



GRANT COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer

For Ecology Use Only
Received: RECEIVED
DEC 31 2012
Date Stamp DEPARTMENT OF ECOLOGY EASTERN REGIONAL OFFICE

Record of Decision

Applicant: **Fancher Land Investments, LLC (Robert R. Fancher)**

Application Number: Certificate 399-A(A)

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 24, 2010. 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 24, 2010 and submits this record of decision and report of examination to the Department of Ecology for final review.

Denial: The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) 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: December 27, 2012

- Approve
- Deny
- Abstain
- Recuse
- Other

David Stevens
David Stevens, Commissioner
Grant County Water Conservancy Board

Date: December 27, 2012

- Approve
- Deny
- Abstain
- Recuse
- Other

Keith Ellis
Keith Ellis, Commissioner
Grant County Water Conservancy Board

Date: December 27, 2012

- Approve
- Deny
- Abstain
- Recuse
- Other

Kenneth Enns, Alternate Commissioner
Grant County Water Conservancy Board

Date: December 27, 2012

- Approve
- Deny
- Abstain
- Recuse
- Other

Mailed with all related documents to the Dept of Ecology Eastern Regional Office, and other interested parties on December 27, 2012.

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).

Ecology is an equal opportunity employer

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	800.0	296.1	Continuous Industrial				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
One (1) Well			N/A				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
110069478	NW	SW	20	19	29	41	Grant
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
Portions of Sections 19, 20, 29, 30, 32, T19N., R.29E., W.M., within the Parcels of land listed below							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		
110069492			19	19	29		
110069477			19	19	29		
091121631			20	19	29		
091121633			20	19	29		
110069478			20	19	29		
313143000			29	19	29		
313359000			29	19	29		
313357000			29	19	29		
313360000			29	19	29		
180244000			30	19	29		
180255000			32	19	29		

DESCRIPTION OF PROPOSED WORKS

Move one (1) existing point of withdrawal in the NWSE of Section 7, T.19N., R.27E., W.M. to a location in the NWSW of Section 20, T19N., R29E., W.M., and change the place of use to portions of land in Section 19, 20, 29, 30, & 32, in T19N.,R29E., W.M., and change the type of use from seasonal irrigation of 80 acres to Continuous Industrial water use.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
Project has been initiated	December 31, 2016	December 31, 2022

REPORT

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

On October 27, 2011, Fancher Land Investments, LLC (Fancher) filed an application to CHANGE the POINT OF WITHDRAWAL, CHANGE EXISTING PLACE OF USE, and CHANGE PURPOSE OF USE under Certificate 399-A(A). The action was accepted at an open meeting on October 27, 2011, and the Grant County Water Conservancy Board (GC WCB) assigned application number GRAN-11-21. On December 8, 2011, The Department of Ecology (Ecology) issued an OK to proceed and assigned their WRATS number of CG3-*01104C@4 to Fancher's request for change of water right.

Ground water Certificate 399-A with a priority date of April 18, 1949 was split into two (2) superseding Certificates. One being 399-A (A) (Hellewell) and the other being Certificate 399-A (B) (Hintz). The 399-A(A) portions point of withdrawal was formally transferred to the point of withdrawal for Certificate 1747-A(A) (Hellewell) by the GC WCB action on September 3, 2004, which was subsequently amended and approved by Ecology's letter dated November 4, 2004. Ecology granted 399-A(A) a Construction Period, Development Period, and filing of Proof of Beneficial Use ending December 1, 2007, which was subsequently formally extended by Ecology on several occasions. The basis for the splitting of Certificate 399-A and change in point of withdrawal was that one half (1/2) of the right under Certificate 399 and the original point of withdrawal for Certificate 399-A was conveyed to Helmut Hintz due to a litigation agreement.

Additional information pertaining to actions affecting Certificate 399(A) is included in the History of water use / Previous Changes Section of this Report of Examination.

Attributes of the water right as currently documented (cert, claim, permit No.)

Name on certificate, claim, permit: Fancher Land Investments (Robert R. Fancher)

Water right document number: 399-A(A)

Priority date, first use: April 18, 1949

Water quantities: Qi: 800 gpm Qa: 311.7 acre-feet

Source: One (1) Wanapum Management Well

Point of withdrawal : One (1) well in the NWSE Section 7, T19N.,R27E., W.M.

