

**GRANT COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer**

For Ecology Use Only
Received:
Date Stamp

Record of Decision

Applicant: Isaak Land Inc.

Application Number: G3-01352C

This record of decision was made by a majority of the Board at an open public meeting of the Grant County Water Conservancy Board held on November 23, 2011. The undersigned board commissioners certify that they each understand 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 each commissioner, having reviewed the report of examination, knows and understands the content of the report.

X Approval: The Grant County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on November 23, 2011 and submits this record of decision and report of examination to the Department of Ecology for final review.

Denial: The Grant County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on November 23, 2011 and submits this record of decision to the Department of Ecology for final review.

Signed:

W. Ron Baker
W. Ron Baker, Chair
Grant County Water Conservancy Board

Date: November 23, 2011

- Approve
- Deny
- Abstain
- Recuse
- Other

David Stevens
David Stevens, Commissioner
Grant County Water Conservancy Board

Date: November 23, 2011

- Approve
- Deny
- Abstain
- Recuse
- Other

Keith Ellis
Keith Ellis, Commissioner
Grant County Water Conservancy Board

Date: November 23, 2011

- Approve
- Deny
- Abstain
- Recuse
- Other

Kenneth Enns, Alternate Commissioner
Grant County Water Conservancy Board

Date: November 23, 2011

- Approve
- Deny
- Abstain
- Recuse
- Other
- Approve

Mailed with all related documents to the Dept of Ecology Eastern Regional Office, and other interested parties on _____.

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).

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040-105(02/08)

Record of Decision No. G3-01352C

Boards Decision

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE G3-01352C(A) 23.3 GPMs G3-01352C(B) 127.8 GPMs G3-01352C(C) 448.9 GPMs		MAXIMUM ACRE-FT/YR G3-01352C(A) 16.3 Acre-Feet 2 Acre-Feet G3-01352C(B) 89.0 Acre-Feet G3-01352C(C) 312.7 Acre-Feet	TYPE OF USE, PERIOD OF USE G3-01352C(A) Irrigation – 10 Acres, Apr. 1 – Oct 31 Stockwater – Continuous G3-01352C(B) Irrigation – 55 Acres, Apr. 1 – Oct. 31 G3-01352C(C) Irrigation – 193.8 Acres, Apr. 1 – Oct. 31				
SOURCE G3-01352C(A) - Groundwater – Wanapum/Grande Ronde Aquifers - 2 Wells G3-01352C(B) - Groundwater – Wanapum/Grande Ronde Aquifers - 1 Well G3-01352C(C) - Groundwater – Wanapum/Grande Ronde Aquifers - 3 Wells			TRIBUTARY OF (IF SURFACE WATER)					
AT A POINT LOCATED:	PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY
G3-01352C(A) Well #1 Well #2	Parcel 181788000 Parcel 181789000	SE NE	NE SW	5 5	25N 25N	30EWM 30EWM	42 42	Grant Grant
G3-01352C(C) Well #3 (#1) Well #3 Replacement (#1 Replacement) Well #4 (#2)	Parcel 181822001 Parcel 181823000 Parcel 181822001 Parcel 181823000 Parcel 181822001	S1/2 S1/2 NW	S1/2 S1/2 SE	16 16 16	25N 25N 25N	30EWM 30EWM 30EWM	42 42 42	Grant Grant Grant
G3-01352C(B) Well #5 (#1)	Parcel 180793003	NE	NW	18	25N	29EWM	42	Grant
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED								
G3-01352C(A) 10 Acres within the NE1/4SW1/4 & SE1/4NW1/4 Section 5, Township 25 North, Range 30 East, W.M., Grant County, Washington, lying within parcel numbers 181788000 and 181789000. G3-01352C(B) 55 Acres within the NW1/4 Section 18, Township 25 North, Range 29 East, W.M., Grant County, Washington, lying within parcel numbers 180793001, 18793002, and 18793003. G3-01352C(C) 10 Acres within the NE1/4, 125 acres within the SE1/4, and 58.8 acres within the SW1/4 Section 21, Township 25 North, Range 30 East, W.M., Grant County, Washington, lying within parcel number 181836000.								
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,			

DESCRIPTION OF PROPOSED WORKS

The existing certificate holder under G3-01352C(A) plans on irrigating 10 acres in Section 5 utilizing the existing certificated wells and a new solid set irrigation system.

Gerald Dormaier under G3-01352C(B) plans on irrigating 55 acres located in the NW1/4 of Section 18 utilizing the existing part circle, making it a full circle, and the existing well located in Section 18.

The applicant under G3-01352C(C) in Section 21, plans to irrigate 10 acres in the NE1/4 that will provide the final quantity of water to fully irrigate a circle, the 125 acres will provide water for a circle in the SE1/4, and the 58.8 acres will be utilized in the near future to irrigate a circle in the SW quarter of the section. The required pipelines will be installed as needed.

A replacement well (Well #3 Replacement) (Well #1 Replacement under G3-01352C(C)) has been constructed, and has a pump installed. The associated water distribution system will be utilized to pump and convey water to the proposed place of use.

The applicant and the other right holders are not expanding the currently authorized water use. The added points of withdrawal (wells) will service the existing and additional places of use without any changes to the total amount of water withdrawn.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: G3-01352C(A), G3-01352C(B), G3-01352C(C) Begun	COMPLETE PROJECT BY THIS DATE: January 1, 2015	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: January 1, 2016
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REPORT

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

On June 23, 2011, Isaak Land Inc. of Coulee City, Washington filed an Application for Change/Transfer to add points of withdrawal, and add place of use under this certificate with the Grant County Water Conservancy Board (Board). The application was accepted at an open public meeting on July 23, 2011, and the Board assigned application number GRAN-11-08. The Washington State Department of Ecology (Department) assigned WRATS number CG3-01352C to this change request.

Isaak Land Inc., under a purchase agreement, owns Ground Water Certificate G3-01352C with a priority date of December 16, 1963 which authorizes the right to develop a system to withdraw water from two (2) wells in the amount of 600 gpm, 418 acre-feet per year for the irrigation of 500 acres, and 2 acre-feet per year for stock-watering. As part of that purchase agreement the George Dormaier Family LLC is maintaining the right to irrigate 10 acres utilizing 23.3 GPMs and 16.3 Acre-Feet of water annually from the 2 existing certificated wells. Additionally, the 2 Acre-Feet of Stockwater is being maintained at its current location. Also as part of that agreement Gerald Dormaier is being provided the right to irrigate 55 acres as an additional place of use under this application, utilizing 127.8 GPMs and 89.0 Acre-Feet of water annually from an additional well to be added as an authorized point of withdrawal. The applicant has applied to change the place of use of the remaining certificated water to irrigate 193.8 acres utilizing 448.9 GPMs and 312.7 Acre-Feet annually from 3 additional wells to be added as authorized points of withdrawal.

