

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

For Ecology Use Only Received: DEPT OF ECOLOGY Received JUN 12 2013 CENTRAL REGION OFFICE Reviewed by: Date Reviewed:

Applicant: Gebbers Farms Incorporated

Application Number: OKAN-12-06

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

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

Denial: The Okanogan County Water Conservancy Board hereby denies conditional approval for the water right transfer as described within the report of examination on June 5th, 2013 and submits this record of decision to the Department of Ecology for final review.

Signed:

John Hubbard, Chair Okanogan County Water Conservancy Board

Date: 6-5-13

- Approve [checked] Deny [] Abstain [] Recuse [] Other []

Rod Noel, Member Okanogan County Water Conservancy Board

Date: 6-5-13

- Approve [checked] Deny [] Abstain [] Recuse [] Other []

Mark Miller, Member Okanogan County Water Conservancy Board

Date: 6/5/13

- Approve [checked] Deny [] Abstain [] Recuse [] Other []

Lise Barker, Member Okanogan County Water Conservancy Board

Date: 6/5/13

- Approve [checked] Deny [] Abstain [] Recuse [] Other []

(Name), (Title) (Board Name) Water Conservancy Board

Date:

- Approve [] Deny [] Abstain [] Recuse [] Other []

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

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

Report of Examination



NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

NOTE TO AUTHOR: Read the instructions for completing a water conservancy board report of examination. Use the F11 key to move through the form.

Surface Water Ground Water

DATE APPLICATION RECEIVED December 5th, 2012	WATER RIGHT DOCUMENT NUMBER (i.e., claim, permit, certificate, etc.) S4-30388P	WATER RIGHT PRIORITY DATE August 28, 1990	BOARD-ASSIGNED CHANGE APPLICATION NUMBER OKAN-12-06
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NAME Gebbers Farms, Inc.; Attn: Tory Wulf			
ADDRESS (STREET) PO Box 7	(CITY) Brewster	(STATE) WA	(ZIP CODE) 98812

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.)

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/ SECOND 5.7	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 1245.2	TYPE OF USE, PERIOD OF USE 1200 acre-feet per year to be used for irrigation of 300 acres from April 1 to October 31; 45.2 acre-feet per year to be used for frost protection from March 1 to April 30				
SOURCE Okanogan River/Wells Pool			TRIBUTARY OF (IF SURFACE WATER) Columbia River				
AT A POINT LOCATED: PARCEL NO. Lot 2 Payne Tract	$\frac{1}{4}$ SW	$\frac{1}{4}$ NE	SECTION 09	TOWNSHIP N. 31	RANGE 25 E.W.M.	WRIA 49	COUNTY. Okanogan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED NE$\frac{1}{4}$-NE$\frac{1}{4}$, S$\frac{1}{2}$-NE$\frac{1}{4}$, N$\frac{1}{2}$-SE$\frac{1}{4}$, and SE$\frac{1}{4}$-SE$\frac{1}{4}$ Section 6; E$\frac{1}{2}$-NE$\frac{1}{4}$-NE$\frac{1}{4}$ Section 7; W$\frac{1}{2}$-NW$\frac{1}{4}$ and SE$\frac{1}{4}$-NW$\frac{1}{4}$ Section 8; all in T.31N., R.25E.W.M.; and SW$\frac{1}{4}$-SE$\frac{1}{4}$, SE$\frac{1}{4}$-SW$\frac{1}{4}$ and that portion of SE$\frac{1}{4}$-SE$\frac{1}{4}$ and of the south 15 chains, 16 links of Government Lot 5 lying west of the County Road in Section 31, T.32N., R.25E.W.M., all in Okanogan County, Washington.							
PARCEL NO.	$\frac{1}{4}$	$\frac{1}{4}$	SECTION	TOWNSHIP N.	RANGE,		

