

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

For Ecology Use Only

Received:

Reviewed by: _____
Date Reviewed: _____

Applicant: Marcus Griggs Application Number: DOUG 14-03

This record of decision was made by a majority of the board at an open public meeting of the Douglas County Water Conservancy Board held on 9/15/14

Approval: The Douglas County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on 9/15/14 and submits this record of decision and report of examination to the Department of Ecology for final review.

Denial: The Douglas 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:

Lee Hemmer, Chair
Douglas County Water Conservancy Board

Date: 9-15-14

- Approve
- Deny
- Abstain
- Recuse
- Other

Kathalene Humphrey, Vice Chairman
Douglas County Water Conservancy Board

Date: 9-15-14

- Approve
- Deny
- Abstain
- Recuse
- Other

Don Popoff, Member
Douglas County Water Conservancy Board

Date: 9-15-14

- Approve
- Deny
- Abstain
- Recuse
- Other

Mailed to the Department of Ecology Central Regional Office of Ecology, and other interested parties on 9-19-14

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Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 103.75gpm	MAXIMUM ACRE-FT/YR 42.21afy	TYPE OF USE, PERIOD OF USE 9.75ac Irrigation, April 15 th to October 15 th				
SOURCE Wells			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼ Gov Lt 1	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
25212120000			21	25N	21EWM	44	Douglas
56500100200	SW	NW	21				
56500100100	NW	NW	21				
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
The NWNW and the SWSW of Section 22 T25N, R21E, Douglas County, and the E1/2 Section 21, T25N, R21E, Douglas County, Except the South 400 feet of the West 800 feet of the NWNE and the South 15 feet of Government Lot 1 and the North 15 feet of Government Lot 2, tax parcels numbered 25212110001 and 25212220001.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		
25212220001	NW	NW	22	25N	21EWM		
25212220001	NW	SW	22				
25212110001	SW	E1/2	21				

DESCRIPTION OF PROPOSED WORKS

Applicant has developed an interconnected irrigation system which utilizes 4 wells to supply water to Sections 21 & 22. The applicant seeks approval to alternatively withdrawal water from all wells.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Begun	COMPLETE PROJECT BY THIS DATE: 2015	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: 2017
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REPORT

BACKGROUND

The Applicant filed for changes to the subject water right on 04/21/2014. The application was accepted by the Board on that filing date and assigned the unique identifier #DOUG 14-03. Public notice of the application was provided in the Empire Press on 05/01/2014 and 05/08/2014. The 30 day comment and protest period ended on 06/07/2014. See attached Notice of Application for Changes to a Water Right together with its affidavit of publication. In addition to publication, this notice was transmitted to the Washington State Department of Fish and Wildlife, Indian Tribes, and other Parties of Record.

Table 1: Attributes of the Water Right as Currently Documented

Name on certificate: Marcus Griggs
Water right document number: G3-00570@2(B)
As modified by certificate of change number: CG3-00570C@2
Priority date, first use: 12/01/1971
Water quantities: Qi: 103.75gpm Qa: 42.21af
Source: Well
Point of diversion/withdrawal: TBD W1/2 Sec. 21, T25N, R21EWM
Purpose of use: 9.72ac Irrigation
Period of use: April 15 st to October 15 st
The NWNW and the SWSW of Section 22 T25N, R21E, Douglas County, and the E1/2 Section 21, T25N, R21E, Douglas County, Except the South 400 feet of the West 800 feet of the NWNE and the South 15 feet of Government Lot 1 and the North 15 feet of Government Lot 2, tax parcels numbered 25212110001 and 25212220001.

Notice:

Notice of application was published as required.

Signatures:

The applicant is owner of the subject right and existing place of use and has provided all required signatures.

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 Waterville 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.

SEPA:

Proposed changes individually and collectively involve the withdrawal of less than 2250gpm and/or the diversion of less than 50cfs for irrigation purposes and are therefore exempt from the State Environmental Policy Act pursuant to WAC 197-11-800(4) and RCW 43.21C.035. No other project aspects require SEPA review.

Proposed Use:

The proposed use is as described on the front page of this report. Applicant holds water docs 3434-A, 3628-A, WRC 98001768 and G3-00570@2 which currently utilize 4 existing wells to supply an interconnected irrigation system which supplies water to the applicant's properties under production contained within Sections 21 & 22. Applicant seeks authorization to alternatively utilize all approved wells to supply water to the existing place of use.

This water right has been changed subsequent to its priority date in the following manner:

Pursuant to DOUG 11-03 and subsequent Department of Ecology Modification Letter dated July 12, 2012, portion (B) of change CG3-00570C@2 authorized the addition of a new point of withdrawal with a location TBD with the W1/2 of Sec. 21, T25N, R21EWM and a place of use to include 9.72ac of irrigation located within the NWNW and the SWSW of Section 22 T25N, R21E and the E1/2 Section 21, T25N, R21E..