With the 3 distinct owners of the right, with separate and independent systems, it has been determined that this certificate will be broken up into 3 separate superseding certificates issued to the following parties:

G3-01352C(A) will be issued to the George Dormaier Family LLC, 23250 Road 33 NE, Hartline, WA 99135

G3-01352C(B) will be issued to Gerald Dormaier, PO Box 86, Hartline, WA 99135

G3-01352C(C) will be issued to Isaak Land Inc., PO Box 983, Coulee City, WA 99115

The applicant requested to add four points of withdrawal under this certificate, one of which is a replacement well. The locations of the proposed points of withdrawal are:

G3-01352C(A)

Well #1 - SE1/4NW1/4, Section 5, Township 25 North, Range 30 East, W.M., Grant County, Washington. 90 feet north and 5 feet west of the center of said section 5. Lying within parcel number 181788000

Well #2 - NE1/4SW1/4, Section 5, Township 25 North, Range 30 East, W.M., Grant County, Washington. 1400' north and 10 feet west of the S1/4 corner of said section 5. Lying within parcel number 181789000

G3-01352C(B)

Well #5 (#1) NE1/4NW1/4 Section 18, Township 25 North, Range 29 East, W.M., Grant County, Washington. 1300' south and 20' west of the N1/4 corner of said section 18. Lying within parcel number 180793003

G3-01352C(C)

Well #3 (#1) - S1/2S1/2 Section 16, Township 25 North, Range 30 East, W.M., Grant County, Washington. Lying within parcel numbers 181822001 & 181823000

Well #3 Replacement (#1 Replacement) - S1/2S1/2 Section 16, Township 25 North, Range 30 East, W.M., Grant County, Washington. Lying within parcel numbers 181822001 & 181823000

Well #4 (#2) NW1/4SE1/4 Section 16, Township 25 North, Range 30 East, W.M., Grant County, Washington, 340 feet south and 600 feet east from the center of said Section 16. Lying within parcel number 181822001

The applicant requests to add place of use under this certificate:

The current place of use is 500 acres located within Section 5, Township 25 North, Range 30 East, W.M., Grant County Washington. Lying within parcel numbers 181788000 and 181789000.

The proposed places of use are:

G3-01352C(A) - 10 Acres within the NE1/4SW1/4 & SE1/4NW1/4 Section 5, Township 25 North, Range 30 East, W.M., Grant County, Washington, lying within parcel numbers 181788000 and 181789000.

G3-01352C(B) - 55 Acres within the NW1/4 Section 18, Township 25 North, Range 29 East, W.M., Grant County, Washington, lying within parcel numbers 180793001, 18793002, and 18793003.

G3-01352C(C) - 10 acres within the NE1/4, 125 acres within the SE1/4, and 58.8 acres within the SW1/4 Section 21, Township 25 North, Range 30 East, W.M., Grant County, Washington, lying within parcel number 181836000.

Gerald Dormaier also owns groundwater certificate 02434-A which will be incorporated with G3-01352C(B) covering portions of Section 18. The point of withdrawal serving 02434-A will also be the point of withdrawal serving G3-01352C(B). The total combined quantities, based upon the water right purchase agreement, and the existing certificate, would then not exceed a total of 877.8 GPMs and 689 acre-feet annually, with the total irrigated acreage not to exceed 255 acres.

Isaak Land Inc. also owns groundwater certificates 1476-A and G3-01539C. Those two certificates will be incorporated with G3-01352C(C) covering portions of Section 21. It is intended to have the 3 authorized points of withdrawal serving 1476-A, and G3-01539C also serve G3-01352C(C). The total combined quantities, based upon the water right purchase agreement, and the previous changes, would then not exceed a total of 2648.9 gpm's and 1855.7 acre-feet, with the total irrigated acreage not to exceed 415.8 primary and 628.5 supplemental acres.

Attributes of the water right as currently documented

Name on certificate, claim, permit: George Dormaier

Water right document number: G3-01352C

As modified by certificate of change number: NA

Priority date, first use: Priority Date December 16, 1963

Water quantities: Qi: 600 Qa: 420 acre ft./ year

Source: 2 wells yielding from the Wanapum/Grand Ronde Aquifer System

Point of diversion/withdrawal:

Well #1 - SE1/4NW1/4, Section 5, Township 25 North, Range 30 East, W.M., Grant County, Washington. 90 feet north and 5 feet west of the center of said section 5. Lying within parcel number 18178800.

Well #2 - NE1/4SW1/4, Section 5, Township 25 North, Range 30 East, W.M., Grant County, Washington. 1400' north and 10 feet west of the S1/4 corner of said section 5. Lying within parcel number 181878900.

Purpose of use: Irrigation – 500 Acres, Stockwater

Period of use: Seasonal Irrigation, Continuous Stockwater

Place of use: 500 acres located within Section 5, Township 25 North, Range 30 East, W.M., Grant County Washington.

Existing provisions: See Existing Certificate

Tentative determination of the water right

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

History of water use

This water right was issued in 1963 and has been continuously utilized in the irrigation of crops since that time.

The limited water volumes associated with this certificate prevented the irrigation of the entire 500 acres authorized. The owners utilized portions of 3 circles in rotation to irrigate a total of 258.8 acres. 2 of those circles are shown on the attached map. The 3rd circle irrigated 52 acres for a number of years, and was removed within 5 years of placing that 52 acres into the CRP federal program in 2004. In 2009 and 2010 Isaak Land Inc. rented this water right and processed seasonal transfers utilizing the water and acres to irrigate a different parcel of land. The following is a breakdown of how the 258.8 acres have been irrigated over the years:

Pivot 1 – 39.8 acres irrigated every other year through 2008

Pivot 2 – 56 acres irrigated every other year through 2008

111 acres irrigated opposite years from the 56 acres through 2008

Parcel 3 – 52 acres irrigated with hand lines and wheel lines every year until removed within 5 years of going into CRP in 2004

2009 – Seasonal Transfer – 258.8 acres, 600 gpm's, 418 acre- feet, to a 258.8 acre circle located in the N1/2 of Section 10 and the S1/2S1/2 of Section 3, Township 24, Range 29 East. Spring Wheat was grown under this circle. Full water duty for this crop would have been 636 acre-feet, and so this crop was deficit irrigated fully utilizing the permitted 600 gpm's and the 418 acre-feet.

2010 – Seasonal Transfer – 258.8 acres, 600 gpm's, 418 acre- feet, to a circle 258.8 acre circle located in the N1/2 of Section 10 and the S1/2S1/2 of Section 3, Township 24, Range 29 East. Beans were grown under this circle. Full water duty for this crop would have been 568 acre-feet, and so this crop was deficit irrigated fully utilizing the permitted 600 gpm's and the 418 acre-feet.

This application does not change the instantaneous or annual quantities, and does not change the purposes of use. It does decrease the irrigated acres based upon historical use. Thus, the requested water right change herein will not result in an expansion of the existing right.

Previous changes

None

SEPA

The Board has reviewed the proposed project in its entirety. This project is not subject to SEPA as the maximum pumping rate under all rights being considered does not exceed the threshold set for groundwater withdrawals.

The information or conclusions in this section were authored and/or developed by Thomas R. Buchholtz PE.

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

Public notice of the application was given in the Coulee City News-Standard on July 20 and July 27, 2011. The protest period ended on August 26, 2011. 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.

This application for change was distributed to the Eastern Washington Council of Governments, the Washington State Department of Fish and Wildlife, and the Washington State Department of Archaeology and Historic Preservation on September 11, 2011 by email.

No comments have been received.

The information or conclusions in this section were authored and/or developed by Thomas R. Buchholtz PE.

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

The following information was obtained from a site inspection conducted by members of the Board, and the applicant on June 23, 2011, technical reports, research of Department records, and conversations with the applicant and/or other interested parties.

Proposed project plans and specifications

The acreage currently being irrigated under this water right is being served by 2 wells and portions of 2 center pivots, with other acreage that had previously been irrigated placed in CRP. Additionally, 258.8 acres has been seasonally transferred in 2009 and 2010. These wells are described in the attached Well Description Report. The wells are located as noted previously.

G3-01352C(A) - It is the intention of this right holder to develop approximately 10 acres of specialty crops under solid set irrigation in Section 5, Township 25 North, Range 30 East. The 2 existing wells will be utilized to serve this acreage. Currently there is a 40 horsepower submersible pump installed in Well #1, and a 20 horsepower submersible pump installed in Well #2.