Purpose of use: Irrigation of 80 Acres

Period of use: Seasonal

Place of use: Gov't Lots 3 and 4 and portion of E1/2SW1/4 Sec. 7, Township 19 North, Range 27 East, W.M. Grant County, WRIA 41

Certificate 399-A(A)

Existing provisions:

"This authorization to make use of public waters of the State is subject to existing rights, including existing rights held by the United States for the Benefit of Indians under treaty or otherwise."

"Use of water authorized shall be contingent upon water right holder's utilization of up to date water conservation practices and maintenances of efficient water delivery systems consistent with established regulation requirements and facility capabilities."

"The amount of water granted is the maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specific limit that is beneficially used."

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

"If the water source/or water transmission facilities are not wholly located upon land owned by the applicant issuance of the permit by Ecology for the appropriation of the waters in question does not convey a right to access to, or other right to use, land for which the applicant does not legally possess. Obtainment of such right is a private matter between the applicant and the owner of the land."

Tentative determination of the water right

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

History of water use / Previous changes

Ground water Certificate 399-A with a priority date of April 18, 1949 was split into two (2) superseding Certificates. One being 399-A(A) (Hellewell) and the other being Certificate 399-A(B) (Hintz). The 399-A(A) portion's point of withdrawal was formally transferred to the point of withdrawal for Certificate 1747-A (Hellewell) by the GC WCB action on September 3, 2004, which was subsequently amended and approved by the Ecology's letter dated November 4, 2004. The basis for the splitting of Certificate 399-A and change in point of withdrawal was that one half (1/2) of the right under Certificate 399-A and the original point of withdrawal for Certificate 399-A was conveyed to Helmut Hintz due to a litigation agreement.

Hellewell's portion of Certificate 399-A (i.e. 399A-(A)) was provided a development schedule by Ecology ending December 1, 2007. Hellewell notified Ecology that he was having difficulties in putting the quantities to full beneficial use due to the intermittent failure of the authorized well for 1747-A / 399-A(A) (diminishing static ground water level) and thus Ecology notified Hellewell by letter dated March 3, 2006, that if full beneficial use could not be achieved by December 1, 2007, he was to contact their Spokane office and request an extension time to file a completion of construction and proof of beneficial use.

The basis for the problems in completion of construction and filing of a proof of beneficial use was that in the later part of the 2004 irrigation season the static water levels in the wells for both Certificate 399-A(B) (Hintz) and Certificate 1747-A (now the authorized point of withdrawal for Certificate 399-A(A)) started to drop. Because of this Ecology granted Hintz a well depth exemption to construct a replacement well for Certificate 399-A(B). Hintz's new well was constructed in the later part of 2005, and is approximately 300 feet deeper than the original 399 well. Beginning in the later part of the 2005 irrigation season and thru the 2006 irrigation season Hellewell's original 1747-A / 399-A(A) well was operational for most of the year but only produced a minimal amount of water in the later part of the irrigation season (late August early September).

During 2005 and 2006 Hellewell attempted to refurbish his 1747-A/ 399-A(A) well several times but soon ran out of money and could not afford to drill and construct a replacement well. It should be noted here that during the 2005 and 2006 irrigation season the 1747-A / 399-A(A) well did not have a meter installed in that the pump and other irrigation infrastructure was removed and replaced several times.

In early 2007 the well and associated lands under both Certificates 399-A(A) and 1747-A, were sold to Fancher Land Investments, LLC (Fancher). At this time an Application for Change of Place of Use and Point of Withdrawal was submitted to Ecology for portions of the water right authorized under Certificates 399-A(A) and 1747-A. Both applications were subsequently withdrawn by Fancher in 2008.

Fancher likewise initiated efforts to rehabilitate the 1747-A/ 399-A(A) well before the 2007 irrigation began but efforts failed. Since the initial Completion of Construction and Proof of Appropriation schedule was fast approaching and well rehabilitation failed an extension of time for both the development period and filing of the proof was submitted to Ecology. By letter dated September 5, 2007, Ecology formally granted a second extension in time until December 1, 2008 in which to reconstruct or re-drill a new well and completion of irrigation facilities. During the early part of the 2008 additional efforts were attempted to rehabilitate the old 1747-A/ 399-A(A) well but efforts again failed in that the well went dry in May 2008. Upon removal of the pump and motor a minimal amount of water reappeared after a couple of weeks.

