling the soil profile to protect root systems. Lengthening the irrigation season will tend to reduce use during the current season time frame (status quo). Because the water source is a deep confined aquifer, there will be no impairment or perceivable effect on surface water resources.

Effect on Pending Change Applications and Instream Flows. The authorized amount of water withdrawn from the aquifer on an annual basis will not be increased due to the change. The proposal is within a confined basalt formation aquifer and will not involve any significant difference in effect with respect to surface waters such as the Yakima River, and therefore no impairment to surface water rights will occur due to the change. There is no indication that approval of the change would cause any undue effect or conflict with any other pending applications for change.

Development Schedule. The applicant proposes a five year schedule to allow time to finalize contracts, secure the contracted varieties, install the irrigation system and evaluate performance. The drip systems would be installed at the time of planting, so the completion of construction phase is linked to the planting schedule.

Other water rights appurtenant to the property (if applicable)

There are no other conflicting irrigation water rights associated with the properties requested to be added, however there are some overlapping pending applications:

1. G4-31842, Vic Jansen, irrigation of 480 acres, stockwater, place of use: Section 27 except NW1/4.
2. G4-32428, Orren Fricke, commercial and industrial, multiple domestic and irrigation of 160 acres, place of use: NW1/4 Section 26.
3. CG4-25323C (change application), Patricia Fergus, add well, place of use is SW1/4 Section 26 (same as current certificate, no change).

At such time that these applications are decided, any conflicts with other rights can be resolved in cooperation with the Department of Ecology. If the subject change application receives final approval, the pending change No. CG4-25323C may no longer be needed.

Current state law also authorizes water use for certain purposes and quantities within a statutory exemption from the permitting requirement. See Revised Code of Washington 90.44.050.

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. During its review, the Board did not encounter any evidence to suggest that approval of the requested change would be detrimental to the public interest, including impacts on any watershed planning activities.

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 upon 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 right 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 historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board's tentative determination was based upon the following findings:

The applicant has demonstrated beneficial use for a tentative determination that the right is valid for up to 1280 gpm, 460 af/yr for irrigation of 130 acres.

The applicant estimated beneficial use by standard methods using available information. The history of use and circumstances relating to non-use of water support a finding that these stated quantities were not relinquished. The applicant has offered to further reduce the annual volume to 420 af/yr should the change be approved.

In summary, the quantities tentatively determined to be valid for change are: 1280 gpm, 420 af/yr for irrigation of 130 acres.

Continued

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

A memo from the applicant's consultant provided supplemental information for the application (Reierson, 9/12/2013 technical memo). The technical memo provided an evaluation of the quantities eligible for change, the estimated annual consumptive quantity, and the potential for impairment to existing rights due to the change/transfer. The technical memo also identified related water right documents.

Other

The applicant has secured options to purchase two properties which are included in the proposed place of use. These are: W1/2NW1/4 of Section 26, T. 8 N., R. 22 E.W.M. EXCEPTING THEREFROM: The south 270 feet of the east 484 feet of SW1/4NW1/4 of said Sec. 26 (Strickland); and SE1/4NE1/4 and E1/2SE1/4 of Section 27, T. 8 N., R. 22 E.W.M. (Jansen). The applicant intends to purchase the properties if the water right change is approved. Permission to pursue the application was obtained from the owners. The applicant is advised that water right authorizations do not in themselves grant rights of access to property.

The information or conclusions in this section were authored and/or developed by Tim Reierson.

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

The Board has tentatively determined that a valid transferable right exists in the following quantities:

1280 gpm, 460 af/yr for irrigation of 130 acres.

Relinquishment or abandonment concerns

Relinquishment due to non-use affects the annual volume for amounts greater than 460 af/yr and for irrigation in excess of 130 acres. A further reduction from 460 af/yr to 420 af/yr is being made voluntarily by the applicant (or as an annual consumptive quantity estimate) should the change be approved.

Hydraulic analysis

The technical memo (Reierson, 9/12/2013) found that existing rights will not be impaired due to the requested transfer, as discussed in the Investigation section of this report. The Board concludes that the annual consumptive quantity will not be increased due to the change to increase irrigated acres, subject to the provisions and conditions within the Board's decision.

Consideration of comments and protests

None.

Impairment

The requested change/transfer will not impair existing rights, including surface water rights.

Public Interest

The proposed change/transfer will not be detrimental to the public interest.