G3-01352C(B) - It is the intention of this right holder to utilize an existing circle located in the NW quarter of Section 18, Township 25 North, Range 29 East, to irrigate the proposed 55 additional acres. Currently it is a part circle and will become a full circle with the completion of this change. Currently there is a 150 horsepower turbine pump in Well #5 (#1) along with a 50 horsepower booster pump.

G3-01352C(C) - It is the intention of this right holder to utilize 2 existing center pivots and a future center pivot to irrigate the proposed 193.8 additional acres. The 2 existing center pivots located in the east half of Section 21, Township 25 North, Range 25 East, have been irrigated utilizing seasonal transfers. Pending changes of other water rights will serve a portion of the center pivot located in the NE quarter of this section with this change providing the final quantities required. This change will provide water for the center pivot located in the SE quarter of this section. The SW quarter of Section 21 is currently in CRP, and when the contract is up a center pivot will be installed. This change will provide a portion of the water required to irrigate this center pivot. Pipelines will tie the center pivots and existing wells located in Section 16, Township 25 North, Range 30 East, into the new and future center pivots located in Section 21 that lies directly south of Section 16. Currently there is a 75 horsepower turbine pump in Well #3 (#1), and a 30 horsepower booster pump, along with a 600 horsepower turbine pump at Well #3 Replacement (#1 Replacement), and a 100 horsepower booster pump, along with a 400 horsepower turbine pump at Well #4 (#2), along with a 60 horsepower booster pump.

The wells, pumps, center pivots and pipelines will be continuously maintained and upgraded in the future to optimize irrigation efficiency.

Other water rights appurtenant to the property (if applicable)

Gerald Dormaier also owns groundwater certificate 02434-A which will be incorporated with G3-01352C(B) covering portions of Section 18, Township 25 North, Range 29 East. The point of withdrawal serving 02434-A will also be the point of withdrawal serving G3-01352C(B). The total combined quantities, based upon the water right purchase agreement, and the existing certificate, would then not exceed a total of 877.8 GPMs and 689 acre-feet annually, with the total irrigated acreage not to exceed 255 acres.

Isaak Land Inc. also owns groundwater certificates 1476-A and G3-01539C. Those two certificates will be incorporated with G3-01352C(C) covering portions of Section 21, Township 25 North, Range 30 East. It is intended to have the 3 authorized points of withdrawal serving 1476-A, and G3-01539C located in Section 16, Township 25 North, Range 30 East, also serve G3-01352C(C). The total combined quantities, based upon the water right purchase agreement, and the previous changes, would then not exceed a total of 2648.9 gpm's and 1855.7 acre-feet, with the total irrigated acreage not to exceed 415.8 primary and 628.5 supplemental acres.

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.

A recent Washington State Supreme Court ruling has stated that "...a 'public interest' test is not a proper consideration when Ecology acts on a change application under RCW 90.03.380." PUD No. 1 of Pend Oreille County v. Dep't of Ecology, 70372-8 (2002). By extension, neither does the Board have authority to apply a public interest test when evaluating a change in water right request under RCW 90.03.380. Previous legal review has indicated that the above court case is in reference to surface water changes/transfers, and groundwater-serviced water right changes/transfers are subject to public interest consideration under the purview and scope of the groundwater code. The Board concludes that the requested change/transfer is not contrary to the public interest governing water use. To the extent review of public interest is applicable, the Board finds that the application for change is consistent with public policy objectives of the state to provide for efficient use of water resources, to encourage supply of new or expanding uses through change/transfer of existing water rights, to provide greater operational control to water managers, and to ensure no impairment exists.

Because the proposed action will not increase the existing permitted water use, or increase the water put to actual beneficial use, or result in a measurable impact on other existing water rights or applications for new water rights, it does not change the existing status quo for water use impacts. Thus, no impairment is perceived, because of the change/transfer requested in the application. Water use is provided consistent with statutory requirements for beneficial use.

The proposed action does provide for a continuation of the existing beneficial use as stated within the permit of water right, increasing the economic benefits to the state and local area by allowing for continued use and development of irrigated lands. The development is taking place in the land-use management area of Grant County.

This action is consistent with the intent of RCW 90.03.380, 90.44.100, and 90.80 (amended May 10, 2001) and other applicable statutes; and it is consistent with Grant County's Comprehensive Land-Use Plan. No impairment is consistent with the public interest; all pertinent water right issues are addressed above; conditions are recommended within this ROE to further protect the public interest consistent with state water law.

The application for change/transfer is consistent with the public interest requirements for beneficial water use, and consistent with the procedural, technical, and legal review requirements by the state.

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. 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:

First, the water right applicant holds a valid water right in good standing, and it is on file with the Department. The Board confirms that the water right is being used subject to the existing certificate provisions.

The certificate is valid as stands, subject to subsequent change actions by the Board and any Department administrative changes affecting development.

Second, under the change request, the total amount of water withdrawal from the existing source cannot exceed the amount within the certificated water right. The change/transfer request must not exceed the existing water right limits; no enlargement of the water right is allowed.

The change/transfer request must be consistent with RCW 90.03.380, and related water code statutes. The required annual consumptive quantity (beneficial use) analysis indicates the following:

- This water right has been certificated, and is in good standing.
- The water under this certificate is being beneficially utilized for the irrigation of crops. Continued beneficial use will be completed based upon the development schedule outlined in the "Board Decision" above.
- The Board has determined that the full amount of the said water right available for change/transfer is presented within the above "Board Decision" summary, and should be the amount not exceeded by the applicant within the proof of appropriation filing and within the final certificate issued by the Department. The applicant's request for a change is allowed under the water code and case law.

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

This area has been reviewed and studied by Columbia Basin Ground Water Management staff and consultants. No formal report has been issued specific to this area, but the applicant has been contacted by this group who indicated to him that this is one of the few locations in Central Washington that does not appear to be having any ground water static level declines.

Second, based on detailed technical review of the applicant's submittal, it is concluded that the requested change/transfer will withdraw water from the same body of water (and management area) as that allowed under the existing water right—and per applicant discussions with Department staff.

Third, the added change cannot create impairment. The Board has reviewed the applicant's technical information on potential impairment, and concludes that impairment is not an issue for the water right change/transfer (see attachment – Impairment Analysis G3-01352C(A), G3-01352C(B) & G3-01352C(C)).

Further, it is noted and concluded from existing WA State water law, Department water right data, the applicant's technical information (impairment analysis attached), and previous discussions with Department staff, that:

- 1) Impairment means that other water right holders are unable to use their water rights (whole or in part), given reasonable pumping lift with the construction of qualifying diversion works.
- 2) For this immediate area, no record/affirmation of impairment has been noted by the Board or Department.
- 3) The Department staff has not raised any impairment issues.
- 4) The Board has required the applicant to consider impairment issues for the applicant's change request, including technical consultations with the Board. There is no indication that the change action will impair other water rights. The Board has attached the formal impairment analysis prepared by a qualified professional engineer.

5) Based on the public notice of this change request, the Board has received no impairment issue comments from other existing water right holders, including those who withdraw water from sites close to the applicant's proposed well sites.

The Board concludes that the proposed action will not create impairment to other water rights per the provisions and conditions established under the existing permit/change order and the conditions provided within this ROE/ROD; impairment is not an issue for the specific action related to this water right change.

