WASHINGTON STATE DEPARTMENT OF ECOLOGY

GRANT COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer

For Ecology Use Only

Received: RECEIVED DEC - 2 2013 DEPARTMENT OF ECOLOGY

Date Stamp

Record of Decision

Applicant: Isaak Land Inc. Application Number: 2482-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 27, 2013. 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 27, 2013 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 27, 2013 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 27, 2013

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
_____ Other ☐

David Stevens
David Stevens, Commissioner
Grant County Water Conservancy Board

Date: November 27, 2013

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
_____ Other ☐

Ken Enns
Kenneth Enns, Commissioner
Grant County Water Conservancy Board

Date: November 27, 2013

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
_____ Other ☐

_____
, Alternate Commissioner
Grant County Water Conservancy Board

Date: November 27, 2013

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).

Ecology is an equal opportunity employer
040-105(02/08)

WASHINGTON STATE DEPARTMENT OF ECOLOGY

RECEIVED
DEC 02 2013
Department of Ecology
Eastern Regional Office

GRANT COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF THE STATE OF WASHINGTON

Report of Examination

Reviewed by GCWCB Members
Prepared by Thomas R. Buchholtz PE

☐ Surface Water Ground Water **X**

DATE APPLICATION RECEIVED	WATER RIGHT DOCUMENT NUMBER (i.e., claim, permit, certificate, etc.)	WATER RIGHT PRIORITY DATE	BOARD-ASSIGNED CHANGE APPLICATION NUMBER
June 27, 2013	**2482-A**	**May 5,1952**	**GRAN-13-03**

NAME
Isaak Land Inc.

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
PO Box 953	**Coulee City**	**WA**	**99115**

Changes Proposed: ☐ Change purpose ☐ Add purpose Add irrigated acres XChange point of diversion/withdrawal
X Add point of diversion/withdrawal **X** Change place of use ☐ Other (Temporary, Trust, Interties, etc.)_____

SEPA
The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: **X** Exempt Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
	100	**48**	**Irrigation – Seasonal**

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
Groundwater – Wanapum/Grande Ronde Aquifer System - Three Wells	

AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
See "Existing & Proposed Points of Withdrawal" Attachment							

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED

12 acres located within: That portion of th NW1/4SE1/4 of Section 35, Township 25 North, Range 28 E, W.M., lying westerly of the Bureau of Reclamation Railroad Right of Way, Grant County, Washington.

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
171593000					

Proposed Use

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
	100	**43.98**	**Irrigation – March 1 – October 31**

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
Groundwater – Wanapum/Grande Ronde Aquifer from Nine Wells	

AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY
See "Existing & Proposed Points of Withdrawal" Attachment							

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

12.00 acres within that portion of th NW1/4SE1/4 of Section 35, Township 25 North, Range 28 E, W.M., lying westerly of the Bureau of Reclamation Railroad Right of Way, Grant County, Washington. 5.59 acres lying in the S1/2 of Section 17, Township 25 North, Range 30 East, W.M., Grant County Washington.

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
171593000 **181827000** **181827010** **181827001**					

Boards Decision

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
	100		43.98	Irrigation – March 1 – October 31

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
Groundwater – Wanapum/Grande Ronde Aquifers Nine Wells	

AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY
See "Existing & Proposed Points of Withdrawal" Attachment							

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

12.00 acres within that portion of th NW1/4SE1/4 of Section 35, Township 25 North, Range 28 E, W.M., lying westerly of the Bureau of Reclamation Railroad Right of Way, Grant County, Washington. 5.59 acres lying in the S1/2 of Section 17, Township 25 North, Range 30 East, W.M., Grant County Washington.

PARCEL NO.	¼		¼	SECTION	TOWNSHIP N.	RANGE,
171593000 181827000 181827010 181827001						

DESCRIPTION OF PROPOSED WORKS

Isaak Land plans to irrigate 12.00 acres within that portion of the NW1/4SE1/4 of Section 35, Township 25 North, Range 28 E, W.M., lying westerly of the Bureau of Reclamation Railroad Right of Way, Grant County, Washington; 5.59 acres lying in the S1/2 of Section 17, Township 25 North, Range 30 East, W.M., Grant County Washington; lying within parcel number 171593000, 181827000, 181827010, 181827001.

The acres that will be irrigated in Section 35 will utilize waters from five existing wells and pump systems. This acreage will be irrigated as part of a larger integrated system. A portion of an existing part circle will be utilized to irrigate the12.0 acres. The acres that will be irrigated in Section 17 will utilize waters from four existing wells and pump systems. This acreage will be irrigated as part of a larger integrated system. This acreage will be irrigated utilizing center pivots that will be installed or expanded in the future. The required pipelines will be installed as needed.