Proposed Use

MAXIMUM CUB FT/ SECOND 5.7	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 1245.2	TYPE OF USE, PERIOD OF USE 1200 acre-feet per year to be used for irrigation of 300 acres from April 1 to October 31; 45.2 acre-feet per year to be used for frost protection from March 1 to April 30				
SOURCE Okanogan River/Wells Pool			TRIBUTARY OF (IF SURFACE WATER) Columbia River				
AT A POINT LOCATED: PARCEL NO. 6600030000	$\frac{1}{4}$ SW	$\frac{1}{4}$ NE	SECTION 09	TOWNSHIP N. 31	RANGE 25 E.W.M.	WRIA 49	COUNTY. Okanogan
3125270033	S1/2	SE	22	31	25 E.W.M.	49	Okanogan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED NE$\frac{1}{4}$-NE$\frac{1}{4}$, S$\frac{1}{2}$-NE$\frac{1}{4}$, N$\frac{1}{2}$-SE$\frac{1}{4}$, and SE$\frac{1}{4}$-SE$\frac{1}{4}$ Section 6; E$\frac{1}{2}$-NE$\frac{1}{4}$-NE$\frac{1}{4}$ Section 7; W$\frac{1}{2}$-NW$\frac{1}{4}$ and SE$\frac{1}{4}$-NW$\frac{1}{4}$ Section 8; all in T.31N., R.25E.W.M.; and SW$\frac{1}{4}$-SE$\frac{1}{4}$, SE$\frac{1}{4}$-SW$\frac{1}{4}$ and that portion of SE$\frac{1}{4}$-SE$\frac{1}{4}$ and of the south 15 chains, 16 links of Government Lot 5 lying west of the County Road in Section 31, T.32N., R.25E.W.M., all in Okanogan County, Washington.							
PARCEL NO.	$\frac{1}{4}$	$\frac{1}{4}$	SECTION	TOWNSHIP N.	RANGE,		

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND 5.7	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 1245.2	TYPE OF USE, PERIOD OF USE 1200 acre-feet per year to be used for irrigation of 300 acres from April 1 to October 31; 45.2 acre-feet per year to be used for frost protection from March 1 to April 30				
SOURCE Okanogan River/Wells Pool			TRIBUTARY OF (IF SURFACE WATER) Columbia River				
AT A POINT LOCATED: PARCEL NO. 6600030000	¼ SW	¼ NE	SECTION 09	TOWNSHIP N. 31	RANGE 25 E.W.M.	WRIA 49	COUNTY. Okanogan
3125270033	S1/2	SE	22	31	25 E.W.M.	49	Okanogan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED NE¼-NE¼, S½-NE¼, N½-SE¼, and SE¼-SE¼ Section 6; E½-NE¼-NE¼ Section 7; W½-NW¼ and SE¼-NW¼ Section 8; all in T.31N., R.25E.W.M.; and SW¼-SE¼, SE¼-SW¼ and that portion of SE¼-SE¼ and of the south 15 chains, 16 links of Government Lot 5 lying west of the County Road in Section 31, T.32N., R.25E.W.M., all in Okanogan County, Washington.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

DESCRIPTION OF PROPOSED WORKS

Proposed works at original place of diversion include a 16" mainline, 300 horsepower pump at river; 100 horsepower booster pump; solid set PVC. Proposed works at additional proposed place of diversion include connecting a 10" mainline from the place of use in Section 6 and 8, T.31N., R.25E.W.M. to an existing water delivery system currently existing in Section 21, T.31N., R.25E.W.M. This system currently conveys water from an existing diversion site located in Section 22, T.31N., R.25E.W.M. The system is utilized for several water rights. A dedicated meter will be installed to measure water diverted from this system to the place of use.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: July 1 st , 2014	COMPLETE PROJECT BY THIS DATE: December 31 st , 2015	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: December 31 st , 2020
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REPORT

NOTE TO AUTHOR: This form reflects the minimum regulatory requirements as required in WAC 173-153-130(6). In accordance with WAC 173-153-130(5), "It is the responsibility of the water conservancy board 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." **Completion solely of the minimum regulatory requirements may not constitute a fully documented decision.**

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

On December 5th, 2012, Gebbers Farms of Brewster, Washington filed an application for change to add points of diversion under Water Right Permit No. S4-30388P. The application was accepted at an open public meeting on December 5th, 2012, and the board assigned application number OKAN 12-06.

Attributes of the water right as currently documented

Name on certificate, claim, permit: Gebbers Farms, Inc.

