STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
*15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490*

November 18, 2011

James R Cannon
7940 Entiat River Rd
Entiat WA 98822-9743

**RE: Water Right Change Application No. CS4-28583C (CHEL-10-03)**

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Chelan County Water Conservancy Board (the Board) for the above referenced application for change.

Ecology has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

**Summary of Ecology's Final Order**

| MAXIMUM CFS | MAXIMUM GPM | MAXIMUM AC-FT/YR | TYPE OF USE, PERIOD OF USE |
|---|---|---|---|
| 1.56 | 700.2 | 12.4 | Frost protection as required between March 15 and June 1 |

| SOURCE | TRIBUTARY OF (IF SURFACE WATER) |
|---|---|
| Entiat River and 2 wells | Columbia River |

| ¼ | ¼ | SECTION | TOWNSHIP | RANGE | WRIA | COUNTY. |
|---|---|---|---|---|---|---|
| POD: SW | NE | 33 | 26 N | 20 EWM | 46 | Chelan |
| Well No. 1: NW | SE | 33 | 26 N | 20 EWM | 46 | Chelan |
| Well No. 2: NW | NE | 33 | 26 N | 20 EWM | 46 | Chelan |

AT A POINT LOCATED/PARCEL NO.

POD: 1,725 feet south and 2,150 feet west from the northeast corner of Section 33, T. 26 N., R. 20 E.W.M. (Parcel No. 262033130100)

Well No. 1: 1,650 feet west and 2,400 feet north from the southeast corner of Section 33, T. 26 N., R. 20 E. W. M. (Parcel No. 262033420050)

Well No. 2: 2,657 feet west and 1.032 feet south from the northeast corner of Section 33, T. 26 N., R. 20 E.W.M. (Parcel No. 262033130100)

Certified Mail **GREEN Card is in File No. CS4-29646P**

FILE COPY

**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD**

NE¼ NW¼; NE¼ NE¼ SE¼ NW¼; SE¼ SE¼ NW¼; W½ NE¼; N½ SE¼, lying west of the Entiat River; and E2/3 N2/3 SW¼ SE¼, lying west of the Entiat River; all within Section 33, Township 26 N., Range 20 E.W.M.

Except that part of the NE ¼ NW ¼ lying Westerly of the following described line: Commencing at the SE corner of the NE1/4 of the NW1/4. Thence South 87°38'14" West 376 feet; thence North 32°20'38" West 74 feet; thence North 24°19'32" West 195 feet; thence North 27°28'28" West 137 feet; thence North 14°19'22" West 118 feet; thence North 14°2'10" West 100 feet; thence North 12°31'43" West 45 feet to a point meeting the Entiat River and the conclusion of this line.

And Except that part of the NE ¼ NW ¼ bounded to the north by the Entiat River Road, to the south by the Entiat River, and to the east by the following described line: Commencing at the N ¼ corner of the said Section 33 as monumented by a GLO brass cap, thence along the center of Section line as shown on Short Plat #2790 South 02°14'45" West 940.8 ft to the True Point of Beginning of this line; Thence North 33°2'2" East 118 feet; thence North 46° 1'48" West 256 feet to the right of way of the Entiat River Road and the end of the described line. This excepted area lies within Chelan County Parcel Nos. 262033210060, 262033210070, 262033210080 and 262033210090 as of January 10, 2011.