The applicant is not expanding the currently authorized Qi and Qa. 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:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
January 1, 2015	January 1, 2017	January 1, 2018

REPORT

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

On June 27, 2013, Isaak Land Inc. of Coulee City, Washington filed an Application for Change/Transfer to change and 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 June 27, 2013, and the Board assigned application number GRAN-13-03. The Washington State Department of Ecology (Department) assigned WRATS number CG-*002493C@1 to this change request.

Isaak Land Inc., owns Ground Water Certificate 2482-A with a priority date of May 5, 1952, which authorizes the right to develop a system to withdraw water from three (3) wells in the amount of 100 gpm, 48 acre-feet per year for the irrigation of 12 acres. The applicant has applied to change the place of use and change and add points of withdrawal under the certificate.

The applicant requests to add 5 points of withdrawal to the existing point of withdrawal under this certificate. The locations of the proposed points of withdrawal are:

Well #1, 1380 feet north and 650 feet west from the SE corner of Section 26, Township 25 North, Range 28 East, WM, Grant County, Washington; being within the NE1/4 SE1/4 of said Section 26; lying within parcel number 171560000.
Well #2, 900 feet north and 30 feet west from the S1/4 corner of Section 26, Township 25 North, Range 28 East, WM, Grant County, Washington; being within the SE1/4 SW1/4 of said Section 26; lying within parcel number 171554000.
Well #3, 1300 feet north and 660 feet west from the E1/4 corner of Section 26, Township 25 North, Range 28 East, WM, Grant County, Washington; being within the SE1/4 NE1/4 of said Section 26; lying within parcel number 171549001.
Well #4, 1300 feet north and 60 feet west from the center of Section 35, Township 25 North, Range 28 East, WM, Grant County, Washington; being within the SE1/4 NW1/4 of said Section 35; lying within parcel number 171589001.

Well #5, 250 feet south and 1200 feet east from the N1/4 corner of Section 35, Township 25 North, Range 28 East, WM, Grant County, Washington; being within the NE1/4NW1/4NE1/4 of said Section 35; lying within parcel number 171588001.
Well #6, S1/2S1/2 Section 16, Township 25 North, Range 30 East, W.M., Grant County, Washington; lying within parcel numbers 181822001 & 181823000.
Well #7, S1/2 S1/2 Section 16, Township 25 North, Range 30 East, WM, Grant, County, Washington; lying with parcel numbers 181822001 & 181823000.
Well #8, 340 feet south and 600 feet east from the center of Section 16, Township 25 North, Range 30 East, WM; being within the NW1/4 SE1/4 of said Section 16, Grant County, Washington; lying within parcel number 181822001.
~~Well #9, SW1/4NE1/4 Section 16,~~ Township 25 North, Range 30 East, WM, Grant County, Washington; lying within parcel number 181822001.
All lying within WRIA 42.

~~Not published as required. Provide~~ Amended Notice ~~NWRA~~

The applicant requests changes to the place of use.

The existing certificated place of use is: 12 acres located within: That portion of th NW1/4SE1/4 of Section 35, Township 25 North, Range 28 E, W.M., lying westerly of the Bureau of Reclamation Railroad Right of Way, Grant County, Washington. Lying within parcel number: 171593000. All lying within WRIA 42.

The locations of the proposed places of use are: 12.00 acres within that portion of th NW1/4SE1/4 of Section 35, Township 25 North, Range 28 E, W.M., lying westerly of the Bureau of Reclamation Railroad Right of Way, Grant County, Washington. 5.59 acres lying in the S1/2 of Section 17, Township 25 North, Range 30 East, W.M., Grant County Washington. Lying within parcel numbers 171593000, 181827000, 181827010, 181827001.
All lying within WRIA 42.

Isaak Land Inc. owns groundwater certificates 221-A, 2283-A, 2482-A, 2769-A, 5492-A, 2802-A, G3-00884C(B), G3-22021C, 1476-A, G3-01539C and G3-01352C(C). Similar applications to this one are being processed for certificates 221-A, 2283-A, 2769-A and 5492-A. The intent of this change is to integrate these water rights, so that a common system with common points of withdrawal can be utilized to serve the irrigated acreage. The result of this change will be to have nine common points of withdrawal. The total combined quantities under these 11 water rights, based upon the current and previous changes would not exceed the following: 6413.9 gpm, 3925.06 acre-feet, 936.03 acres primary and 628.5 acres supplemental. Additionally there is 10 gpm and 2 acre-feet designated for domestic and stock-water supply.

