



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

August 6, 2013

Mr. Berend Friehe  
2498 Road "S" NE  
Moses Lake, WA 98837

Dear Mr. Friehe:

Re: Application for Change/Transfer under Ground Water Certificate G3-23008C (ADAM-12-02)

On May 31, 2013, our office received from the Adams County Water Conservancy Board a Record of Decision for the above referenced application for change/transfer. In accordance with RCW 90.80.080 the Department of Ecology has reviewed the Record of Decision and Report of Examination and has considered all comments, protests, objections, and other relevant information.

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

**Summary of Ecology's Final Order**

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	850	803	850 gallons per minute, 803 acre-feet per year, from April 1 to October 31, each year for the supplemental irrigation of 690 acres (Supplemental to Certificate G3-00300C)				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
Seven (7) Wells							
AT A POINT LOCATED:	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
Well#1	NE¼	NW¼	5	20 N	31E	41	Adams
Well #2	NE¼	NE¼	19	21 N	31 E	41	Lincoln
Well #3	NE¼	NE¼	19	21 N	31 E	41	Lincoln
Well #4	NE¼	SE¼	17	20 N	31E	41	Adams
Well #5	SE¼	NE¼	16	20 N	31 E	41	Adams
Well #6	E½	SW¼	31	21 N	31 E	41	Lincoln
Well #7	-	W½	36	21 N	30 E	41	Grant
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
690 acres within the SE¼SE¼ and the S½SW¼SE¼ of Section 13; the NE¼ of Section 24, All within T. 21 N., R. 30 E.W.M. Grant County, Washington AND the E¼S½S½NE¼ and S¼SE¼SW¼ and S¼SW¼SE¼ and E½SE¼ of Section 18; the N½ of Section 19, ALL within T. 21 N., R. 31 E.W M. in Lincoln County , Washington							

On page 3 of the Report of examination under the heading "**BACKGROUND**" and sub-heading "Water Quantities" the "Qa" reads "1725 acre ft./year (See History)." **Ecology modifies this to read 803 acre-feet per year.**

On page 5 of the Report of Examination under the heading "**History of Water Use**" beginning at the tenth sentence of the first paragraph reads as follows; "The 850 gallons per minute was derived from a pump test in the certificate file. It appears that an error occurred in the computations on the Proof of Appropriation field exam and this error was carried forward onto the certificate." **Ecology modifies these sentences by deleting them. There was no error. At the time of the proof examination, the system could only produce the quantities that were certificated.**

On page 6 of the Report of Examination under the heading "**COMMENT AND PROTEST**" the first sentence of the second paragraph reads; "No protests were received during the 30 day protest period." **Ecology modifies this sentence to read; There was one protest received during the 30 day protest period. Jon and Sharon Fink protested three applications for change/transfer on November 30, 2013.**

On page 7 and continued on page 8 of the Report of Examination under the heading "**INVESTIGATION**" the last paragraph reads as follows: "The proposed use of water will be the same as currently listed on the existing superseding certificate. The water right will allow for a withdrawal of 100 gpm, 110 AF (108 AF for irrigation, 2 AF for domestic and stockwatering), to irrigate 235 acres. No increase or expansion of the water right will occur under this transfer." **Ecology deletes this paragraph because the quantities listed are associated with a different water right (G3-00300C) and not the ground water right subject to this change/transfer (G3-23008C).**

On page 8 of the Report of Examination under the heading "**Investigation**" the second sentence of the third paragraph reads" "Portions of the original place of use are currently in the CRP program and will not be irrigated or moved until the CRP contract expires." **Ecology modifies this sentence to read; Portions of the authorized place of use are currently in the CRP program and will not be irrigated until the CRP contract expires.**

On page 12 of the Report of Examination under the heading "**Public Interest**" the first sentence of the first paragraph reads; "It is the conclusion of the Adams County Water Conservancy Board that, in accordance with Chapters RCW 90.03 and 90.44, the Board will approve six (6) additional points of withdrawal under this application for change to result in a total of eight (8) points of withdrawal under Ground Water Certificate G3-23008C." **Ecology modifies this sentence to read: It is the conclusion of the Adams County Water Conservancy Board that, in accordance with Chapters RCW 90.03 and 90.44, the Board will approve five (5) additional points of withdrawal under this application for change/transfer to result in a total of seven (7) points of withdrawal under Ground Water Certificate G3-23008C.**

On page 12 and continued on page 13 of the of the Report of Examination under the heading "**PROVISIONS**" the following provisions shall be included;

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

- The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and the place of use specified.
- The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.
- 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.
- Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.
- An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.
- The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".
- Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.
- A well log of the completed well shall be submitted by the driller to the Department of Ecology within thirty (30) days of completion of this well. This well log shall be complete and all information concerning the static water level in the completed well in addition to any pump test data shall be submitted as it is obtained.

On page 13 of the Report of Examination under the heading "**PROVISIONS**" the following shall be included in the casing and sealing pick for the wells located in the NE $\frac{1}{4}$  Section 16, T. 20 N., R. 31 E.W.M.; **ACWCB through discussions with the applicant amended the casing and sealing requirements to protect other water rights in the area. The applicant agreed to extend the casing and sealing of the well located in the NE $\frac{1}{4}$  of Section 16, T. 20 N., R. 31 E.W.M. to 630 feet.**

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this document:

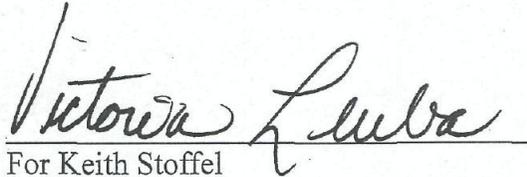
- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

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

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

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

DATED this 6th day of August, 2013 at Spokane, Washington.



For Keith Stoffel  
Section Manager  
Water Resources Program  
Eastern Regional Office

VL:HS:ka

Enclosures: Your Right to Be Heard  
Form 1—Measuring Device Information  
Water Use Data Collection Reporting Form

By Certified Mail 7011 3500 0001 8626 3597

cc: Adams County Water Conservancy Board  
Jon and Sharon Fink