Because of this Fancher submitted a request for a replacement well by letter dated July 15, 2008, and was subsequently approved by Ecology's letter dated August 13, 2008. Due to an increase in demand for new wells in the Upper Columbia Basin area well drillers were unavailable at this point in time. Eventually, Joy Well Drilling was contracted to drill a 16 inch replacement well in lieu of the old 1747-A / 399-A(A) well. The location of the replacement well is in the same quarter quarter of the existing 1747-A / 399-A(A) well but is not located upon lands owned by Fancher, thus Hellewell the owner of the land involved granted an operation and maintenance corridor by easement. Ground water hydrologists and well drillers familiar with the availability of ground water in the immediate area recommended that a replacement well similar in nature to the Hintz's 399-A(B) replacement well be constructed within the NW1/4SE1/4 of Section 7, T. 19 N., R. 27 E., W.M.

Construction of the replacement well was halted at approximately 200 feet into Basalt with only minimal amount water (less than 100 gpm). Halting at 200 feet into Basalt was by direction of Ecology in that they wanted a determination as to the availability of ground water at this level. By letter dated November 13, 2008 a well depth exemption request and request for extension of the existing development schedule was submitted to Ecology. By letter dated December 1, 2008,

Certificate 399-A(A)

Ecology granted a depth exemption and extended for the third time the development schedule and filing of Proof of Appropriation to December 1, 2009 as noted above the then pending application transfer portions of Certificates 399-A(A) and 1747-A were withdrawn. By letter dated January 25, 2010 another request for extension of the development schedule was submitted to Ecology. The replacement well was drilled to 551 feet and was operational for a period of time before it became apparent casing and pump issues needed to be corrected. Ecology subsequently extended for the fourth time the development schedule to December 1, 2010. The pump installed in the replacement well was pulled and the well was deepened to 590 feet (the same depth as the Hintz's 399-A(B) replacement well).

The 1747-A / 399-A(A) deepened replacement well and pump were fully functional during the 2010 irrigation season and the Proof of Appropriation form for the change authorized under Certificate 399-A(A) (800.0 gpm, 311.7 acre feet for the irrigation of 80 Acres) was submitted to Ecology on November 15, 2010.

SEPA

Ground Water Right Permit 399-A(A) allowable flow rate of 800.0 gpm is below the 2250-gpm SEPA exemption. This Change Application is **Exempt** from the SEPA requirements.

FAMILY FARM

Ground Water Right Certificate 399-A(A) having a priority date of April 18, 1949 is not classified as a Family Farm Permit in accordance with Chapter 90.66 RCW.

The information or conclusions in this section were authored and/or developed by the applicant (Robert R. Fancher) and his consultant Edmund Kemp Jr., H2O4U Consulting.

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

Public notice of the application was published in the Columbia Basin Herald on January 2, 2012 and January 9, 2012. Protest period ended on February 8, 2012. 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 GC WCB or other means as designated by the GC WCB.

Notice of Change Application was made on November 21, 2012, by E-mail to State of Washington of Archaeology and Historic Preservation, State of Washington Department of Fish and Game and the Eastern Washington Council of Governments.

The information or conclusions in this section were authored and/or developed by the applicant (Robert R. Fancher) and his consultant Edmund Kemp Jr., H2O4U Consulting.

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

The existing place of use was documented by the applicant with aerial photos, meter readings, and written testimony which supported the tentative determination of the extent and validity of the right as set forth above. This certificate is in good standing and is eligible for transfer.

The following information was obtained on November 8, 2012 from a site inspection conducted by GC WCB commissioners Ken Enns, Keith Ellis and Ron Baker, during which time the applicant's agent Edmund Kemp Jr (H2O4U Consulting), provided supporting documents and all available information.

Proposed project plans and specifications

Upon formal action by the GC WCB on the application for the transfer of Certificate 399-A(A) Fancher will formally assign the Certificate to Central Terminals LLC, of which Fancher is one of the principle owners.

Central Terminals project is a Reverse Osmosis (RO) facility which will provide industrial water supplies to clients that have existing or future operations located within the land area identified above. Waste water from the RO will be managed by commingling water from existing Artificially Stored Ground Water (ASGW) permits via land application at agronomic rates. The area of land application will be a licensed waste management facility monitored by Ecology's Waste Management Department. Although no other users outside of the proposed designated place of use are anticipated at this point in time, if additional industrial water users in the Wheeler corridor materialize an application to amend the place of use will need to be submitted.

