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Date: _____

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INTERESTED PARTIES	CONTACT METHOD	BY	DATE



* 3 1 *

SUPERSEDING\AMENDED PERMIT

Document Type Code - 31
(Bar-code 39, Font 48)



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

July 28, 2014

Ms. Nancy Syria
Northwest Farm Credit Services FLCA
667 Grand Road Suite 1
East Wenatchee, Washington 98802

Re: Superseding Ground Water Permit No. G3-29405

Dear Ms. Syria:

Enclosed is your superseding permit to be retained for your records. Please read the enclosed information sheet, as well as your entire superseding permit.

Our information indicates you have begun construction of your project. We are enclosing a *Construction Notice* form. Once you finish construction, submit the completed form to this office. **If you cannot complete your project by January 1, 2018, you must contact this office to apply for an extension.**

If you have any questions, please contact Herman Spangle at 509-329-3488.

Sincerely,

Keith Stoffel
Section Manager
Water Resources Program
Eastern Regional Office

KT:md

W: Super Permit/Spangle/2014/NWFCS G3-29405 cvr letter 7-28-2014.doc

Enclosures: Superseding Permit

Construction Notice

Important Information About Your Water Right



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
SUPERSEDING PERMIT

**THIS PERMIT SUPERSEDES GROUND WATER PERMIT NO. G3-29405 ISSUED January 12, 2012
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON**

- Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
- Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE February 25, 1993	APPLICATION NUMBER G3-29405	PERMIT NUMBER G3-29405	CERTIFICATE NUMBER
------------------------------------	--------------------------------	---------------------------	--------------------

NAME Northwest Farm Credit Services, FLCA			
ADDRESS (STREET) 667 Grant Road, Suite 1	(CITY) East Wenatchee	(STATE) Washington	(ZIP CODE) 98802

The applicant is hereby granted a permit to appropriate the following public waters of the State of Washington, subject to existing rights and to the limitations and provisions set herein.

PUBLIC WATERS TO BE APPROPRIATED

Source Two Wells
TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE 2500	MAXIMUM ACRE FEET PER YEAR 691.23
-------------------------------	------------------------------------	--------------------------------------

QUANTITY, TYPE OF USE, PERIOD OF USE
2500 gallons per minute, 691.23 acre feet per year, each year, for seasonal irrigation and frost protection of 312.13 acres.

LOCATION OF DIVERSION/WITHDRAWAL

- APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL
- Original Well: 1850 feet east and 2550 feet north of the SW corner of Section 21, NE $\frac{1}{4}$ SW $\frac{1}{4}$
 - Second Well: N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
Well 1) NW $\frac{1}{4}$ SW $\frac{1}{4}$	21	17 N.	27 E.	41	Grant
Well 2) N $\frac{1}{2}$ SW $\frac{1}{4}$					

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

205 acres within the SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 21, and 107.13 acres within the NE $\frac{1}{4}$, and that portion of the N $\frac{1}{2}$ SE $\frac{1}{4}$ lying north of the irrigation district canal in Section 28, T. 17 N., R. 27 E. W.M., all in Grant County, Washington.

DESCRIPTION OF PROPOSED WORKS

Two wells, pumps, and distribution lines.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:

BEGUN

COMPLETE PROJECT BY THIS DATE:

JANUARY 1, 2018

WATER PUT TO FULL USE BY THIS DATE:

JANUARY 1, 2019

PROVISIONS

Total combined under G3-29405P (Irrigation & Frost Protection) and G3-29590P (Irrigation Only) shall not exceed 4000 gallons per minute, 1174.23 acre-feet per year for the irrigation of 450.13 acres and frost protection of 312.13 acres.

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 established regulation requirements and facility capabilities.

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 for the actual crop grown on the number of acres and the place of use specified.

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.

A certificate of water right will not be issued until a final examination is made.

