



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000  
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July 2, 2015

Cynthia Krass  
Snoqualmie Valley Preservation Alliance  
PO Box 1148  
Carnation, WA 98014

Dear Ms. Krass:

**Re: APPROVED Drought Seasonal Change Authorization for Surface Water  
Certificate (SWC) 3691, King County, Water Resources Inventory Area 7**

In accordance with the provisions of RCW 43.83B.405, on May 21, 2015, it was determined and ordered by Director Maia Bellon of the Department of Ecology (Ecology) and Governor Jay Inslee that the entire State of Washington is under drought conditions. In accordance with the provisions of WAC 173-166-080, the Department of Ecology is, under the terms of this Order, issuing a **DROUGHT SEASONAL CHANGE AUTHORIZATION** for SWC 3691. The intent of this Authorization is to reduce hardships on downstream water users arising from the drought conditions.

**THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) CHANGE AUTHORIZATION WILL ISSUE FOR THE FUTURE USE OF THE WATER HEREIN AUTHORIZED.**

Ecology received your application for a drought seasonal change on July 2, 2015. The subject drought change application was been assigned control number **CS1-\*09221C@3**. Please refer to this number when corresponding with us about this Authorization. This Authorization is one of three requested by you under SWC 3691. The other two (not requested under the drought declaration) are CS1-\*09221C (Goose and Gander Farm) and CS1-\*09221C@2 (Growing Things Farm). These two were approved by Ecology on June 12, 2015.

**BACKGROUND INFORMATION**

SWC 3691 authorizes the diversion of 0.37 cubic feet per second (cfs) from the Snoqualmie River for the irrigation of 37 acres. This certificate was issued to Willard R. Pearson with a priority date of November 22, 1949. The authorized place of use (POU) is Government Lot 4 of Section 16, Township 25 North, Range 7 East. The authorized point of diversion (POD) is also within Government Lot 4 of Section 16, Township 25 North, Range 7 East. The POD is described as being 660 feet north and 1310 feet west from the center quarter corner of Section 16.



SWC 3691 is currently owned by Lisa and Sebastian Gunningham, who purchased the appurtenant property in November 2013 from Gary Remlinger (Good Ground, LLC). Mr. Remlinger irrigated crops during all the years he controlled the property, whereas the Gunningham family is not planning to irrigate within the certificated place of use during the 2015 season.

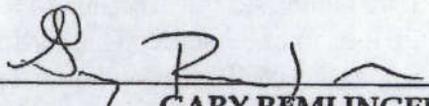
Mr. Remlinger provided the following legal declaration.

**DECLARATION OF GARY REMLINGER**

**I, GARY REMLINGER, under penalty of perjury under the laws of the State of Washington, declare as follows:**

1. I am over the age of 18 years old and competent to testify in a court of law. The information in this declaration is based on my own personal recollection.
2. I currently live at 32418 NE 24TH Street, Carnation, WA 98014. This location is approximately two miles south of the property about which this declaration applies, which is the forty-acre parcel located at 5121 316th Ave NE, Carnation, WA 98014.
3. My family has farmed in the Snoqualmie Valley since 1949. I have lived in this valley continuously since birth in 1945.
4. We started farming this property in 1976. We first leased, then bought, from previous owner Willard Pearson.
5. To the best of my knowledge, Mr. Pearson irrigated the entire parcel every growing season since his certificate was issued in 1950.
6. During the entire time I farmed the property, I used the same point of diversion as Mr. Pearson, as mapped in the original permit application, which is in the center of the west boundary line. The power pole was in place since long before I came to the property.
7. Since 1976 we have irrigated crops on the forty-acre parcel, except where the house is located. We irrigated strawberries, corn, peas, pumpkins, and blueberries, all using 100% overhead irrigation.
8. In approximately 2009, we began growing grass for a horse show; during the five years that followed, we irrigated hay, pasture and blueberries until we sold the property to the Gunningham family in 2013.

DATED 3/31/15, 2015

  
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GARY REMLINGER

Based on Mr. Remlinger's declaration, crop types grown, aerial photography, and conversations with you, it appears 0.37 cfs and as much as two acre-feet of water per acre may have been applied, for a total of 74 acre-feet per year over the certificated 37 acres authorized for irrigation.