Original Place of Use:

Gov't Lots 3 and 4 and a portion of the E1/2SW1/4 of Section 7, T.19N., R.27E. W.M. is located approximately 3 miles North of I-90 freeway and approximately 5 1/2 miles West of the western shoreline of Moses Lake. This location lies within the geographical area described in the U.S. Bureau of Reclamation's declaration of ownership of artificially stored ground water and called the Quincy Basin special management area.

Place of Use of proposed change:

The proposed place of use can be best described as the old U&I Sugar Plant facility, and includes portions of land in Section 19 (parcels 110069492 & 110069477), Section 20 (parcels 091121631, 091121633, & 110069478), Section 29 (parcels 313143000, 313359000, 313357000, & 313360000), Section 30 (parcel 180244000), and Section 32 (parcel 180255000), all in T19N., R29E.W.M.

Certificate 399-A(A)

Other water rights appurtenant to the property (if applicable)

Portions of that land involved have ASGW Permits and licenses attached to them for the purpose of seasonal irrigation, and an ASGW Permit QB-1579 which authorizes 800 gpm, 1000 acre-feet per year, each year, for an industrial supply for the same RO facility and industrial supply. Both Certificate 399-A(A) and QB-1579 will be perfected by separately metering supply source to and from the RO facility to individual clients.

The existing perfected ASGW seasonal irrigation Permits are:

- QB-194(B) 35.0 ac.ft., 166.0 gpm, Seasonal irrigation of 10 Acres in the NE1/4, Section 30
- QB-233(B) 87.5 ac.ft., 216.7 gpm, Seasonal irrigation of 25 Acres in the N1/2 & N1/2S1/2, Section 30
- QB-325(B) 29.75 ac.ft., 158.0 gpm, Seasonal irrigation of 8.5 acres in the NE1/4 Section 30 & the NW1/4 of Section 29
- QB-1219(B) 21.5 ac.ft., 57.0 gpm, Seasonal irrigation of 6.14 acres in the SW1/4NE1/4 of Section 29
- QB-1249 280.0 ac.ft., 800.0 gpm, Seasonal irrigation of 80 acres in the N1/2 & N1/2S1/2 of Section 30
- QB-1437 2,961.0 ac.ft., 4500.0 gpm, Seasonal irrigation of 846 acres in portion of Section 19, 20, 29, & 30

Existing unperfected ASGW continuous industrial supply permit is:

QB-1579 1,000.0 ac.ft., 800.0 gpm, continuous industrial supply to be supplied industrial water users located within the area of use identified above. The individual water supplies provided under 399-A(A) and QB-1579 will be provided clients by separate metering to and from the RO facility.

Public Interest (ground water 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.

Changing the place of use, type of use, and one (1) point of withdrawal maybe granted in that it will not enlarge the quantity of authorized water, will tap the same aquifer, will not impair existing rights, or be detrimental to the public welfare provided the provisions stated in the Provisions Section are followed.

Tentative Determination

In order to make a water right change decision, the GC WCB must make a tentative determination on the validity and extent of the right. The GC WCB 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 GC WCB's tentative determination was based upon the following:

- Field Examination.
- Discussion with the applicant and his representative.
- Grant County Tax Assessors data base to verify ownership.
- USDA FSA compliance fly-over 2008 aerial photos
- GC WCB's review of multiple RCW's.

Fancher and the previous owner (Hellewell) have pursued due diligence in rehabilitation and/or construction of a replacement well and putting this right to beneficial use per Ecology's direction. This Report of Examination reflects Fancher's application to change actual place of use, type of use, and to move one (1) existing point of diversion to another location for which he is one of the principle owners.

Consumptive Use Efficiency:

Because a change of use is being requested the amended certificate for 311.7 acre feet (originally 320 acre feet) available Qa of water right 399-A(A), is subject to the Consumptive Use Efficiency in the final determination amount of water that is beneficially used and available for transfer. The GCWCB reviewed the above ground sprinklers used with the pivot and end gun irrigation system and determined a Consumptive Use efficiency of 95% as delineated in the November 29-30, 2004 Workshop sponsored by Ecology and Recommendation to the Water Conservancy Boards, and Ecology's Water Resources Program Guidance memo dated October 11, 2005. Based on the said guidance memo a 95% irrigation efficiency will make the Qa available for transfer to be 296.1 acre-feet (i.e. 311.7 X 0.95)

(October 11, 2005 Guidance Memo)

Table 1: Summary of Application Efficiency Ranges, Consumptive Use, and Return Flows

Method	Application Efficiency, Ea(%) 2		% Total Evaporation	% Total Use Consumed	Return Flow
	Range	Average Ea	% Evap	%CU Average	% RF Average
Center Pivot-Impact heads w/end gun	75 to 90	80	15	95	5

Certificate 399-A(A)

Applications for change of water permits and certificates are governed by RCW 90.44.100, which states in part that: the holder of a valid right to withdrawal public ground water may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Such amendment shall be issued by Ecology only on the conditions that: (1) the additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) other existing rights shall not be impaired. Ecology may specify an approved manner of construction and shall require showing of compliance with the terms of the amendment.