Other

The Board also considered the previous provisions associated with the water right as identified in the Background section of this report when making its decision, and makes the following changes in this decision:

The Family Farm Water Act provision has been updated to reflect a statutory change increasing the 2000 acre limit to 6000 acres. Well construction provisions have been updated to match with Ecology recent practice. The standard metering requirement provisions have been added. A proof of inspection provision and an Ecology personnel inspection provision have been added.

An advisory provision is included, that water right authorizations do not grant rights of access to properties not owned. The Board has reviewed the applicant's request to irrigate 305 acres with the approved quantities for change, and finds the request to be reasonable for wine grapes, with an average water duty of approximately 17 inches.

The information or conclusions in this section were authored and/or developed by Tim Reierson.

DECISION [See WAC 173-153-130(6)(e)]

The Board's decision is to conditionally recommend approval of the requested change/transfer proposal, in full description as follows:

1. The recommended quantification of valid water rights is:

MAXIMUM GAL/MINUTE 1280	MAXIMUM ACRE-FT/YR 460	TYPE OF USE, PERIOD OF USE 460 ac-ft/yr for irrigation of 130 acres from April 1 to October 31.
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2. The recommended quantification of the right as changed is:

MAXIMUM GAL/MINUTE 1280	MAXIMUM ACRE-FT/YR 420	TYPE OF USE, PERIOD OF USE 420 ac-ft/yr for irrigation of 305 acres from February 15 to November 30.
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3. The source locations as changed are (no change):

SOURCE Two (2) wells				TRIBUTARY OF (IF SURFACE WATER)			
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
22082631004	S1/2	SW1/4	26	08 N	22 EWM	37	Yakima

4. The place of use as changed is:

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED
SW1/4 of Section 26, T. 8 N., R. 22 E.W.M.
AND W1/2NW1/4 of Section 26, T. 8 N., R. 22 E.W.M. EXCEPTING THEREFROM: The south 270 feet of the east 484 feet of SW1/4NW1/4 of said Sec. 26.
AND INCLUDING SE1/4NE1/4 and E1/2SE1/4 of Section 27, T. 8 N., R. 22 E.W.M.
Parcel Nos. 220826-31004, 31003, 21003, 23001; 220827-14001, 41001, 44001.

5. In conditionally approving the subject applications, the Board must by statute advise the applicant that they are not permitted to proceed to effect the proposed change until a final decision is made by the director of the Department of Ecology.

The information or conclusions in this section were authored and/or developed by Tim Reierson.

PROVISIONS [See WAC 173-153-130(6)(f)]

Conditions and Limitations

1. This authorization to make use of public waters of the state is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.
2. All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.
3. All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.
4. Installation and maintenance of an access port as described in WAC 173-160-291(3) is required.
5. This authorization to use public waters of the state is classified as a FAMILY FARM PERMIT in accordance with Chapter 90.66 RCW (Initiative Measure No. 59). This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the state of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.
 - 6.a. An approved measuring device shall be installed and maintained for the source(s) identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly and shall be submitted annually to Ecology by January 31st of each calendar year typically.
 - 6.b. The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed or available from Ecology as a document entitled "Water Measurement Device Installation and Operation Requirements".
 - 6.c. At a minimum, the following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, WRIA, Permit or Certificate No., source name, annual quantity used including units, maximum rate of diversion including units, period of use, monthly meter readings including units, and peak flow including units for each month. In the future, Ecology may require additional parameters to be reported or more frequent reporting.
 - 6.d. Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.
 - 6.e. Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions, but only to the extent otherwise allowed by law.
7. The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

8. Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

9. Issuance of a water right change authorization does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

Mitigation (if applicable)

No mitigation requirements apply.

Construction Schedule

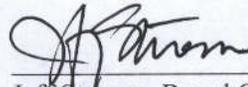
Construction has begun. Completion of Construction (pumps and mainline installed and equipped with capability to deliver the permitted water) shall occur by December 31, 2017, unless extended by Ecology. Beneficial use of water within the parameters of this change shall occur by December 31, 2018, unless extended by Ecology.

The information or conclusions in this section were authored and/or developed by Tim Reierson.

The undersigned Board commissioner certifies that he understands 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 he, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Yakima, Washington

This 5th day of December, 2013.



Jeff Stevens, Board Chairman
Yakima County Water Conservancy Board

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY). Ecology is an equal opportunity employer