Annual Consumptive Quantity (ACQ)

When the last 5 years of history has been reviewed the 600 gpms and 420 acre-feet of annual been affirmed based upon the following history of use:

The limited water volumes associated with this certificate prevented the irrigation of the entire 500 acres authorized. The owners utilized portions of 3 circles in rotation to irrigate a total of 258.8 acres. 2 of those circles are shown on the attached map. The 3rd circle irrigated 52 acres for a number of years, and was removed within 5 years of placing that 52 acres into the CRP federal program in 2004. In 2009 and 2010 Isaak Land Inc. rented this water right and processed seasonal transfers utilizing the water and acres to irrigate a different parcel of land. The following is a breakdown of how the 258.8 acres have been irrigated over the years:

Pivot 1 – 39.8 acres irrigated every other year through 2008

Pivot 2 – 56 acres irrigated every other year through 2008

111 acres irrigated opposite years from the 56 acres through 2008

Pivot 3 – 52 acres irrigated every year until removed within 5 years of going into CRP in 2004

2009 – Seasonal Transfer – 258.8 acres, 600 gpms, 418 acre- feet, to a 258.8 acre circle located in the N1/2 of Section 10 and the S1/2S1/2 of Section 3, Township 24, Range 29 East. Spring Wheat was grown under this circle. Full water duty for this crop would have been 636 acre-feet, and so this crop was deficit irrigated fully utilizing the permitted 600 gpms and the 418 acre-feet.

2010 – Seasonal Transfer – 258.8 acres, 600 gpms, 418 acre- feet, to a circle 258.8 acre circle located in the N1/2 of Section 10 and the S1/2S1/2 of Section 3, Township 24, Range 29 East. Beans were grown under this circle. Full water duty for this crop would have been 568 acre-feet, and so this crop was deficit irrigated fully utilizing the permitted 600 gpms and the 418 acre-feet.

During that 5 year period there have been a maximum of 258.8 acres irrigated. This results in a reduction and relinquishment of 241.2 acres.

The information or conclusions in this section were authored and/or developed by Thomas R. Buchholtz PE.

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

Tentative determination (validity and extent of the right)

The certificate of water right is verified and in good standing per Department records.

Relinquishment or abandonment concerns: After performing the ACQ test under this application it has been determined that there will be a relinquishment of 241.2 acres associated with this application.

Hydraulic analysis

This area has been reviewed and studied by Columbia Basin Ground Water Management staff and consultants. No formal report has been issued specific to this area, but the applicant has been contacted by this group who indicated to him that this is one of the few locations in Central Washington that does not appear to be having any ground water static level declines.

Second, based on detailed technical review of the applicant's submittal, it is concluded that the requested change/transfer will withdraw water from the same body of water (and management area) as that allowed under the existing water right—and per recent applicant discussion with Department staff.

Third, the added change cannot create impairment. The Board has reviewed the applicant's technical information on potential impairment, and concludes that impairment is not an issue for the water right change/transfer (see attachment – Impairment Analysis).

Further, it is noted and concluded from existing WA State water law, Department water right data, the applicant's technical information (impairment analysis attached), and previous discussions with Department staff, that:

- 1) Impairment means that other water right holders are unable to use their water rights (whole or in part), given reasonable pumping lift with the construction of qualifying diversion works.
- 2) For this immediate area, no record/affirmation of impairment has been noted by the Board or Department.
- 3) Department staff has not raised any impairment issues.
- 4) The Board has required the applicant to consider impairment issues for the applicant's change request, including technical consultations with the Board. There is no indication that the change action will impair other water rights. The Board has attached the formal impairment analysis prepared by a qualified professional engineer.

5) Based on the public notice of this change request, the Board has received no impairment issue comments from other existing water right holders, including those who withdraw water from sites close to the applicant's proposed well sites.

The Board concludes that the proposed action will not create impairment to other water rights per the provisions and conditions established under the existing permit/change order and the conditions provided within this ROE/ROD; impairment is not an issue for the specific action related to this water right change.

Consideration of comments and protests

There were no comments or protests received.

Impairment

There will be no impairment of existing water rights or the holder of those rights associated with this change. See Impairment Analysis attached.

Public Interest

The Board concludes that the requested change/transfer is not contrary to the public interest governing water use. To the extent review of public interest is applicable, the Board finds that the application for change is consistent with public policy objectives of the state to provide for efficient use of water resources, to encourage supply of new or expanding uses through change/transfer of existing water rights, to provide greater operational control to water managers, and to ensure no impairment exists.

Annual Consumptive Quantity (ACQ)

When the last 5 years of history has been reviewed the 600 gpm and 420 acre-feet of annual been affirmed. During that 5 year period there have been a maximum of 258.8 acres irrigated. This results in a reduction and relinquishment of 241.2 acres

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.

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

The Grant County Water Conservancy Board hereby APPROVES the water right change/transfer described within this record of examination and record of decision as summarized in the Water Board Decision section of this report, and submits this report for conditional approval to the Director of the Washington State Department of Ecology. If the Director takes no action within forty-five days of receipt of this ROE/ROD, then the Water Board's decision, as written, is final.

The information or conclusions in this section were authored and/or developed by Thomas R. Buchholtz PE.

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

Conditions and limitations

The applicant's water right change is conditioned by all provisions of the existing G3-01352C certificate. These include and are not limited to:

G3-01352C(A)

- 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.
- 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 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 actual crop growth on the number of acres and place of use specified.
- A superseding 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.
- All wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 and Chapter 173-160 WAC.
- 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.
- 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.

G3-01352C(B)

- The total withdrawal under Certificates 02434-A and G3-01352C(B) shall not exceed 877.8 gpm, 689 acre-feet annually for the irrigation of a total of 255 acres.
- 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.
- 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 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 actual crop growth on the number of acres and place of use specified.
- A superseding 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.
- All wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 and Chapter 173-160 WAC.
- 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.
- 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.

G3-01352C(C)

- The total withdrawal under Certificates 1476-A, G3-01539C and G3-01352C(B) shall not exceed 2648.9 gpm, 1855.7 acre-feet annually for the irrigation of a total of 415.8 primary acres, and 628.5 supplemental acres.
- 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.
- 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 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 actual crop growth on the number of acres and place of use specified.
- A superseding 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.
- All wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 and Chapter 173-160 WAC.
- 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.
- 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.

Construction Schedule

The Applicant has previously begun the work required to fulfill the requirements of this change. Work will be completed to fulfill the requirements of this change by January 1, 2015. The water authorized under this change shall be put to full beneficial use by January 1, 2016.

The information or conclusions in this section were authored and/or developed by Thomas R. Buchholtz PE.

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 Moses Lake, Washington
This 23rd day of November, 2011



W. Ron Baker, Commissioner
Grant County Water Conservancy Board

**ISAAK LAND INC.
G3-01352C (A), (B) & (C)
IMPAIRMENT ANALYSIS**

BACKGROUND G3-01352(A)

The George Dormaier Family LLC has utilized 2 wells since 1964 to irrigate the original place of use under G3-01352C. They will continue to utilize those wells in the future to irrigate the 10 acres that will remain under this superseding certificate. Under the proposed changes associated with this right the instantaneous volume associated with these wells would be reduced to 23.3 gpm, the annual acre-footage including the stockwatering allocation would be reduced to 18.3 acre-feet, and the acreage reduced to 10 acres. The original 600 gpm and 420 acre-feet was pumped since the early 1960s with no impacts or impairment noted.

WATER REQUIREMENTS

The 18.3 acre-feet of water will meet the supplemental crop needs of these 10 acres, and provide for any needs of stock that are being considered.

ANALYSIS

The 18.3 acre-feet of water associated with this superseding certificate is 4.4% of the water that was previously produced from the two wells associated with the original certificate. There was no impairment noted associated with the original volumes. With the drastic reduction associated with this proposed change there can be no impairment associated with this reduction.

CONCLUSION

Impairment means that other water right holders are unable to use their water rights (whole or in part), given reasonable pumping lift with the construction of qualifying diversion works. With a reduction in the actual volume produced from the wells associated with this proposed change there will be no impairment to adjacent well and water right holders.