History of Water Use:

Water right G3-00570 was originally authorized to provide domestic water and irrigation to orchard crops maintained within parcel #25213210034. As per CG3-00570C@2 the domestic and irrigation attributes of the right were separated into portions A & B. The change to portion B authorized a new point of withdrawal to be developed within the W1/2 of Sec. 21, T25N, R21EWM to provide irrigation to the undeveloped and arable portions of the NWNW and the SWSW of Section 22, T25N, R21E and the E1/2 of Section 21, T25N, R21E. The applicant has since developed a new well within parcel #25212120000, cleared land within the E1/2 of section 21, and begun installation of related infrastructure in anticipation of new plantings. At the time of filing change application CG3-00570@2, the Applicant anticipated immediate development of orchard crops. However, unanticipated events have resulted in projected delays. Therefore, the applicant has filed a schedule extension request with Ecology to allow additional time as needed to complete the project. This extension was approved by Ecology May 1st, 2014.

COMMENT AND PROTESTS

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.

INVESTIGATION

Board members conducted a site visit of the subject property on 11/14/2013. Participants consisted of Kathy Humphrey of the Douglas County Water Conservancy Board, John Griggs, and Marc Marquis, attorney for the Applicants. Additional information was obtained via interviews with the applicants and a review of public records available via Douglas County and the Department of Ecology.

Development Schedule

The Applicant has requested an extension of the current development schedule approved pursuant to CG3-00570C@2(B). During the interim the applicant has cleared land, developed a new well, and began installation of required irrigation infrastructure. The applicant now requests 1 year to complete line extensions and 2 additional years to allow for tree planting and maturation.

Tentative Determination

Pursuant to change application DOUG 11-03 and subsequent Department of Ecology modification letter dated 7/12/2012, Ecology previously determined the extent and validity of portion (B) equal to 103.75gpm and 42.21afy for the irrigation of 9.75ac. The Board fully incorporates by reference this prior determination herein the subject report of examination.

Other water rights appurtenant to the property

Lots 2-6, Block1, Fisher Orchard Tracts consists of approximately 19.84 acres contained within Douglas County parcel #56500100200 which is located in the SENW and NESW Section 21, T25N, R 21EWM. This property was acquired from Marcus E. Griggs and Bernice C. Griggs. The water right for the property is evidenced by **GWC 3434-A**, which was issued to Marcus

Griggs. The certificate identifies the source of water as a well in Lot 4, Block 1, Fishers Orchard Tracts. This right was issued for 240gpm, 80afy to irrigate 20ac. The priority date for this right is 10/05/1955 and the place of use is Lots 2-6, Block 1, Fisher Orchard Tracts.

Government Lot 1, East of Highway 97 consists of approximately 38.8ac contained within parcels #25212110000 and #25212120000 which are located in NENW Sec.21, T25N, R21EWM. This property was formerly owned by Susan Grung, Francis Henderson, and Bernice Griggs. The water right for this property is evidenced by **GWC 3628-A**, which was issued to the former owners. The certificate identifies a well in Government Lot 1, Sec. 1, T25N, R21EWM as the source of water for the irrigation of 40ac in the amounts of 400gpm and 160afy. The priority date for this certificate is 12/03/1959. The place of use is Government Lot 1.

The East half of Sec. 21; Lot 1, Block 1 Fisher Orchard Tracts; and Government Lot 1 West of Highway 97 contain parcels that are covered by a 1886 water claim to Balm Springs. Parcel #25212110001 consists of approximately 314 acres. The only portion of the E1/2 not included is 9ac for the P.U.D. substation located in the NWNW of Section 21. As of 2006, approximately 30ac of parcel #25212110001 were subject to irrigation. Additional land is now under development at this location following approval of Doug 11-03. This property was acquired by the applicant from Aileen Mills and Jean Hyde. Lot 1, Block 1, Fisher Orchard Tracts consists of 5ac parcel #56500100100 that is located in NWNW of Sec. 21. Lastly, parcel #25212110004, described as Government Lot 1 West of Highway 97, consists of approximately 12.2ac and is located in NWNW Sec. 21, T25N, R21EWM. This property was formerly part of Government Lot 1 East of the Highway owned by Grung, Henderson, and Griggs.

On April 20, 1886, Eli C. Fisher recorded water right #462 in Douglas County, Territory of Washington. Fisher claimed a right to water from Balm Springs located in the NE1/4 Sec.21, T25N, R21EWM for irrigation located within Section 21. Fisher claimed 50 inches of water for irrigation and domestic use.

The above described water right was the basis for **WRC #98001768** (S4-301552C) which was filed with Ecology during the 1998 claims registration. This claim was filed for 1.25cfs and an annual quantity that is illegible for the irrigation of 60ac, domestic use for 10-12 units, and stock water. The source given is Balm Springs and two wells which act in continuity with the springs. The location of the point of diversion is the NENE Sec. 21, T25N, R21EWM. No information is provided regarding the location of the two wells. The subject wells were initially developed near the Columbia River prior to 1940. This location became flooded following installation of the Rocky Reach Dam in 1958. A replacement well with a 100hp pump was subsequently developed near the new shoreline in the SW corner of parcel #56500100100. Domestic quantities are withdrawn from a separate well located within Gov. Lt 1. The applicant has since discontinued use of the springs to supply either domestic or irrigation water.

