STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
*4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400*

February 13, 2014

Mr. Phillip Isaak
Isaak Land, Inc.
P.O. Box 953
Coulee City, WA 99115

Dear Mr. Isaak:

Re: Application for Change/Transfer under Ground Water Certificate No. 2482-A, GRAN 13-03

On December 2, 2014, our office received from the Grant County Water Conservancy Board a Record of Decision and Report of Examination for the above referenced application for change/transfer of a water right certificate. In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision and Report of Examination and has considered all comments, protests, objections, and other relevant information submitted to the Department regarding the proposed change/transfer.

The Department has **modified** the decision of the 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 |
|---|---|---|---|
| | **100** | **43.98** | **Seasonal Irrigation of 17.59 acres** |

| SOURCE | TRIBUTARY OF (IF SURFACE WATER) |
|---|---|
| **Nine(9) Wells** | |

| AT A POINT LOCATED: | ¼ | ¼ | SECTION | TOWNSHIP | RANGE | WRIA | COUNTY. |
|---|---|---|---|---|---|---|---|
| **Well #1** | **NE¼** | **SE¼** | **26** | **25 N.** | **28 E.** | **42** | **Grant** |
| **Well#2** | **SE¼** | **SW¼** | **26** | **25 N.** | **28 E.** | **42** | **Grant** |
| **Well#3** | **SE¼** | **NE¼** | **26** | **25 N.** | **28 E.** | **42** | **Grant** |
| **Well#4** | **SE¼** | **NW¼** | **35** | **25 N.** | **28 E.** | **42** | **Grant** |
| **Well#5** | **NE¼NW¼** | **NE¼** | **35** | **25 N.** | **28 E.** | **42** | **Grant** |
| **Well#6** | **S½** | **S½** | **16** | **25 N.** | **30 E.** | **42** | **Grant** |
| **Well#7** | **S½** | **S½** | **16** | **25 N.** | **30 E.** | **42** | **Grant** |
| **Well#8** | **NW¼** | **SE¼** | **16** | **25 N.** | **30 E.** | **42** | **Grant** |
| **Well#9** | **SW¼** | **NE¼** | **16** | **25 N.** | **30 E.** | **42** | **Grant** |

**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD**

12.0 acres within that portion of the NW¼SE¼ of Section 35, T. 25 N., R. 28 E.W.M., Lying westerly of the Bureau of Reclamation Railroad right-of-way, Grant County, Washington and 5.59 acres lying in the S½ of Section 17, T. 25 N., R. 30 E.W.M., Grant County, Washington

| PARCEL NO. | ¼ | ¼ | SECTION | TOWNSHIP | RANGE |
|---|---|---|---|---|---|
| | | | | **25 N.** | **28E&30E** |

On page 4 of the Report of Examination under the heading "**SEPA**" the paragraph reads; "The Board has reviewed the proposed project. This project is not subject to SEPA as the threshold set for changes to groundwater withdrawals has not been met." **Ecology modifies this paragraph to read as follows: The Board has reviewed the proposed project in its entirety. A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.**

- **It is a surface water right application for more than 1 cubic feet per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;**
- **It is a groundwater right application for more than 2,250 gallons per minute**
- **It is an application that, in combination with other water right application for the same project, collectively exceeds the amounts above;**
- **It is part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);**
- **It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305**

On page 4 and continued on page 5 of the Report of Examination under the heading "***Public Interest***" **the last paragraph shall be deleted.**

On page 5 of the Report of Examination under the heading "**Tentative Determination**" the third and fourth paragraph read as follows; "The certificate is valid as stands, subject to subsequent change actions by the Board and any Department administrative changes affecting development."
"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." **Ecology modifies these two paragraphs to read as follows: The certificate is valid as stands, subject to subsequent change/transfer recommendations by the water conservancy board and subsequent orders/modifications issued by the Department of Ecology.**
**Under the change request, the total amount of water to be transferred from the existing source cannot exceed the amount of historical beneficial use under the water right. The change/transfer request cannot enlarge the water right.**

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<br>Attn: Appeals Processing Desk<br>300 Desmond Drive SE<br>Lacey, WA 98503<br><br>Pollution Control Hearings Board<br>1111 Israel Road SW<br>Suite 301<br>Tumwater, WA 98501 | Department of Ecology<br>Attn: Appeals Processing Desk<br>PO Box 47608<br>Olympia, WA 98504-7608<br><br>Pollution Control Hearings Board<br>PO Box 40903<br>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 13th day of February, 2014 at Spokane, Washington.

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

KLS:HS:ka
Enclosure: Your Right to Be Heard

By Certified Mail 7011 3500 0001 8621 9280

cc: Grant County Water Conservancy Board