BACKGROUND G3-01352(B)

Gerald Dormaier is proposing to have a common well associated with this water right along with 02434-A. The original well has been pumping since 1956. Under the proposed change to this water right the total instantaneous volume would be 877.8 gpm, the total annual acre-footage would be 689 acre-feet, and the total acreage would be 255 acres. The well associated with this change has been pumped continuously since the early 1980s. No impacts associated with this pumping have been noted at the original location.

WATER REQUIREMENTS

The 689 acre-feet of water will meet the crop needs of these 255 acres.

ANALYSIS

The well that will be utilized under this proposed change yields from the Wanapum/Grande Ronde Aquifer System. Well #1 was deepened in 1982 with a total depth of 594'. No clear formal demarcation between the Wanapum and Grande Ronde Aquifers is evident in any of the well. It has been noted that the water levels yielding from shallower wells in the area are much higher than those noted in deeper wells. Additionally, domestic wells in the area have shown no impact from the pumping of these irrigation wells. It is assumed that the shallow aquifer is likely the Wanapum aquifer, and that the deeper aquifer is the Grande Ronde aquifer, but with no definitive information this is only theoretical.

The well is located as follows: Well #1 – N1/2 of Section 18, Township 25 North, Range 29 East; located in Grant County, Washington.

In order to determine impairment one must look at how the pumping associated with the proposed change impacts the nearest well/water right yielding from that same body of ground water, not owned by the applicant. Upon review of the DOE well log data base the closest well yielding from this same body of water, that meets this criteria, is located in the SE1/4SE1/4 of Section 13, Township 25 North, Range 29 East, Grant County, Washington. The well log notes the owner to be Isaak Land Inc. This well is cased to a depth of 170'. The total depth of the well is 300'. This well penetrates the top of the Wanapum Basalts, and thus this well is yielding from the same body of ground water. It is located approximately 3600' from Well #1. The next closest well meeting the criteria is located a few thousand feet further away, and thus only the impacts to this Isaak well will be considered.

The wells are not located in any water management area designated by the State of Washington Department of Ecology, and no restrictions other than needing to meet all standard well construction standards of the State of Washington have been required.

The proposed change would allow for the additional pumping of 89 acre-feet from the well. When one looks at the 7 month irrigation season this volume would result in the equivalent pumping of 94 gpm continuously for 214 days.

In order to determine the potential impacts of pumping Well #1 continuously at the additional rate of 94 gpm for 214 days on the Isaak Well, and determine if those impacts result in impairment, the Modified Theis Equation will be utilized. This equation provides for a very rough estimation of impacts of pumping of one well on another well in the same aquifer. There are many assumptions that are made in order to utilize this equation, and so it is indeed only a tool to provide a very rough estimation. We will utilize very conservative estimates of pumping and duration in this situation. The equation is as follows:

$$s = (264Q/T) (\log(.3Tt/r^2S))$$

s – feet of drawdown

Q – pumping rate in gpm's

T – coefficient of transmissivity of the aquifer in gpd/ft

r – distance in feet from pumped well

S – coefficient of storage (which is dimensionless)

t – time since pumping started in days

This equation can be solved utilizing pump test information captured at an observation well penetrating the same aquifer. This information is rarely available, and so rough values for T and S have been established for the Grande Ronde Basalts. These values are 50,000 – 100,000 gpd/ft for T, and .00002 - .0005 for S. Given those values along with assuming a pumping rate of 94 GPM's, and assuming that the well will average pumping continuously for a 214 day time period, and the distance to the Elwood Well as being approximately 3600 feet, potential impacts to water levels can be determined.

When we look at the potential hypothetical impacts to the Isaak Well located in Section 13, utilizing the above equation, and the values for the various variables in the equation noted above, it can be anticipated that a very conservative estimate for the additional net potential impacts realized at the end of the irrigation season would range from a decline in the static water level of an additional .3 feet to 2.0 feet in that well.

Indications are that the aquifer in this area yields at a much higher level than average. In fact as much as 10 times better. Additionally, anecdotal reports of no seasonal drawdown or impacts have been reported. Also no reports of impacts associated with the pumping of the original well over the last several years have been reported.

CONCLUSION

The well has been utilized since the 1950s and since the early 1980s in its current condition without any note of impairment. An ultra conservative approach was looked at.

The closest well yielding from the same water bearing zones lies more than 3600 feet away. The worst case scenario yields potential net additional drawdown in the static water level of that well of from .2' to 2.0'. The wells have significantly higher yields than normal in this area, and Well #1 appears to have similar characteristics. That yield appears to be up to 10 times the norm. This would reduce these theoretical declines significantly. No reported impacts have been noted during the time this well has been pumping.

Impairment means that other water right holders are unable to use their water rights (whole or in part), given reasonable pumping lift with the construction of qualifying diversion works. It has been my experience that when wells are located this far apart there is little actual impact. That experience is based upon actual pumping data on large basalt irrigation wells, pumping at similar volumes, to that proposed. The actual pumping of the well will be quite variable, and intermittent. This will result in the opportunity for the aquifer to partially recover throughout the year and certainly nearly completely during the winter months. This makes the theoretical impacts far greater than what will actually be experienced. When these factors are taken into account, the worst case theoretical, and the actual anticipated impacts to the existing wells in the area, fall well below the magnitude that can be described as impairment to the adjacent well and water right holders, and certainly even less so to well owners and right holders with wells located at even greater distances from the subject well.

BACKGROUND G3-01352(C)

Isaak Land Inc. is proposing to have 3 common wells associated with this water right along with 1476-A and G3-01539C. One of those wells is a replacement well that has been constructed recently so that the available water under this, and other associated rights may be more efficiently obtained. The original wells have been pumping since 1953 and 1976 respectively. The replacement well will supplement the well drilled in 1953. Under the proposed changes to this water right the total instantaneous volume would be 2648.9 gpm, the total annual acre-footage would be 1855.7 acre-feet, and the total acreage would be 822.3 acres. The irrigated acreage associated with this change has been irrigated continuously since the mid 1960s. No impacts associated with this pumping have been noted at the original location.

WATER REQUIREMENTS

The 1855.7 acre-feet of water will meet the crop needs of these 822.3 acres.

ANALYSIS

The three wells that will be utilized under this proposed change all yield from the Wanapum/Grande Ronde Aquifer System. Well #1 was drilled in 1953, Well #2 in 1976 and Well #1 Replacement in 2011. With sealed casings placed to a depth of 20', 24' and 599' respectively. The total depths of these wells are 375', 595' and 1491' respectively. No clear formal demarcation between the Wanapum and Grande Ronde Aquifers is evident in any of the wells. It has been noted that the water levels yielding from shallower wells in the area are much higher than those noted in deeper wells. A television scan taken of Well #1 Replacement upon completion showed no water movement in the well. Additionally, domestic wells in the area have shown no impact from the pumping of these irrigation wells. It is assumed that the shallow aquifer is likely the Wanapum aquifer, and that the deeper aquifer is the Grande Ronde aquifer, but with no definitive information this is only theoretical.

The wells are located as follows: Well #1 – S1/2S1/2 of Section 16, Township 25 North, Range 30 East; Well #1 Replacement – S1/2S1/2 of Section 16, Township 25 North, Range 30 East; and Well #2 – NW1/4SE1/4 of Section 16, Township 25 North, Range 30 East, all located in Grant County, Washington.

In order to determine impairment one must look at how the pumping associated with the proposed change impacts the nearest well/water right yielding from that same body of ground water, not owned by the applicant. Upon review of the DOE well log data base the closest well yielding from this same body of water, that meets this criteria, is located in the NW1/4NW1/4 of Section 29, Township 25 North, Range 30 East, Grant County, Washington. The well log notes the owner to be Harold Elwood. This well is cased to a depth of 28'. The total depth of the well is 262'. This well penetrates the top of the Wanapum Basalts and thus this well is yielding from the same body of ground water. It is located approximately 1.75 miles from the Well #1 Replacement. The next closest well meeting the criteria is located several miles away, and thus only the impacts to the Elwood well will be considered.