And Except that part of the W ½ NE ¼ lying northeasterly of the Entiat River Road and southeasterly of the following described line: Commencing at the NE corner of Section 33 thence South 89° West 1314 feet; thence South 0° East 574 feet to the True Point of Beginning for this line; Thence South 35°32'16" West 175 feet; thence South 0°36'58" West 397 feet; thence South 38°57'36" West 511 feet to the end of the described line. This excepted area lies within Chelan County Parcel Nos. 262033130050 and 262033110050 as of January 10, 2011.

| PARCEL NO. | ¼ | ¼ | SECTION | TOWNSHIP | RANGE, |
|---|---|---|---|---|---|
| 262033120050, 262033120100, 262033130100, 262033210010, and 262033420050<br>And portions of:<br>262033210050, 262033300050, and 262033430050 | | | 33 | 26 N | 20 EWM |

**DEVELOPMENT SCHEDULE**

| BEGIN PROJECT BY THIS DATE: | COMPLETE PROJECT BY THIS DATE: | WATER TO PUT TO FULL USE BY THIS DATE: |
|---|---|---|
| Begun | October 31, 2012 | October 31, 2012 |

Ecology has **MODIFIED** the decision of the Board as follows:

1. The Board's decision has been modified as noted in the table above.

2. The following portion of the Farm Plan provision within the Provisions section of the Board's decision (pages 14) is DELETED:

   "The land in orchard and the land in pasture are identified on Supp. Ex. 5. The two authorized.....will be used to meet the particular needs of that crop."

   And REPLACED by the following:

   "Since Ecology still has a need to understand the land to which each water right is appurtenant and in order to provide the applicant the flexibility in crop management, the applicant shall:

   Submit a Farm Plan to Ecology to be due October 31, 2012, the date by which the water is to be put to full use. If in the future the property owner changes the crops grown on the currently irrigated acres or the water rights to serve these crops, then they will notify Ecology by February 15th of the year in which the change is proposed to take place, and will provide a new Farm Plan as described below.

   The Farm Plan will include a discussion of how pumping at each well and point of diversion will be coordinated to ensure that the water right limitations are not exceeded. Additionally, the Farm Plan shall include map(s) that identify the total Cannon holdings and outline which specific acreage is served under each water right for both frost protection and irrigation purposes. The plan shall include an explanation to accompany the map(s) that describe which water right serves each outlined land area, the crop types, and how the non-additive portions of the Cannon water rights are being used within their limitations."

3. The following provisions are ADDED to the Provisions section of the Board's decision:

   - "All repairs shall be performed in accordance with Chapter 173-160 WAC. The existing surface seal shall be repaired by filling the cavity between the well casing and the surrounding native material with dry bentonite chips such that upon completion the bentonite chips completely fill the cavity and slope from the well casing to the surrounding ground surface. The repair shall insure that the minimumstandard for an annular seal listed in WAC 173-160-231 is achieved. The repair shall be conducted by a well driller licensed in the State of Washington per Chapter 173-162 WAC. If there are any questions regarding the surface seal repair, please call Department of Ecology, Central Region Office, Well Construction Coordinator at (509) 575-2490."

   - "The intake shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. http://wdfw.wa.gov/about/contact/"

## YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this decision. 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 the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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

## ADDRESS AND LOCATION INFORMATION

| Street Addresses | Mailing Addresses |
|---|---|
| **Department of Ecology**<br>Attn: Appeals Processing Desk<br>300 Desmond Drive SE<br>Lacey WA 98503 | **Department of Ecology**<br>Attn: Appeals Processing Desk<br>PO Box 47608<br>Olympia WA 98504-7608 |
| **Pollution Control Hearings Board**<br>1111 Israel Road SW, Ste 301<br>Tumwater WA 98501 | **Pollution Control Hearings Board**<br>PO Box 40903<br>Olympia WA 98504-0903 |

Mark Kemner, Section Manager
Water Resources Program/CRO

MK:IE:gg/111811a

Enclosures: Your Right to Be Heard
Water Measuring Requirements and Form 1
Construction Notice

By Certified Mail: 7007 2560 0001 9535 5957

cc: Janet Rajala, Department of Ecology, Easter Region Office (email pdf)
Lisa de Vera, Chelan County Water Conservancy Board
Mary McCrea, Cascadia Law Group
Philip Rigdon, Director, Natural Resources Division, Yakama Nation
Lois Trevino, Administrator, Environmental Trust, Colville Confederated Tribes