The water quantities and uses recommended and/or the number of acres to be irrigated may be reduced at the time of issuance of a final water right commensurate with the capacity of the installed system and the uses and/or the number of acres actually irrigated.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

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 Construction and Maintenance of Water Wells).

An approved measuring device shall be installed and maintained for each of the sources 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 maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

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 as a document entitled "Water Measurement Device Installation and Operation Requirements".

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.

The installation of an access port, described in Ground Water Bulletin #1, shall be required prior to issuance of a final certificate of water right. In addition, an airline and pressure gauge shall be installed and maintained in operating condition. The pressure gauge shall be equipped with a standard tire valve and placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Department of Ecology upon completion of the pump system.

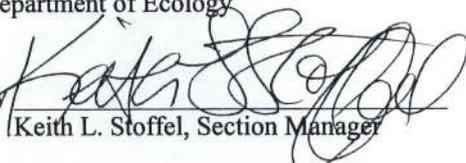
A well log of the completed well shall be submitted by the driller to the Department of Ecology within thirty (30) days of completion of this well. This well log shall be complete and all information concerning the static water level in the completed well in addition to any pump test data shall be submitted as it is obtained.

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 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.

This superseding permit shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or to give notice to the Department of Ecology on forms provided by that Department documenting such compliance.

Signed this 28th day of July 2014, at Spokane, Washington,

Department of Ecology

by 

Keith L. Stoffel, Section Manager

DATA REVIEW
OK _____

HS:md

W: Super Permit/Spangle/2014/NW Farm Credit G3-29405 permit form 7-28-2014.doc
SUPERSEDING PERMIT



* 3 3 *

ECY DECISION/ROD

Document Type Code - 33
(Bar-code 39, Font 48)



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

July 28, 2014

Northwest Farm Credit Services
c/o Alan Kirpes
667 Grant Road, Suite 1
East Wenatchee, WA 98802

Dear Mr. Kirpes:

Re: Application for Change/Transfer under Ground Water Permit No. G3-29405P

This modification order SUPERSEDES the previous order of the Department of Ecology (Ecology) related to the above referenced water right change application, dated, January 16, 2014. This modification order is the result of settlement between the parties in the Pollution Control Hearings Board (PCHB) case No. 14-011, which includes the above referenced water right change.

The Department has reviewed supplemental documentation for the calculation of the annual consumptive quantity supplied by the applicant and/or consultant during settlement negotiations.

In accordance with RCW 90.80.080 Ecology has reviewed the Record of Decision and Report of Examination and has considered all comments, protests, objections, and other relevant information submitted to the Department regarding the proposed change/transfer.

The Department has **modified** the decision of the Grant County Water Conservancy Board (Board) and the proposed change/transfer of water right is **approved** under the following conditions:

Summary of Ecology's Superseding Decision

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 2500	MAXIMUM ACRE-FT/YR 691.23	TYPE OF USE, PERIOD OF USE Seasonal Irrigation of 312.13 acres and frost protection				
SOURCE Two (2) Wells			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED:	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
Well #1	NW¼	SW¼	21	17 N.	27 E.	41	Grant
Well #2	N½	SW¼	21	17 N.	27 E.	41	Grant
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							



Seasonal irrigation and frost protection of 205 acres within the SW¼ and S½SE¼ of Section 21 and 107.13 acres within the NE¼ and that portion of the N½SE¼ lying north of the Irrigation District canal in Section 28, T. 17 N., R. 27 E.W.M. All in Grant County, Washington

PARCEL NO.	¼	¼	SECTION	TOWNSHIP	RANGE
				17 N.	27 E.

On page 2 of the Report of Examination (ROE), the table titled "Board's Decision on the Application" shall be deleted and replaced with Ecology's modified summary of its decision in the table herein above. Such modification is based upon newly acquired information submitted by the applicant's consultant and terms of settlement of PCHB case No. 14-011, related to the historic annual consumptive water use on the subject property.