The wells are not located in any water management area designated by the State of Washington Department of Ecology, and no restrictions other than needing to meet all standard well construction standards of the State of Washington have been required.

The proposed change would allow for the additional pumping of 312.7 acre-feet from the three wells. When one looks at the 7 month irrigation season this volume would result in the equivalent pumping of 330 gpm continuously for 214 days. The worst possible scenario, as far as impairment goes, and one that would not actually take place, is for this additional volume to be pumped totally out of the closest well located to the Elwood Well, which is the Well #1 Replacement.

In order to determine the potential impacts of pumping Well #1 Replacement continuously at the additional rate of 330 gpm for 214 days on the Elwood Well, and determine if those impacts result in impairment, the Modified Theis Equation will be utilized. This equation provides for a very rough estimation of impacts of pumping of one well on another well in the same aquifer. There are many assumptions that are made in order to utilize this equation, and so it is indeed only a tool to provide a very rough estimation. We will utilize very conservative estimates of pumping and duration in this situation. The equation is as follows:

$$s = (264Q/T) (\log(.3Tt/r^2S))$$

s – feet of drawdown

Q – pumping rate in gpm's

T – coefficient of transmissivity of the aquifer in gpd/ft

r – distance in feet from pumped well

S – coefficient of storage (which is dimensionless)

t – time since pumping started in days

This equation can be solved utilizing pump test information captured at an observation well penetrating the same aquifer. This information is rarely available, and so rough values for T and S have been established for the Grande Ronde Basalts. These values are 50,000 – 100,000 gpd/ft for T, and .00002 - .0005 for S. Given those values along with assuming a pumping rate of 330 GPM's, and assuming that the well will average pumping continuously for a 214 day time period, and the distance to the Elwood Well as being approximately 9240 feet, potential impacts to water levels can be determined.

When we look at the potential hypothetical impacts to the Elwood Well located in Section 29, utilizing the above equation, and the values for the various variables in the equation noted above, it can be anticipated that a very conservative estimate for the additional net potential impacts realized at the end of the irrigation season would range from a decline in the static water level of an additional 2 feet to 6 feet in that well.

The well yield information associated with the Well #1 Replacement indicates that it is extremely high yielding, and matches up with other wells in the area. Indications are that the aquifer in this area yields at a much higher level than average. In fact as much as 10 times better. Additionally, anecdotal reports of no seasonal drawdown or impacts have been reported. Also no reports of impacts associated with the pumping of the original two wells over the last thirty five years, or the three wells during 2011 have been reported.

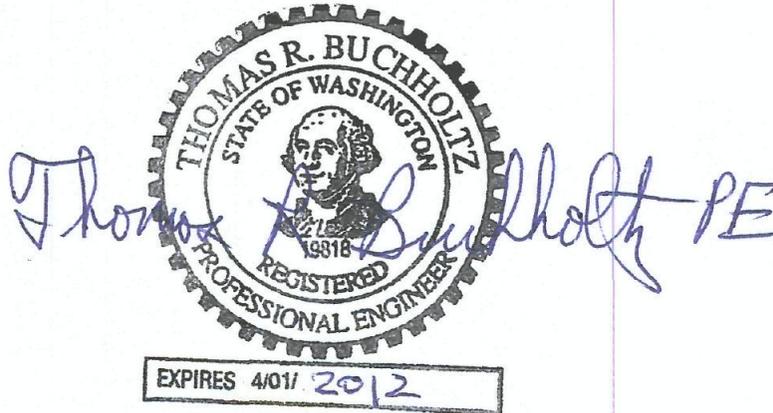
CONCLUSION

Two of the three wells have been utilized over the last 35 years, with the third well utilized in 2011, without any note of impairment. The Well #1 Replacement has been cased and sealed deeper than the closest well, the Elwood Well, penetrates into the basalts. An ultra conservative approach, looking at pumping only from the well lying closest to the nearest well yielding from the same water bearing zones, was looked at.

The closest well yielding from the same water bearing zones lies more than 9000 feet away. The worst case scenario yields potential net additional drawdown in the static water level of that well of from 2' to 6'. The wells have significantly higher yields than normal in this area, and Well #1 Replacement appears to have similar characteristics. That yield appears to be up to 10 times the norm. This would reduce these theoretical declines significantly. Instead of one well pumping all the water it will actually be split between all three wells with the two other wells being located further from the Elwood Well. No reported impacts have been noted during the last 35 years of actual pumping.

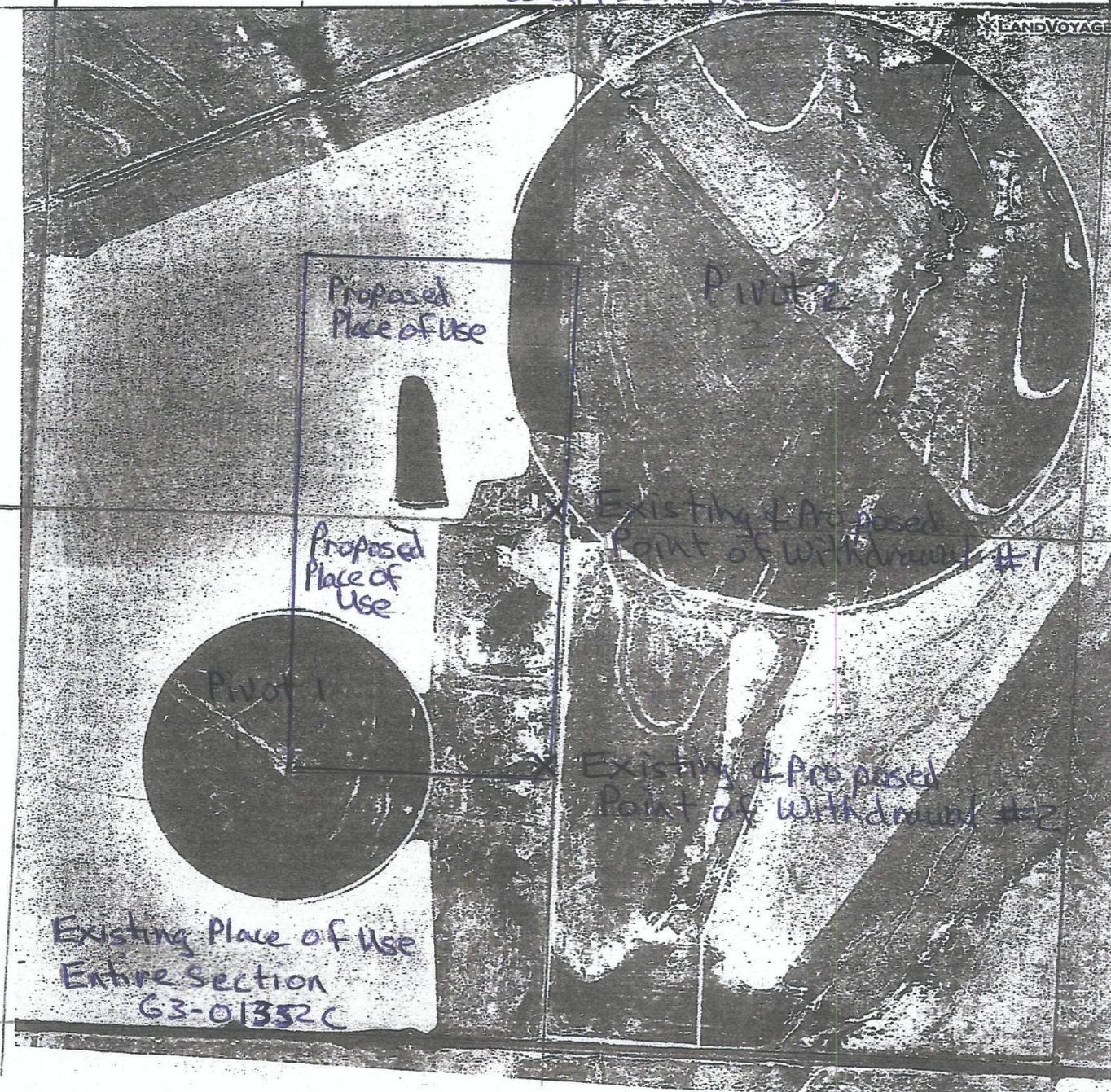
Impairment means that other water right holders are unable to use their water rights (whole or in part), given reasonable pumping lift with the construction of qualifying diversion works. It has been my experience that when wells are located this far apart there is little actual impact. That experience is based upon actual pumping data on large basalt irrigation wells, pumping at similar volumes, to that proposed. The actual pumping of the wells will be quite variable, and intermittent. This will result in the opportunity for the aquifer to partially recover throughout the year and certainly nearly completely during the winter months. This makes the theoretical impacts far greater than what will actually be experienced. When these factors are taken into account, the worst case theoretical, and the actual anticipated impacts to the existing wells in the area, fall well below the magnitude that can be described as impairment to the adjacent well and water right holders, and certainly even less so to well owners and right holders with wells located at even greater distances from the subject wells.