Water right document number: S4-30388P

As modified by certificate of change number: N/A

Priority date, first use: August 28, 1990

Water quantities: Qi: 5.7 cfs Qa: 1245.2 acre ft./ year

Source: Okanogan River/Wells Pool

Point of diversion/withdrawal: 300 feet east and 900 feet north of the center of Section 9

Purpose of use: irrigation and frost protection

Period of use: 1200 acre-feet per year to be used for irrigation of 300 acres from April 1 to October 31; 45.2 acre-feet per year to be used for frost protection from March 1 to April 30.

Place of use: NE¼-NE¼, S½-NE¼, N½-SE¼, and SE¼-SE¼ Section 6; E½-NE¼-NE¼ Section 7; W½-NW¼ and SE¼-NW¼ Section 8; all in T.31N., R.25E.W.M.; and SW¼-SE¼, SE¼-SW¼ and that portion of SE¼-SE¼ and of the south 15 chains, 16 links of Government Lot 5 lying west of the County Road in Section 31, T.32N., R.25E.W.M., all in Okanogan County, Washington.

Existing provisions:

- This authorization is subject to Washington Department of Fisheries juvenile salmon screening criteria (pursuant to RCW 75.20.040) and/or Washington Department of Wildlife game fish screening criteria.
- Prior to completion of construction being considered complete, the permittee shall provide to the Department a legible as built drawing, to scale, of the lands irrigated by state waters from the diversion. The drawing is to include the irrigation system implemented and installed and shall show locations of all booster pumps, mainlines, flow meters and

parcels.

- 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 local agencies under the Shorelines Management Act of 1971.
- That portion of this authorization relating to irrigation 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 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.
- A proof inspection will be conducted prior to final certificate issuance. The certificate will issue only for the actual quantity being withdrawn.
- S4-30388 and S4-30389 have identical priority dates and share a common point of diversion and mainline independent of any other right. Accordingly, these permits shall be served by a single flow meter and flow control device installed at a point of diversion. S4-30388 and S4-30389 shall be metered as a single diversion. The location of each meter or valve installed in compliance with this permit must be reported to the department and must remain accessible to the Department for inspection and periodic reading.
- A suitable measuring device approved by the Department of Ecology shall be installed at the diversion from the Okanogan River and maintained in accordance with WAC 508-64-020 through WAC 508-64-040.
- This authorization is subject to the following minimum flow provisions as specified in WAC 173-563-040 and WAC 173-563-050 and the following table. It is subject to regulation by the Department of Ecology for protection of instream resources whenever the March 1 forecast of April-September runoff at The Dalles is 60 MAF or less, and when gaged flow are predicted by the BPA 30-Day Power Operation Plan to violate the following minimum flow provisions at:

Primary Control Station(s): Wells Pool
River Mile(s): 515.6

Minimum Average Weekly Flows
Columbia River Projects
(1,000 cubic feet/second)

Primary Control Station	Chief Joseph*	Wells/Rocky Reach*	Rock Island & Wanapum*	Priest Rapids	McNary	John Day	The Dalles
RIVER MILE	(545.1)	(515.6) (473.7)	(453.4) (415.8)	(397.1)	(292.0)	(215.6)	(191.5)
Jan	30	30	30	70	60	60	60
Feb	30	30	30	70	60	60	60
Mar	30	30	30	70	60	60	60
Apr 1-15	50	50	60	70	100	100	120
Apr 16-25	60	60	60	70	150	150	160
Apr 26-30	90	100	110	110	200	200	200
May	100	115	130	130	220	220	220
Jun 1-15	80	110	110	110	200	200	200
Jun 16-30	60	80	80	80	120	120	120
Jul 1-15	60	80	80	80	120	120	120
Jul 16-31	90	100	110	110	140	140	140
Aug	85	90	95	95	120	120	120
Sep	40	40	40	40	60	85	90
Oct 1-15	30	35	40	40	60	85	90
Oct 16-31	30	35	40	70	60	85	90
Nov	30	30	30	70	60	60	60
Dec	30	30	30	70	60	60	60

- * For the reach from Grand Coulee through Wanapum, minimum average weekly flows shall be as shown above, or as necessary to maintain minimum flows (subject to low runoff and adjustment) at Priest Rapids, whichever is higher. As provided in WAC 173-563-050(1), the minimum average weekly flows set forth in this subsection are subject to a reduction of up to 25 percent during low flow years, except that in no case shall the outflow from Priest Rapids be less than 36,000 cfs.
- Use of water under this authorization shall be contingent upon the water right holder's utilization of up-to-date water conservation practices and maintenance of efficient water delivery systems consistent with the established regulation requirements and facility capabilities.
- Use of water under this authorization can be expected to be curtailed at least once every 20 years.
- 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.