Under the subject application you are requesting to change a portion of SWC 3691 to parcels farmed by Jason Salvo (Local Roots Farm). The requested changes are as follows:

- A transfer not to exceed 0.12 cfs (54 gallons per minute)
- An annual volume not to exceed 13 acre-feet
- Diversion time limited to 7:00 am through 9:00 pm
- For irrigation of approximately 15 acres of mixed vegetables with extreme efficiency
- An additional POD from the Snoqualmie River (downstream of the certificated POD). It will be located within the W½ SW¼ of Section 25, Township 26 North, Range 6 East
- An additional POU located within the W½ SW¼ of Section 25, Township 26 North, Range 6 East (parcels 2526069011 & 2526069015)

On May 28, 2015, Buck Smith (Senior Hydrogeologist) and Ria Berns (Environmental Specialist) of my staff met with you and conducted a site visit. You and Mr. Salvo pointed out the requested point of diversion, place of use, and crops being grown. Water will be pumped directly from the Snoqualmie River by using a 3 horsepower Honda pump. The pump is not capable of producing more than the 0.12 cfs (54 gpm) requested. The diversion intake will be screened. The diverted water will be pumped into a lined manure pond for storage. Water will then be pumped from the manure pond to irrigate the fields. Mr. Salvo will also utilize a permit-exempt well (up to 5,000 gallons per day for industrial use), an existing groundwater right, and rainwater catchment.

The requested point of diversion is located downstream of the certificated point of diversion, so there will be no impairment of existing water users. The subject certificate pre-dates WAC 173-507, so minimum instream flows will not be impaired.

#### **DEPARTMENT OF ECOLOGY DECISION - INCLUDING TERMS & CONDITIONS**

Your request for a drought seasonal change in the place of use and point of diversion for the 2015 irrigation season is hereby **APPROVED** under the terms and conditions listed below.

- This drought seasonal change does not authorize an enlargement of water use or total irrigated acres as described in SWC 3691.
- The certificated (original) point of diversion shall not be used during the 2015 irrigation season.
- The certificated instantaneous rate cannot be exceeded at any time. The total rate of pumping from all seasonally changed points of diversion shall not exceed 0.37 cfs (166 gpm). You are required to coordinate with all users to ensure compliance with this condition.
- The instantaneous rate under this Authorization shall not exceed 0.12 cfs (54 gallons per minute).
- The total volume used under this Authorization shall not exceed 13 acre-feet.

- Diversion time under this Authorization shall be limited to 7:00 am through 9:00 pm.
- An approved measuring device shall be installed and maintained on the authorized point of diversion in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. In order to ensure compliance with the terms of this Authorization, water use data shall be recorded weekly and shall be promptly submitted to Ecology upon request.
- WAC 173-173 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 titled "Water Measurement Device Installation and Operation Requirements". See <http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>
- This drought seasonal change is subject to existing rights, including any rights held by the United States for the benefit of tribes under treaty or settlement. By ensuring no enlargement of the rate of water use or the number of irrigated acres, this Authorization should have no greater impact on tribal rights than the original Authorization.
- If it can be shown that water use authorized by this seasonal change is causing impairment of existing rights or is being used illegally, then this Authorization will be immediately canceled.
- This seasonal change does not convey a right of access to, or other right to use land, which you do not legally possess. Obtainment of such a right is a private matter between you and the owner of the land.
- Violation of any of the terms and conditions of this seasonal change will result in this Authorization being immediately canceled, issuance of administrative orders to cease and desist, and may also subject the violator to civil penalties.
- Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, point of diversion, measuring device, and associated distribution systems for compliance with water law.
- The diversion intake shall be screened in accordance with Washington Department of Fish and Wildlife screening criteria. See: <http://wdfw.wa.gov/about/contact/>
- **This drought seasonal change shall be in effect through October 1, 2015** (unless canceled sooner); at which time the subject right will revert back to the original attributes described in SWC 3691.

If you have any questions or concerns regarding this Authorization, please contact Buck Smith at [buck.smith@ecy.wa.gov](mailto:buck.smith@ecy.wa.gov) or (425) 649-7147.

#### OPPORTUNITY TO APPEAL

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 P.O. Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board Environmental Hearings Office 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board P.O. Box 40903 Olympia, WA 98504-0903

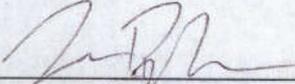
*For additional information visit the Environmental Hearings Office*

*Website: <http://www.eho.wa.gov>*

*To find laws and agency rules visit the Washington State Legislature Website:*

*<http://www1.leg.wa.gov/CodeReviser>*

Signed at Bellevue, Washington, this 2nd day of July, 2015.

  
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Thomas Buroker  
Section Manager  
Water Resources Program

Enclosure: Your Right to be Heard

By Certified Mail: 9171 9690 0935 0088 4617 83

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