Thomas R. Buchholtz PE October 12, 2011
Water Man Consulting



Sec. 5, T. 25N., R. 30E.

LAND VOYAGE

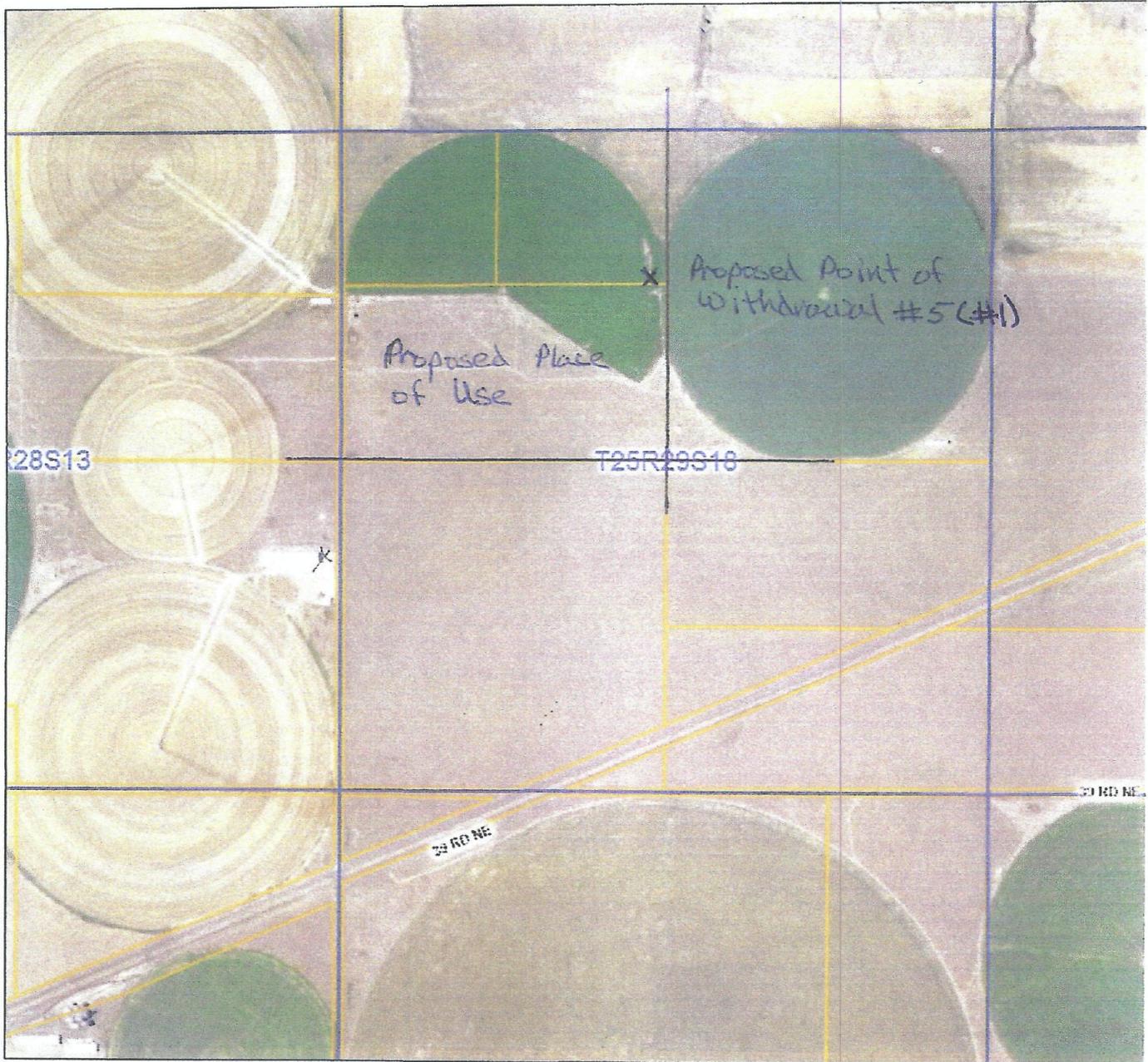


G3-01352C(A)