The proposed project lies within the Quincy Ground Water Management Subarea as defined in Chapter 173-134 WAC. This subarea covers the northern portion of the Columbia Basin Project (developed by the US Department of Interior, Bureau of Reclamation), and lies mostly within Grant County.

In 1986, WAC 173-134A was amended to confirm that groundwater withdrawal limitations established in WAC 173-134A-060 and 173-134A-080 only apply to the geographical area within the Quincy Subarea claimed by Reclamation (i.e. only apply to the "yellow area"). This amendment had the effect of allowing Ecology to issue additional state permits for withdrawal of naturally-occurring groundwater in the "gray area", subject to the requirements of both state groundwater code and the Quincy Subarea rule. The authorized and the proposed new point of withdrawal of Ground Water Certificate 399 (A) lies within the so-called yellow area of the Quincy Subarea.

The Quincy Subarea is divided up into two (2) major ground water management units, as defined by rule (Chapter 173-134A WAC). These are the shallow management unit and the deep management unit.

The "shallow management unit" is defined as ground water hydraulically continuous between land surface and a depth of 200 feet into the Quincy basalt zone and includes all of the Quincy unconsolidated zone (WAC 173-134A-040(9)). This area is subject to artificial recharge of ground water. This recharge results from large scale surface irrigation and leakage associated with the Bureau of Reclamation's Columbia Basin Irrigation Project which is comprised of a series of canals used for Project irrigation. Most of the canal system is unlined and significant leakage from this canal system recharges the shallow ground water table. Deep percolation of applied irrigation water significantly contributes to groundwater recharge in the subarea. Therefore, much of the water in the shallow management unit is artificially stored and is under jurisdiction of the Bureau of Reclamation.

The "deep management unit" is defined as all ground waters underlying the shallow management unit (WAC 173-134A-040(4)). The basalt aquifers of the Quincy Ground Water Management Subarea are part of a large ground water reservoir occurring in a thick series of basalt flows know as the Columbia River Basalt Group. The thickness of these basalts varies from a few hundred feet at the Spokane River to over 10,000 feet in the Pasco Basin. These flows include several identified formations, or groups of Basalt flows, know as the Saddle Mountains Basalt Formation, Wanapum Basalt Formation, and Grande Ronde Basalt Formation.

Existing and Proposed wells

The depth of existing Certificate (as authorized by Ecology) is producing water from the deep management unit; Therefore any new well authorized under Certificate 399-A(A) will be required to be constructed and produce water from the deep management unit. Any well construction shall be conducted in compliance with Chapter 18.104 RCW and Chapter 173-160 WAC. Any cascading water encountered shall be precluded by casing and sealing, and no inter-aquifer transfer of water shall be allowed. When the wells are reconstructed or replaced, the reconstruction or replacement wells shall be cased and sealed into competent basalt.

The GC WCB has determined the existing point of withdrawal and the new proposed point of withdrawal under Certificate 399-A(A) would tap the same aquifer or source of public water as the original authorized well.

The information or conclusions in this section were authored and/or developed by the applicant (Robert R. Fancher) and his consultant Edmund Kemp Jr., H2O4U Consulting.

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

Tentative determination (validity and extent of the right)

The Grant County Water Conservancy Board found:

- Ground Water Certificate 399-A(A) is a valid Certificate.
- Ground Water Permit 399-A(A) in an amount of 800.0 gallons per minute, 296.1 acre-feet for the purpose of continuous, industrial supply is available for changeor transfer.