The parcels referenced as the place of use in WRC #98001768 include #25212110001, #2521210000, #5650000200, 565001, and 565-001. The last three parcel numbers appear to be incorrect or only partial numbers. Therefore, on May 14, 2013, the applicant filed a claim amendment to correctly reference parcels #25212110001; 25212120000; and 56500100100, 25212120002, and 25212120001.

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. The public interest is served by this transfer of ground water as it facilitates land use in a manner consistent with the relevant planning policies.

Relinquishment and Abandonment:

As per CG3-00570C@2 and subsequent modification letter dated, 7/12/2012, the Board previously determined the extent and validity of the subject right. Since that time the applicant has cleared land, installed a new well, and began preparations for new plantings. Due to unanticipated events, development of the land has been delayed and the applicant has requested a schedule extension which was approve May 1st, 2014. A 5 year period of non-use has not occurred and the statutory elements for relinquishment are not met. In addition, the Board identified no evidence of intent by the Applicant to abandon the subject right.

Hydrogeologic Reports:

A hydrogeologic analysis of was performed by Steve Nelson of RH2 Engineering. In summary, this report finds that the existing and proposed points of withdrawal are in hydraulic continuity. In addition, this report also finds that proposed withdrawals from identified wells will not enlarge the water right or impair existing water rights. The Board fully incorporates the contents of the hydrogeologic analysis by reference herein.

CONCLUSIONS

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

The water right authorized for change is in a valid exercisable status with regard to the amounts proposed for change, the statutory forfeiture provisions of Chapter 90.14 RCW are not met relative to the amounts requested for change. At no time was there intent by the water right holder(s) to abandon the rights authorized for change.

Existing and proposed points of withdrawal are in hydraulic continuity and the proposed change will not enlarge the subject water right or result in impairment to other water rights.

There were no comments or protests.

The proposed changes can be made without injury or detriment to existing water rights.

The public interest is served by this transfer of ground water as it facilitates land use in a manner consistent with the relevant planning policies. There are no detriments to the public interest resulting from the proposed changes.

Approval of this change will not enlarge the right.

DECISION

Name on Water Right:	Marcus Griggs
Priority Date:	12/01/1970
Instantaneous Quantity:	103.75gpm
Annual Quantity:	42.21afy
Source:	Wells
Point of Withdrawal:	SWNW Sec. 21, T25N, R21E Douglas Co. Parcel #56500100200 NWNW Sec. 21, T25N, R21E Douglas Co. Parcel #56500100100 NENW Sec. 21, T25N, R21E, Douglas Co. Parcel #25212120000
Purpose of Use	Irrigation 9.75ac
Period of Use:	April 15 st to October 15 st
Place of Use:	The NWNW and the SWSW of Section 22 T25N, R21E, Douglas County, and the E1/2 Section 21, T25N, R21E, Douglas County, Except the South 400 feet of the West 800 feet of the NWNE and the South 15 feet of Government Lot 1 and the North 15 feet of Government Lot 2, tax parcels numbered 25212110001 and 25212220001.

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

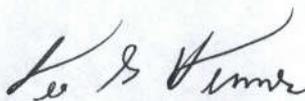
- 1) The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required. This authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.
- 2) All wells constructed in the state shall meet the "Minimum Standards for the Construction and Maintenance of Wells" (WAC 173-160) and "Water Well Construction" (RCW 18.104). In general, wells shall be located at least 100 feet from sources of contamination and at least 1,000 feet of the boundary of a solid waste landfill. Any well which is unusable, abandoned, or is an environmental, safety, or public health hazard shall be decommissioned.
- 3) Required installation and maintenance of an access port as described in WAC 173-160- 291(3).

- 4) 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.
- 5) An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC.
- 6) To prevent the authorized instant demand rates of these rights from being exceeded at any time the installed capacity of the diversion/withdrawal points must be no greater than the total demand authorized from each point and the points must be administrated such that any combined demand does not exceed the combined total authorization.
- 7) 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.
- 8) Water use data shall be recorded monthly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology by January 31st of each calendar year.
- 9) Reported water use data shall be submitted via the Internet or by using forms available at the Central Regional Office of the Department of Ecology in Yakima. To set up an Internet reporting account, access <https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/>. If you have questions or need forms, contact the Central Regional office.

This Order may be appealed pursuant to RCW Chapter 43.21B. Any person wishing to appeal this Order must file an appeal with the Pollution Control Hearings Board within thirty (30) days of receipt of this Order. Send the appeal to: Pollution Control Hearings Board, PO Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to: Department of Ecology, Water Resources Appeals Coordinator, PO Box 47600, Olympia, Washington 98504-7600.

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

Signed at Waterville, Washington.



Lee Hemmer, Chair
Douglas County Water Conservancy Board

9-15-14
Date

Appendix:

- 1. Application
- 2. Application Map
- 3. Copy of the Existing Water Right Document
- 4. Map showing acres calculation and extent of beneficial use
- 5. Hydrogeologic Report
- 6. Notice of Application and affidavit of publication
- 7. Letter of Transmittal of Notice of Application to Department of Fish and Wildlife