Attributes of the water right as currently documented

Name on certificate, claim, permit: **Isaak Brothers**

Water right document number: **2482-A**

As modified by certificate of change number: **NA**

Priority date, first use: **Priority Date May 5, 1952**

Water quantities: **Qi:100 gpm Qa: 48 acre ft./ year**

Source: 3 **wells yielding from the Wanapum/Grand Ronde Aquifer System**

Point of diversion/withdrawal: **Well #1, 200 feet south and 300 feet east from the center of Section 35, Township 25 North Range 28 East, WM, Grant County, Washington; being within the NW1/4SE1/4 of said Section 35; lying within parcel number 171593000. Well #2, 200 feet south and 600 feet east from the center of Section 35, Township 25 North Range 28 East, WM, Grant County, Washington; being within the NW1/4SE1/4 of said Section 35; lying within parcel number 171593000. Well #3, 250 feet south and 1200 feet east from the N1/4 corner of Section 35, Township 25 North Range 28 East, WM, Grant County, Washington; being within the NE1/4NW1/4NE1/4 of said Section 35; lying within parcel number 171588001.**
All lying within WRIA 42.

Purpose of use: **Irrigation – 12 Acres**

Period of use: **Seasonal**

Place of use: **The existing certificated place of use is: 12 acres located within: That portion of th NW1/4SE1/4 of Section 35, Township 25 North, Range 28 E, W.M., lying westerly of the Bureau of Reclamation Railroad Right of Way, Grant County, Washington. Lying within parcel number: 171593000. All lying within WRIA 42.**

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 1952 and has been continuously utilized in the irrigation of crops since that time.

With the use of center pivot irrigation the entire authorized acreage has been irrigated during the most recent 5 year cropping history. Portions of a single part circle serves the existing place of use. The following is a breakdown of the acreages irrigated as determined by FSA, and the crops grown over that most recent 5 year period:

Circle	2008 Crops/acres	2009 Crops/acres	2010 Crops/acres	2011 Crops/acres	2012 Crops/acres
61	Timothy/12.0	Timothy/12.0	Timothy/12.0	Timothy/12.0	Timothy/12.0

Previous changes

Named holder was changed in March, 1992

SEPA

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.

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 September 4, 2013 and September 11, 2013. The protest period ended on October 12, 2013. There was a protest received from the Fordair Water Cooperative. 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 August 28, 2013 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 November 17, 2013 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 3 wells and a portion of 1 part circle. The wells are described in the Well Description Report Attachment. The well is located as noted previously.

It is the intention of the right holder to continue to utilize the portion of the existing part circle to irrigate the existing 12.0 acres located in Section 35. The system will be modified so that this parcel can be integrated into a larger project managed by the right holder. Five existing wells will be utilized along with the associated pumps and pipelines to serve this parcel. New pipelines may be required to tie all the wells together. 5.59 acres located in Section 17 will utilize proposed center pivots to irrigate those acres. The specific orientation of those pivots has not been finalized. Four existing wells will be utilized along with the associated pumps and pipelines to serve this parcel. New pipelines will be required to serve the future center pivots. The breakdown of the pumps located at the individual wells is as follows:

Well 1 – 75 horsepower turbine
Well 2 – 100 horsepower turbine
Well 3 - 150 horsepower turbine
Well 4 – 100 horsepower turbine and 30 horsepower centrifugal booster
Well 5 – 100 horsepower submersible
Well 6 – 600 horsepower turbine and 150 horsepower centrifugal booster
Well 7 – 400 horsepower turbine and 60 horsepower centrifugal booster
Well 8 – 75 horsepower turbine and 30 horsepower centrifugal booster
Well 9 - 750 horsepower turbine

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

Other water rights appurtenant to the property (if applicable)

Isaak Land Inc. owns groundwater certificates 221-A, 2283-A, 2482-A, 2769-A, 5492-A, 2802-A, G3-00884C(B), G3-22021C, 1476-A, G3-01539C and G3-01352C(C). Similar applications to this one are being processed for certificates 221-A, 2283-A, 2769-A and 5492-A. The intent of this change is to integrate these water rights, so that a common system with common points of withdrawal can be utilized to serve the irrigated acreage. The result of this change will be to have nine common points of withdrawal. The total combined quantities under these 11 water rights, based upon the current and previous changes would not exceed the following: 6413.9 gpm, 3925.06 acre-feet, 936.03 acres primary and 628.5 acres supplemental. Additionally there is 10 gpm and 2 acre-feet designated for domestic and stock-water supply.

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:

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.

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)

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.

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 the Impairment Analysis 221-A, 2283-A, 2482-A, 2769-A, 5492-A Attachment.

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 one impairment issue protest from other existing water right holders, including those who withdraw water from sites close to the applicant's proposed well sites. A protest letter from Fordair Water Cooperative was received with concerns of potential impairment.