On page 2 of the ROE, under the heading "**DEVELOPMENT SCHEDULE**" and "**COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE**" reads; "March 1, 2019." **Ecology modifies this to read August 1, 2019.**

On page 5 and continued on page 7 of the ROE, all contents under the section titled "Annual Consumptive Quantity" shall be deleted and replaced with the revised calculation tables as submitted by the applicant's consultant in an e-mail dated May 7, 2014.

On page 8 of the Report of Examination under the heading "PROVISIONS" the following provision shall be included;

- **The total combined quantities for Ground Water Permit G3-29405P and Ground Water Permit G3-29590P would be 4000 gallons per minute, 1174.23 acre-feet.**

Sincerely,



Keith L. Stoffel
Section Manager
Water Resource Program

KLS:HS:ka

cc: Grant County Water Conservancy Board
Lawrence Orchards & Vineyards

COPY



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

January 16, 2014

Northwest Farm Credit Services, FLCA
411 North Chelan
P.O. Box 2687
Wenatchee, WA 98807-2687

Dear Sirs:

Re: Application for Change/Transfer under Ground Water Permit No. G3-29405P
GRAN-13-06

On December 2, 2013, our office received from the Grant County Water Conservancy Board a Record of Decision and Report of Examination for the above referenced application for change/transfer of a water right certificate. In accordance with RCW 90.80.080 the Department of Ecology (Department) has reviewed the Record of Decision and Report of Examination and has considered all comments, protests, objections, and other relevant information submitted to the Department regarding the proposed change/transfer.

The Department has **reversed** the decision of the Board and the proposed change/transfer of water right is **denied**.

On page 3 of the Report of Examination under the heading "**SEPA**" the paragraph reads; "The board has reviewed the proposed project. *"The project is not subject to SEPA as the threshold set for changes to groundwater withdrawals has not been met."* Ecology disagrees with the Board's findings that SEPA is not required on this project. The instantaneous quantity of Ground Water Permit No. G3-29405 is 2500 gallons per minute. This quantity exceeds the 2250 gallons per minute threshold exemption in WAC 197-11. The Grant County Water Conservancy Board failed to perform a SEPA analysis determination on the proposed water right change.

On a previous recommendation by the Grant County Water Conservancy Board dated August 25, 2011, the Board made a determination that this same Ground Water Permit No. G3-29405P required SEPA based on the quantities. That water right change/transfer did not reduce the quantities below the 2250 gallons per minute threshold.

Ground Water Permit G3-29405P is used in conjunction with Ground Water Permit G3-29590P. Total combined quantities under both rights shall not exceed 4000 gallons per minute and 1323 acre-feet per year. This project as a whole exceeds the SEPA threshold quantity and would require a SEPA determination or an addendum to the existing SEPA determination that was performed under the previous change/transfer mentioned above.

On page 5 of the Report of Examination under the "Annual Consumptive Quantity (ACQ)" the first sentence of the second paragraph reads in part; "For this determination we will be looking at only the acreage that was originally row cropped in 2008 and has since been converted to orchard and vineyard utilizing the Washington Irrigation Guide...." The Board failed to provide sufficient information for the Dept. of Ecology to determine the accuracy of the ACQ calculation of that part of the perfected portion of the right proposed for change.

For the reasons stated above the application for change/transfer is denied.

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.) Email is not accepted.

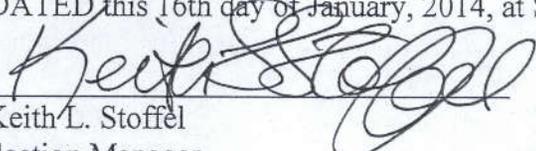
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

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

*For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov> . To find laws and agency rules visit the Washington State Legislature
Website: <http://www1.leg.wa.gov/CodeReviser> .*

Northwest Farm Credit Services, FLCA
January 16, 2014
Page 3

DATED this 16th day of January, 2014, at Spokane, Washington.