Tentative determination of the water right

The tentative determination is provided on the front page of this report. The Board has made the determination that an additional point of diversion is approved for this permit. No determination on the extent of the right was completed at this time as the water right is still being perfected under extension approvals by the Department of Ecology.

History of water use

On August 28th, 1990, Gebbers Farms, Inc. applied to divert 5.7 cfs from the Wells Pool to irrigate 300 acres from April 1 to October 15th of each year. Water was requested to be withdrawn from the Okanogan River at a point of diversion located on Douglas PUD land located at Lot 2 – Payne Tracts, Section 9, T.31N., R.25E.W.M. under an existing system permit recorded 5/27/1969. At the same time, the Wick Trust/Marty Wick filed an application (S4-30389P) to withdraw 5.7 cfs to irrigate 300 acres from April 1 to October 15th of each year to be used at a different place of use than this application..

In June of 1992, Ecology prepared a Report of Examination which approved permit S4-30388P for 5.7 cfs, 1245.2 acre-feet per year (1200 acre-feet per year to be used for irrigation of 300 acres from April 1 to October 31; 45.2 acre-feet per year to be used for frost protection from March 1 to April 30) for the place of use currently identified on the permit.

The original approved point of diversion is located approximately 300 feet east and 900 feet north of the center of Section 9. The diversion point is located approximately 9.8 miles up the Okanogan River, still within the backwater of the Wells Pool of the Columbia River, which influences water at the diversion point. It appears that the inundation of Wells Pool at this location is year round. The diversion site was developed for use for the two applications and consisted of 300 hp pump at the river and two 100 hp booster pumps. The mainline consisted of an 18-inch pipe. The property described as the place of use under permit S4-30388P is located approximately 5,000 to 12,000 feet west of the point of diversion. In order to access the place of use, the applicant had to cross several properties which they did not own, therefore requiring lease/easement agreements to complete the water delivery system. Permit S4-30388 was issued on March 18th, 1994.

Due to issues arising from development of the delivery system Gebbers has requested numerous extensions to the Department of Ecology. Extension letters granted by Ecology consisted of the following:

- March 7th, 2002, extension granted to July 1, 2004;
- March 16th, 2004, extension granted to February 1, 2006;
- May 25th, 2006, extension granted to February 1, 2008;
- November 12th, 2008, extension granted to February 1, 2010;
- January 26th, 2011, extension granted to February 1, 2012; and
- December 18th, 2012, extension granted to July 1, 2014.

Gebbers Farms began to develop the project but could not complete pipelines across properties and right-of-ways that they did not own. Recently, some orchards have been planted and PVC irrigation line installed.

This proposed change application is requesting to add an additional point of diversion to the permit. Due to issues arising from access for right of way crossings during installation of the conveyance system, the installed pipeline will be required to be connected to a diversion from an existing approved point of withdrawal located in the S½-SE¼ Section 22 T31N, R25EWM, a location approximately 3.6 river miles downstream on the approved Permit point of diversion.

Previous changes

N/A

SEPA

The board has reviewed the proposed project in its entirety and has concluded that the water right is exempt from SEPA. The Board has approved an additional point of diversion under the existing permit in accordance with the State laws and rules.

Other

The change application for permit S4-30388P is being submitted to add/change the Point of Diversion. This application change can be processed in accordance with RCW 90.03.397 (1), which states:

- (1) The department may approve a change of the point of diversion prescribed in a permit to appropriate surface water for a beneficial use if the ownership, purpose of use, season of use, and place of use of the permit remain the same to an approved intake structure with capacity to transport the additional diversion to either: (a) A point of diversion that is located downstream; or (b) a point of diversion located between Columbia river miles 215.6 and 292, if the existing point of diversion is contained therein.