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)

The following ACQ analysis was run to determine what water has been put to beneficial use, and what water and associated acreage is available to be transferred and spread as per state statute:

For this determination the Washington Irrigation Guide (WIG) will be utilized to determine the Crop Irrigation Requirement (CIR), along with an irrigation efficiency of 90%. The result of the average of the two highest annual ACQs over the last 5 years will be compared to the 30" annual requirement that will be utilized in the future to determine water available to be spread. Wilson Creek WIG information will be utilized as the closest data source to the project. The previously noted crop history will be utilized in this analysis.

Circle	2008 Crops/acres	2009 Crops/acres	2010 Crops/acres	2011 Crops/acres	2012 Crops/acres
61	Timothy/12.0	Timothy/12.0	Timothy/12.0	Timothy/12.0	Timothy/12.0

Circle 61 Timothy CIR = 39.58"

For crop years 2008 and 2012 the TIR would be:
12.0X39.58/.9/12=43.98 ac-ft

The two highest water duty years are therefore 2011 and 2012, and the associated ACQs result in the following 2 year average:

Average – (43.98 +43.98)/2=43.98 ac-ft

Certificated for 48 ac-ft, therefore the use has been less than the certificated amount

Total Acreage Currently Irrigated – 12.00 acres

Certificated for 12 acres, therefore currently irrigating certificated acreage

Water required at 2.5'/Acre – 2.5 X 12.0 = 30.00 ac-ft

Water available for spreading – 43.98 – 30.00 = 13.98 ac-ft

Spreadable acres based on water savings – 13.98/2.5 = 5.59 acres

Grand Total gpm – 100

Grand Total ac-ft – 43.98

Grand Total acres – 17.59

Reduction in ac-ft – 4.02

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 an increase of 5.59 acres based on water spreading and a relinquishment of 4.02 acre-feet associated with this application.**

Hydraulic analysis

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.

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).

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 one impairment issue protest from other existing water right holders, including those who withdraw water from sites close to the applicant's proposed well sites. A protest letter from Fordair Water Cooperative was received with concerns of potential impairment.

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

A protest was received from the Fordair Water Cooperative. The protest was based on a concern that the additional points of withdrawal proposed by Isaak Land would impact their existing wells. In reviewing this concern the proposed change should not cause any additional impact to their existing wells. There will be no actual new points of withdrawal constructed as a result of this change. Existing wells will be tied together to irrigate existing center pivots more efficiently. Under this change the annual volume authorized to be pumped will actually be reduced, and a portion of that volume is being relocated to new irrigated property several miles east of the Fordair Water Cooperative wells. Wells in that area will be utilized to irrigate those acres. Given these factors this change will cause no significant impact to the Fordair Water Cooperative's wells.

The Fordair Water Cooperative also discussed a concern that the change may lead to additional nitrate impacts on their wells. No new ground in close proximity to those wells will be developed under this change proposal, and this change proposal deals with the water rights only and not farming practices. As such this issue is not a subject to be reviewed under this change proposal.

Impairment

There will be no impairment of existing water rights or the holder of those rights associated with this change. See Impairment Analysis 221-A, 2283-A, 2482-A, 2769-A, 5492-A Attachment.

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 100 gpm instantaneous rate has been affirmed. The annual acre-footage has been reduced to 43.98 acre-feet, and the acreage available to be irrigated at 2.5 acre-feet per year per acre has been increased to 17.59 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 RECOMMENDS APPROVAL of the water right change/transfer described within this Record of Examination and Record of Decision as summarized in the Board Decision section of this report, and submits this report for conditional approval to the Director of the Washington State Department of Ecology.

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

PROVISIONS [See WAC 173-153-130(5)(f)]

Conditions and limitations

The applicant's water right change is conditioned by all provisions of the existing 221-A certificate. These include and are not limited to:

- **The total withdrawal under Certificates G3-00884C(B), 2802-A, G3-22021C, 221-A, 2482-A, 5492-A, 2283-A, 2769-A, 1476-A, G3-01539C and G3-01352C(C) shall not exceed 6413.9 gpm, 3925.06 acre-feet annually for the irrigation of a total of 9 primary acres, and 628.5 supplemental acres along with 10 gpm and 2 acre-feet annually for domestic and stock-water supply.**
- **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 statues.**
- **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 will begin the work required to fulfill the requirements of this change by January 1, 2015. Work will be completed to fulfill the requirements of this change by January 1, 2017. The water authorized under this change shall be put to full beneficial use by January 1, 2018.

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 27th day of November, 2013

W. Ron Baker, Commissioner
Grant County Water Conservancy Board