Keith L. Stoffel
Section Manager
Water Resources Program
Eastern Regional Office

KLS:HS:ka

Enclosure Your Right to Be Heard

By Certified Mail 7011 3500 0001 8621 9204

cc: Grant County Water Conservancy Board

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P.O. BOX 2687
WENATCHEE, WA 98807-2687

7011 3500 0001 8621 9204



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

December 3, 2013

Mr. W. Ron Baker, Chairman
Grant County Water Conservancy Board
1021 West Broadway Street
Moses Lake, WA 98837

Dear Mr. Baker:

Re: Receipt of Records of Decision for Applications for Change under Ground Water Permit G3-29405 (GRAN-13-06); and Certificate Nos. 5492-A (GRAN-13-05); 2769-A (GRAN-13-04); 2482-A (GRAN-13-03); 2283-A (GRAN-13-02); and 221-A (GRAN-13-01)

In accordance with RCW 90.80.080 and WAC 173-153-150, our office received the records of decision referenced above on Dec. 2, 2013. The department will review the records of decision and affirm, reverse, modify, or remand the actions of the board by January 16, 2014.

However, the director may invoke, or the board or applicant may request, a 30-day extension beyond the date listed above as allowed under RCW 90.80.080(4). The department will notify all necessary parties should an extension be required.

If Ecology does not act by the date listed above, the water conservancy board must notify Ecology, the applicant, and any parties that have expressed interest about the applications of Ecology's failure to act [WAC 173-153-150(11)]. With agreement from Ecology, the board's decisions become final.

Should we have any questions or comments we will contact you prior to the end of the 45-day review period.

Sincerely,

Karen Tusa
Processing Lead
Water Resources Program

KT:ka





667 Grant Road, Suite 1
East Wenatchee, WA 98802
Voice: 509.665.2160 Toll Free: 800.244.4127 Fax: 509.665.2170

February 13, 2014

RECEIVED

FEB 18 2014

Grant County Water Conservancy Board
1525 E Wheeler Rd NE
Moses Lake, WA 98837

Department of Ecology
Eastern Regional Office

Attn: Herman Spangle
Department of Ecology
Eastern Regional Office
4601 N. Monroe
Spokane, WA 99205

Re: Lawrence Orchards, LLC and Lawrence Vineyards, LLC –
Water Permit Nos. G3-29405 & G3-29590

To Whom It May Concern:

The mailing address for Northwest Farm Credit Services has changed to the following:

Northwest Farm Credit Services
667 Grant Road, Suite 1
East Wenatchee, WA 98802

Please update your files with our current address, and use this address for all future correspondence. Feel free to contact us with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Syria".

Nancy Syria
Financial Specialist
Financial Services Group

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**NW FARM CREDIT SERVICES FLCA
 MR ALAN KIRPES
 667 GRANT ROAD STE 1
 EAST WENATCHEE WA 98802**

PS Form 3800, August 2006 See Reverse for Instructions

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
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**NW FARM CREDIT SERVICES FLCA
 MR ALAN KIRPES
 667 GRANT ROAD STE 1
 EAST WENATCHEE WA 98802**

2. Article Number
 (Transfer from servit) 7011 3500 0001 8621 9266

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A. Signature
 X *Miguel Sanchez* Agent
 Addressee

B. Received by (Printed Name)
 MIGUEL SANCHEZ

C. Date of Delivery
 1/30/14

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State of Washington
 DEPARTMENT OF ECOLOGY
 4601 N Monroe Street
 Spokane, WA 99205-1295

NW FARM CREDIT SERVICES FLCA
 MR ALAN KIRPES
 667 GRANT ROAD STE 1
 EAST WENATCHEE WA 98802

RECEIVED

JAN 30 2014

Department of Ecology
 Eastern Regional Office

1/30/14

Remailed letter
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 new address.

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