Therefore, the Okanogan County Water Conservancy Board is processing this application to add points of withdrawal to the permit.

The information or conclusions in this section were authored and/or developed by Gene St.Godard with the WNR Group, Inc. and reviewed by the OCWCB.

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

Public notice of the application was given in the Quad City Herald on February 7th and 14th, 2013. Protest period ended on February 16th, 2013.

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

The information or conclusions in this section were authored and/or developed by Gene St.Godard with the WNR Group, Inc. and reviewed by the OCWCB.

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

The following information was obtained from a site inspection conducted by OCWCB members Rod Noel, Lisa DeVera, John Hubbard and Mark Miller with the applicant's representative Tom Call of Gebbers Farm on March 1st, 2013, technical reports, research of department records, communication with Ecology and conversations with the applicant, applicants repetitive from WNR Group, Inc. and/or other interested parties.

Proposed project plans and specifications

The applicants proposed additional point of diversion is an existing approved point of withdrawal located in the S½-SE¼ Section 22 T31N, R25EWM, located on parcel No. 3125270033. The additional point of diversion is an operating diversionary structure owned by the Washington State DNR and leased to Gebbers Farm under DNR lease agreement No. 12-067588 revised on March 8th, 1993. The term of the lease is valid through January 1st, 2044.

The DNR pump station (proposed additional point of diversion) in Sec. 22 is located approximately six (6) river miles upstream from the confluence with the Columbia River, and approximately ten (10) river miles below the Malott gauge on the Okanogan River. The diversion point is within the Wells Pool.

The new diversion (which is existing and used for other diversions discussed below) consists of 24' x 37' wood frame steel siding with insulation, heating system, lighting and humidity control system. The diversion consists of a two (2) 400 hp pumps, one 250 hp pump, and one 150 hp pump. Water is diverted through an 18-inch mainline to a lagoon located approximately 1000 feet west of the Okanogan River and pump house. Infrastructure at the Lagoon Pump Station consists of one (1) 150 hp pump, four (4) 300 hp pumps, and one (1) 350 hp pump. A 500 hp booster pump conveys water to the north through an 18-inch mainline, where a second 500 hp booster pump then conveys the water to the west through 18-inch mainline. Once in Section 21, a 60 hp booster pump then conveys the water through 10-inch mainline to lands which are currently being irrigated. The proposed project will then connect to the northern extent of this 10-inch mainline.

Development of infrastructure at the proposed place of use listed under permit S4-30388P has begun. Planting of orchards and PVC irrigation lines has occurred. Upon approval of this transfer, construction of an 8 or 10-inch mainline will be constructed to connect to the existing water delivery system.

The applicant has requested a development schedule to begin by July 1, 2014. This is the deadline for the Construction Notice outlined in the most recent Ecology extension approval letter dated December 18th, 2012. The construction project will be completed by December 31st, 2015, with five (5) years provided to fully perfect the water right by December 31st, 2020.

The point of diversions is located approximately 9.8 (existing) and 6 (proposed) miles upstream of the confluence of the Okanogan and Columbia Rivers. The backwater of the pool of Wells Dam of the Columbia River influences the area of the existing and proposed diversion. It appears the inundation of the Wells Pool at these locations is year round, and therefore shall be subject to the following:

Under the authority of the Water Resources Act of 1971, Chapter 90.54 of the Revised Code of Washington (RCW), the Department of Ecology adopted the Columbia River Instream Resources Protection Program, Chapter 173-563 of the Washington Administrative Code (WAC), on June 23rd, 1980. This chapter of the WAC was adopted to promote proper utilization of the water resources of the Columbia River and to protect and ensure the viability of the instream resource values associated with the mainstem of the Columbia River in the future through the establishment of minimum flows and conservation and efficiency fundamentals relating to out-of-stream and instream uses and values. Each water right application being considered for a permit after the date of adoption of WAC 173-563 must be evaluated relative to the conservation and efficiency fundamentals and will be subject to the instream flows adopted for the appropriate river reach.