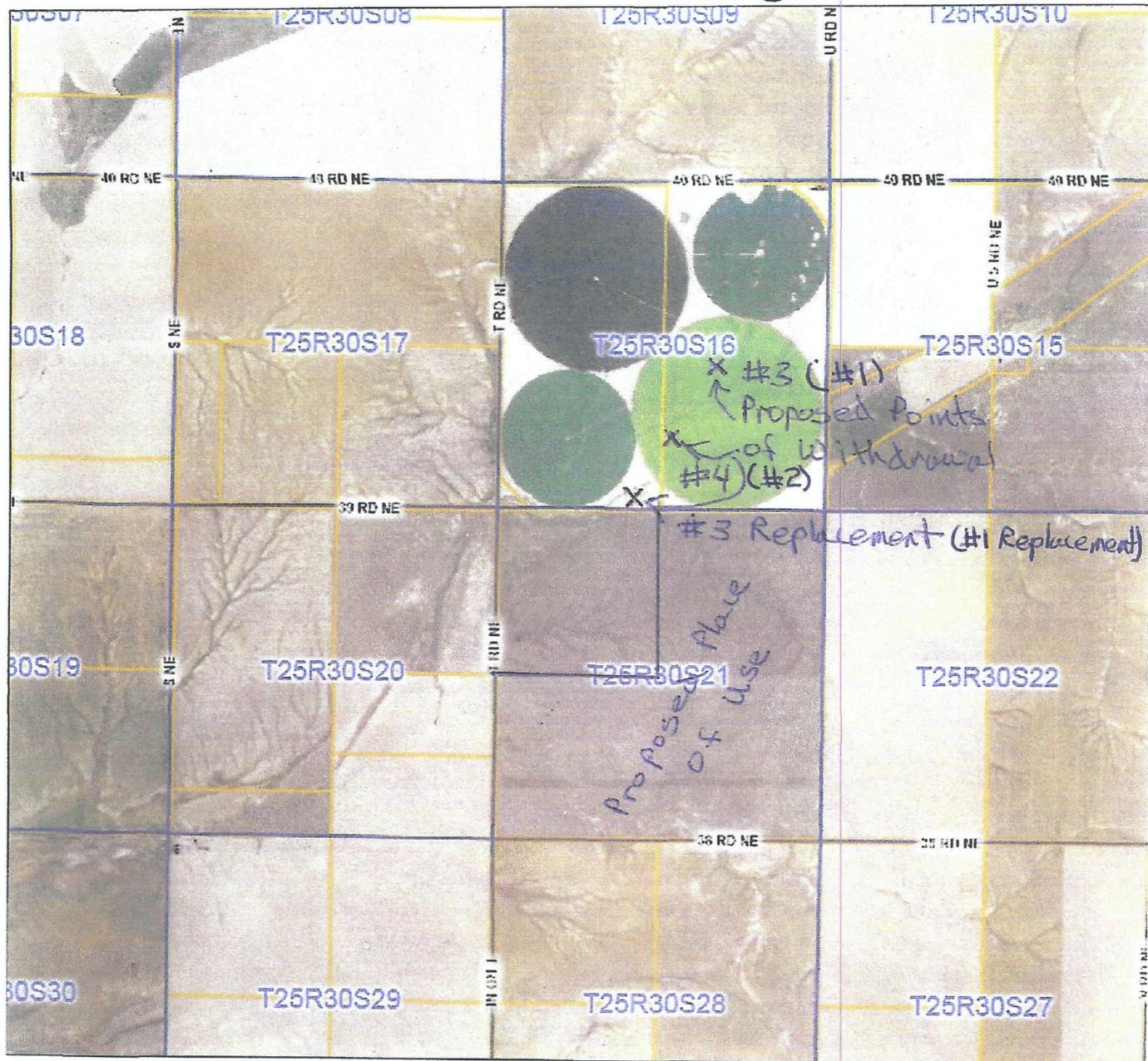
Proposed Place of Use NE 1/4 SW 1/4 & SE 1/4 NW 1/4

Sec. 5, T. 25N., R. 30E.

2 Existing And Proposed Points of Withdrawal



G3-01352C(B) Proposed Place of Use NW/4 1B-25-29
 Proposed Additional Point of Withdrawal



G3-01352C(C)

Proposed Place of Use NE 1/4, SE 1/4, SW 1/4
Sec. 21, T. 25N., R. 30E.

3 Additional Proposed Points of Withdrawal

RECEIVED

NOV 28 2011

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

ISAAK LAND INC.

G3-01352C

October 31, 2011

I apologize if I'm asking questions that are due to my inexperience and lack of knowledge, however here it goes. I thought each water right had to stand on its own unless it was a municipal water right. To me, that means that each has its own source, purpose, and place of use.

It appears to me that this application joins G3-01352C with G3-01539C, 1476-A, and 02434-A.

You are correct.

We approved the changes for G3-01539C and 1476-C and have now received comments back from DOE. I assume Mr. Isaak and the Board have to agree to the revisions by DOE before the change is final. Since that hasn't happened yet, we probably can't move on this change to G3-01352C since it builds on the changes made to G3-01359C and 1476-A. Do we have a copy of 02434-A to review the conditions of that water right that is also included in the water right change for G3-01352C?

Those comments condition the ROE only. They are all that takes place until a new Proof of Appropriation is filed and a Superseding Certificate issued. The main modification that was made was to eliminate the replacement well from the ROEs. They felt that since this well was constructed after the application was made, and was not mentioned in the applications, that it should not be part of the ROEs. Since it is a replacement well it is perfectly legal, and as such it has been included in the application and ROE associated with this change.

I don't understand why this water right is being combined with the other water rights. Are the sources piped together so one well can irrigate areas of different water rights or is more water being pumped from one of the wells to supply water for additional acres? If G3-01352C shows that it is combined with the other water rights, shouldn't each of the other water rights indicate that they are linked with G3-01352C?

This is termed integration of water rights. This right will utilize common wells, pipes and some of the center pivots that serve the other noted rights. This is a normal practice that DOE utilizes so that a total acreage, instantaneous and annual volumes will not exceeded on the common wells. The other rights would only be changed to indicate this integration normally only when some other change to that right is made. It does not impact the face plate of this or the other rights, but simply one of the conditions listed for this right.

G3-01539C added 62 acres of additional irrigated land and relinquished 85 acre-feet of water. This application relinquishes 241.2 acres, but now the water rights are being joined in their usage.

Again you are looking at the integration of these two water rights. The face plate under this water right stands on its own. The total acres will simply be a condition under this right as part of the integration process.

The Proposed Use lists Well #3, Well #3 Replacement, Well #4, and Well #5 but does nothing to note that these wells are included in G3-01539C and 1476-A and not part of this water right. This applies to each of the following sections as well.

These will be common points of withdrawal under the water rights. I believe that this is covered under the last 2 paragraphs on page 3 of the ROE.

Both Well #1 and #2 are noted to be on Parcel 181788000 but list then on different ¼ sections. Are the parcel numbers correct?

Parcel numbers are not based upon ¼ Sections. Both these wells are located within the same parcel number boundary though they are located within different ¼ Sections.

In the Description of Proposed Works, second paragraph: Is the existing well located in Section 18 the well included in 1476-A?

No, this well is associated with 0234-A that is held separately by Gerald Dormaier.

In the third paragraph: Are the 58.8 acres that will be utilized in the near future new irrigated land?

Yes, the ground that this is associated with is in the Conservation Reserve Program through 2015, and at that time when it comes out of the program it will be developed into irrigation. The Conservation Reserve Program is one of the exemptions from relinquishment, and as such this portion of the permit will remain in good standing as long as the land is in the program.

In the fourth paragraph: Should the number for the Well #1 Replacement be G3-01359C?

This well is noted as Well #3 Replacement under the application, but for G3-01359C (C), it has been renamed. Since it is replacing Well #1 under G3-01359C (C) this should now be listed as Well #1 Replacement under that right.

In the Background, second paragraph: Are the "additional well to be added" and the "3 additional wells" going to be new wells? If not, reference should be given to what the water right is for each of the authorized point of withdrawal.

This paragraph is a description of the purchase agreement that has been provided. That agreement only mentions G3-01352C, and no other water rights, I do not feel it is appropriate to add anything additional. It is covered thoroughly elsewhere in the ROE. A copy of the agreement was an attachment to the application.

The Existing Provisions states "See Existing Certificate". Do we have a copy?

Yes, it was an attachment to the application.

In the Provisions under G3-01352C(A): Should there be a bullet giving information on the total withdrawal?

No, the face plate covers this. This right is not integrated with any other right. This is noted in (B) and (C) since these are both integrated with other rights.

In the Impairment Analysis for G3-01352C(B), the pumping capacity of the existing well in 02434-A will be increased by 127.8 gpm. Does the existing well and pump have the capacity for the increase?

It is my understanding that they do, however the physical capacity is not part of the ROE process. This determination will be made when the Proof of Appropriation under this right is filed and a Superseding Certificate issued

Do the wells and pumps used for G3-01352C(C) have the capacity for the increased flow of 448.9 gpm?

It is my understanding that they do, however the physical capacity is not part of the ROE process. This determination will be made when the Proof of Appropriation under this right is filed and a Superseding Certificate issued

In the future when a person reviews G3-01352C, 1476-A, or 0234-A, how will they know that the withdrawal rates and point of use have been modified by this water right?

The other water rights have not been modified by this change. Only G3-01352C is being modified. The DOE records will reflect the changes that have been made.

Questions prepared by: Ken Enns, Grant County Water Conservancy Board

Answers prepared by Tom Buchholtz, PE, Water Man Consulting