Relinquishment or abandonment concerns

There are no relinquishment or abandonment issues which are addressed with Ground Water Certificate 399-A(A)

Hydraulic analysis

Following is a list of Wanapum Aquifer wells within one mile of the proposed new point of withdrawal in SWNWSW ¼ of Sec. 20, T19N.,R29., W.M.:

NWNW Sec. 20, T19N.,R29E.,W.M. City of Moses lake Well Tag AAN874 585' Deep Approx. 3,875' NWNW
NWSE Sec. 20, T19N.,R.29.,W.M. Central Terminals Well Tag AHP781 584' Deep Approx. 2,820' SE
SEWNW Sec. 20, T19N., R29E.,W.M. U&I Sugar Well Tag NAK/Well#1 1030' Deep (abandoned)
SWNWNW Sec. 20, T19N.,R29E., W.M. U&I Sugar Well Tag NKA/Well #2 720' Deep (abandoned)
SEWNW Section 20 T19N.,R29E.,W.M. U&I Sugar Well Tag NKA/Well#3 912' Deep (abandoned)

Certificate 399-A(A)

There has been no documented history of pumping interference between existing wells in the immediate area and the existing well which will become the new authorized point of withdrawal. Because the existing point of withdrawal is a Wanapum Aquifer Well the new point of withdrawal will likewise need to be a Wanapum Aquifer well.

Consideration of comments and protests

Public notice of the application was given in the COLUMBIA BASIN HERALD on January 2 and 9, 2012. There were no protests received during the 30-day protest period that ended February 8, 2012. In addition, no oral or written comments were received at an open public meeting of the GC WCB or other means as designated by the GC WCB. There were no comments or protests received by the GC WCB or Ecology.

Impairment

“Impair” or “impairment” means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection; and/or 2) to prevent the beneficial use of the water to which one is entitled; and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below flow levels established by rule (POL-1200); and/or 4) degrade the quality source to the point that the water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

There would not be any impairment of existing water rights near Central Terminals LLC proposed new point of withdrawal or place of use based on these considerations.

- There is no known history of impairment in the area.
- There is no increase in water quantity on the existing aquifer by this change.
- Based upon the distance of the proposed new point of withdrawal from the two active wells identified in the Hydraulic analysis section above the proposed new point of withdrawal will not cause impairment to existing water rights. The applicant is a principal owner of the active well with Well Tag AHP781.

Public Interest

There has been no public expression, protest, or concern regarding the subject proposal and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed change.

Other

The GCWCB 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)]

Ground water Certificate 399 issued on April 18, 1949 was split into two (2) superseding Certificates 399-A(A) (Hellewell) and 399-A(B) (Hintz). The proposed change only applies to 399-A(A). Certificate 1714-A will remain in place and continue to use the replacement well as its source of ground water for the seasonal irrigation of 35.4 acres.

Fancher's application requested a change in point of diversion, place of use, and purpose of use for continuous industrial use in connection with Central Terminals, LLC RO facility, of which Fancher is one of the principal owners. The RO facility would provide treated water necessary for uses associated with industrial and manufacturing businesses located on land formally known as the U&I Sugar factory.

GC WCB approves Fancher's application in that it is an acceptable action and conforms to pertinent rules and regulations. Fancher's application proposes to transfer one (1) existing point of diversion in the NW1/4SE1/4 of Section 7, T.19N., R.27E., W.M to the NW1/4SW1/4 of Section 20, T.19N., R.29E., W.M.; and change of place of use to portions of land in Sections 19, 20, 29, 30, and 32, T.19N., R.29E., W.M., and change the purpose of use to continuous Industrial supply.

The information or conclusions in this section were authored and/or developed by the applicant (Robert R. Fancher) and his consultant Edmund Kemp Jr., H2O4U Consulting.

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

Conditions and limitations

“This authorization to make use of public waters of the State is subject to existing rights, including existing rights held by the United States for the Benefit of Indians under treaty or otherwise.” “Use of water authorized shall be contingent upon water right holder's utilization of up to date water conservation practices and maintenances of efficient water delivery systems consistent with established regulation requirements and facility capabilities.”

“The amount of water granted is the maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specific limit that is beneficially used.”

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

“If the water source/or water transmission facilities are not wholly located upon land owned by the applicant issuance of the permit by Ecology for the appropriation of the waters in question does not convey a right to access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between the applicant and the owner of the land.”

Certificate 399-A(A)

Mitigation (if applicable) None

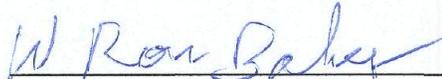
Construction Schedule

The construction schedule for this project begun and consists of a completion of construction by December 31, 2016, and a complete change and full beneficial use by December 31, 2022.

Other

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 27th Day Month December, Year 2012



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