To protect anadromous fish and resident fish, the Department of Fisheries requires that all diversions such as the applicants meet screening and velocity criteria. Due to the combined instantaneous quantities of the permits from the existing diversion, the screening construction should meet the screening requirements based on minimum instantaneous demand of all permits, certificates and applications pending at this location according to the criteria of the Department of Fisheries.

Hydraulic Project Approval is required for any work completed along shorelines.

Other water rights appurtenant to the property (if applicable)

There are no other water rights appurtenant to the described place of use of permit S4-30388P. At the existing approved point of diversion for S4-30388P, one other permit (S4-30389P) is approved. S4-30389P has the same priority date as S4-30388P. The permit is issued to Marty Wick to divert 5.7 cfs and 1245.2 acre-feet per year (1200 acre-feet per year to be used

for irrigation of 300 acres from April 1 to October 31; 45.2 acre-feet per year to be used for frost protection from March 1 to April 30) to irrigate 300 acres in the W ½ Section 16; S ½ SW ¼ and S ½ N ½ SW ¼ lying west of the Wakefield-Monse Road in Section 9; E ½ SE ¼, SW ¼ NE ¼ and SE ¼ NE ¼ lying east of Old Highway 97 in Section 8, T.31N., R.25E.W.M, Okanogan County, Washington.

For the point of diversion that is being proposed for addition to permit S4-30388P under this application, several other water rights are approved for diverting water from the Wells Pool. The following table summarizes the water rights for the diversion point located in the on Government Lot 5 (S ½) SE ¼ Section 22, T.31N., R.25E.W.M, in the Wells Pool within Okanogan County. This diversion structure is owned by the Washington DNR and leased to Gebbers Farms under lease agreement No. 12-067588 signed March 8, 1993. The lease is valid through January 1, 2014.

Water Right No.	Priority Date	Certificate Name	Qi (cfs)	Qa (AF/yr)	Approved Place of Use
R4-26153	2/7/1979	WA DNR (1)		28	Impoundment structure approved in NW ¼ SW ¼ SE ¼ Sec. 22 T.31N., R.25E.W.M.
S3-20176P	4/19/1972	WA DNR (1)	21	4069	950 acres from 4/1-10/1 in: E ½ NE ¼, W ½ SE ¼ Sec. 17; NE ¼, N ½ SE ¼ Sec. 21; SW ¼, SW ¼ SE ¼ Sec. 22; NE ¼, E ½ NW ¼, NE ¼ SW ¼, S ½ SW ¼, SW ¼ SE ¼ Sec. 28; E ½ NE ¼ Sec. 29; W ½ NE ¼, E ½ NW ¼, NW ¼ NW ¼, W ½ SW ¼, SE ¼ SW ¼ Sec. 33, T.31N., R.25E.W.M.
S4-30151P	1/22/1990	Marty Wick	4.53	1200	960 acre-feet per year to be used for irrigation of 240 acres from March 1 to October 31; 240 acre-feet per year to be used for frost protection from March 1 to April 1 in W ½ SW ¼ and NW ¼ Sec. 27, T.31N., R.25E.W.M.
S4-30983P	9/27/1991	Gebbers Farms	0.71	161	160 acre-feet per year to be used for irrigation of 40 acres from March 1 to October 31; 1 acre-feet per year for stockwater in Gov't Lots 3 and 4 Sec. 22, T.31N., R.25E.W.M.
S4-30391P	8/28/1990	Marty Wick	3.4	900	720 acre-feet per year to be used for irrigation of 180 acres from March 1 to October 31; 180 acre-feet per year to be used for frost protection from March 1 to April 15 in N ½ SE ¼ Sec. 28; W ½ NW ¼ and SE ¼ NW ¼ Sec. 22, SW ¼ SW ¼ Sec. 15; SE ¼ Sec. 16, T.31N., R.25E.W.M.
CS3-01379C (2)	6/22/1970	Edward Woodbury	1.0	360	Certificate is proposed for change to irrigate 130 acres in W ½ Sec. 21, T.31N., R.25E.W.M.
<p>(1) Water right is under lease agreement to Gebbers Farms; (2) Certificate is currently going through change application process by Mac & Cass Partnership of Brewster, WA. Change application being processed by Stevens Co. WCB under application No. STEV-12-04.</p>					

Infrastructure at the diversion facility can support all the existing and proposed water rights.

Public Interest (groundwater only)

The proposed transfer is authorized under RCW 90.03.380 exclusively and therefore is not subject to RCW 90.44.100. Detriment to the public interest, including impacts on any watershed planning activities, is not required under this transfer application.

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:

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

The change application is requesting to add an additional point of diversion from the Okanogan River (Wells Pool). The additional point of diversion is located approximately 3.8 river miles downstream of the currently approved point of diversion. The backwater of the pool of Wells Dam of the Columbia River influences the area of the existing and proposed diversions. Both points of diversion are located within the Wells Pool.

Other

N/A

The information or conclusions in this section were authored and/or developed by Gene St.Godard with the WNR Group, Inc. and reviewed by the OCWCB.

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

Tentative determination (validity and extent of the right)

There is a water right/permit available for change transfer under surface water permit S4-30388P in the amount of 5.7 cfs, 1245.2 acre feet per year, (1200 acre-feet per year to be used for irrigation of 300 acres from April 1 to October 31; 45.2 acre-feet per year to be used for frost protection from March 1 to April 30) . The permit is still in good standing as documented in Ecology's most recent extension approval letter dated December 18th, 2012. The deadline to submit the Construction Notice is July 1, 2014.

The change application for permit S4-30388P is being submitted to add/change the Point of Diversion. This application change can be processed in accordance with RCW 90.03.397 (1), which states:

- (1) The department may approve a change of the point of diversion prescribed in a permit to appropriate surface water for a beneficial use if the ownership, purpose of use, season of use, and place of use of the permit remain the same to an approved intake structure with capacity to transport the additional diversion to either: (a) A point of diversion that is located downstream; or (b) a point of diversion located between Columbia river miles 215.6 and 292, if the existing point of diversion is contained therein.

Therefore, the Okanogan County Water Conservancy Board is approving this application to add points of withdrawal to the permit.

Relinquishment or abandonment concerns

There are no relinquishment or abandonment concerns.

Hydraulic analysis

The diversion points are both within the influences of the Wells Pool within the Okanogan River valley, located approximately six and 9.8 miles upstream from the confluence of the Okanogan and Columbia Rivers.

Consideration of comments and protests

No comments, protests or other form of communication was received by the Board relative to this change application.

Impairment

The change to add points of diversion are within the influences of the Wells Pool within the Okanogan River valley. The proposed change will not increase the amount of water withdrawn from the Wells Pool nor will it increase the land under irrigation or expand the right. The additional point of diversion approved under this change application is located downstream of the original approved point of diversion.

Public Interest

The proposed transfer is authorized under RCW 90.03.380 exclusively and therefore is not subject to RCW 90.44.100. Detriment to the public interest, including impacts on any watershed planning activities, is not required under this transfer application.

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. Provisions will remain the same as that identified under permit S4-30388P issued by Ecology on March 18th, 1994.

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

The board approves this application based on the information herein.

The Board has made the determination that an additional point of diversion is approved for this permit. No determination on the extent of the right was completed at this time as the water right is still being perfected under extension approvals by the Department of Ecology. The final extent of the water right for Qa and Qi will be determined during the POA for certification of the Permit.

The information or conclusions in this section were authored and/or developed by Gene St.Godard with the WNR Group, Inc. and reviewed by the OCWCB.

PROVISIONS [See WAC 173-153-130(6)(f)]*Conditions and limitations*

This authorization is subject to Washington Department of Fisheries juvenile salmon screening criteria (pursuant to RCW 75.20.040) and/or Washington Department of Wildlife game fish screening criteria.

Prior to completion of construction being considered complete, the permittee shall provide to the Department a legible as built drawing, to scale, of the lands irrigated by state waters from the diversion. The drawing is to include the irrigation system implemented and installed and shall show locations of all booster pumps, mainlines, flow meters and parcels.

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 local agencies under the Shorelines Management Act of 1971.

That portion of this authorization relating to irrigation 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 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.

A proof inspection will be conducted prior to final certificate issuance. The certificate will issue only for the actual quantity being withdrawn.

S4-30388 and S4-30389 have identical priority dates and share a common point of diversion and mainline independent of any other right. Accordingly, these permits shall be served by a single flow meter and flow control device installed at a point of diversion. S4-30388 and S4-30389 shall be metered as a single diversion. The location of each meter or valve installed in compliance with this permit must be reported to the department and must remain accessible to the Department for inspection and periodic reading.

A suitable measuring device approved by the Department of Ecology shall be installed at the diversion from the Okanogan River and maintained in accordance with WAC 508-64-020 through WAC 508-64-040.

This authorization is subject to the following minimum flow provisions as specified in WAC 173-563-040 and WAC 173-563-050 and the following table. It is subject to regulation by the Department of Ecology for protection of instream resources whenever the March 1 forecast of April-September runoff at The Dalles is 60 MAF or less, and when gaged flow are predicted by the BPA 30-Day Power Operation Plan to violate the following minimum flow provisions at:

Primary Control Station(s): Wells Pool
River Mile(s): 515.6

Minimum Average Weekly Flows
Columbia River Projects
(1,000 cubic feet/second)

Primary Control Station	Chief Joseph*	Wells/Rocky Reach* (515.6)	Rock Island & Wanapum* (453.4)	Priest Rapids (397.1)	McNary (292.0)	John Day (215.6)	The Dalles (191.5)
RIVER MILE	(545.1)	(473.7)	(415.8)	(397.1)	(292.0)	(215.6)	(191.5)
Jan	30	30	30	70	60	60	60
Feb	30	30	30	70	60	60	60
Mar	30	30	30	70	60	60	60
Apr 1-15	50	50	60	70	100	100	120
Apr 16-25	60	60	60	70	150	150	160
Apr 26-30	90	100	110	110	200	200	200
May	100	115	130	130	220	220	220
Jun 1-15	80	110	110	110	200	200	200
Jun 16-30	60	80	80	80	120	120	120
Jul 1-15	60	80	80	80	120	120	120
Jul 16-31	90	100	110	110	140	140	140
Aug	85	90	95	95	120	120	120
Sep	40	40	40	40	60	85	90
Oct 1-15	30	35	40	40	60	85	90
Oct 16-31	30	35	40	70	60	85	90
Nov	30	30	30	70	60	60	60
Dec	30	30	30	70	60	60	60

* For the reach from Grand Coulee through Wanapum, minimum average weekly flows shall be as shown above, or as necessary to maintain minimum flows (subject to low runoff and adjustment) at Priest Rapids, whichever is higher. As provided in WAC 173-563-050(1), the minimum average weekly flows set forth in this subsection are subject to a reduction of up to 25 percent during low flow years, except that in no case shall the outflow from Priest Rapids be less than 36,000 cfs.

Use of water under this authorization shall be contingent upon the water right holder's utilization of up-to-date water conservation practices and maintenance of efficient water delivery systems consistent with the established regulation requirements and facility capabilities.

Use of water under this authorization can be expected to be curtailed at least once every 20 years.

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.

Mitigation (if applicable)

N/A

Construction Schedule

Development of infrastructure at the proposed place of use listed under permit S4-30388P has begun. Planting of orchards and PVC irrigation lines has occurred. Upon approval of this transfer, construction of an 8 or 10-inch mainline will be constructed to connect to the existing water delivery system.

The applicant has requested a development schedule to begin by July 1, 2014. This is the deadline for the Construction Notice outlined in the most recent Ecology extension approval letter dated December 18th, 2012. The construction project will be completed by December 31st, 2015, with five (5) years provided to fully perfect the water right by December 31st, 2020.

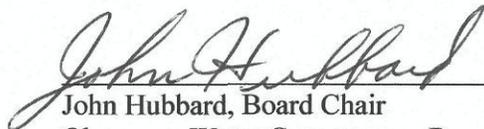
Other

N/A

The information or conclusions in this section were authored and/or developed by Gene St.Godard with the WNR Group, Inc. and reviewed by the OCWCB.

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 Okanogan, Washington
This 5th day of June, 2013



John Hubbard, Board Chair
Okanogan Water Conservancy Board

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