STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION

Application has been made to change a portion of the place of use under Ground Water Permit G3-29049P (Tracking number for this change is: CG3-29049@2)

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
July 1, 1991	G3-29049A	G3-29049P	

NAME
Jerry K. Allred

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
8002 South Adams Road	Royal City	WA	99357

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
One well

TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE FEET PER YEAR
	500	175

QUANTITY, TYPE OF USE, PERIOD OF USE

500 gallons per minute, 175 acre feet per year, each year, for seasonal irrigation of 50 acres

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL

1) 600 feet south and 1000 feet west from the N¼ corner of Section 13, within the N½NE¼NW¼

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
NE¼NW¼	13	17 N.	24 E.	41	Grant
PARCEL NUMBER	LATITUDE		LONGITUDE	DATUM	

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

[Attachment 1 shows location of the authorized place of use and point(s) of diversion or withdrawal.]

50 acres within the N½NW¼ of Section 13, lying northerly of the W61C Canal and west of Adams and M Roads; AND the S½SW¼ of Section 12 lying south of the W53.1E canal and west of Adams Road; BOTH WITHIN T. 17 N., R. 24 EWM Grant County, Washington

DESCRIPTION OF PROPOSED WORKS

A well, pumps, and distribution lines

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE:
completed	completed	in use

DRAFT

Wells, Well logs and Well Construction Standards

1. All wells constructed in the State shall meet the construction requirements of chapter 173-160 WAC entitled "Minimum Standards for the Construction and Maintenance of Wells" and chapter 18.104 RCW titled "Water Well Construction".

2. Installation and maintenance of an access port as described in chapter 173-160 WAC is required. An air line and gauge may be installed in addition to the access port.

Measurements, Monitoring, Metering and Reporting

3. 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 annually during the development of this permit. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology.

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".

4. Chapter 173-173 WAC 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". (http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html)

Schedule and Inspections

5. 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 provisions, and to inspect at reasonable times any measuring device used to meet the above provisions.

6. 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 wells or diversions and associated distribution systems for compliance with water law.

General Conditions

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

8. 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.

9. The amount of water recommended is a maximum limit that shall not be exceeded, and the water user may only use that amount of water within the specified limit that is reasonable and beneficial. This authorization does not increase in any way the original amounts authorized by this permit.

10. This authorization to use public waters of the State is classified as a Family Farm Permit in accordance, with Chapter 90.66 RCW (Initiative Measure No. 59). This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the State of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

DRAFT

FINDINGS OF FACT AND DECISION

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated.

Therefore, I ORDER that the requested change, changing the place of use as granted under Ground Water Permit No. G3-29049P is approved, subject to the following:

You have the right to appeal this decision to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals & Application for Relief Coordinator
PO Box 47608
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals & Application for Relief Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

Keith L. Stoffel
Department of Ecology
Eastern Regional Office
4601 North Monroe Street
Spokane, WA 99205

Signed at Spokane, Washington, this day of , 2009.

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

DRAFT

INVESTIGATOR'S REPORT

Legal Requirements for Proposed Change

- RCW 90.03.380(1) states that a water right that has been put to beneficial use may be changed. The point of diversion, place of use, and purpose of use may be changed if it would not result in harm or injury to other water rights.

- When processing an application for change to a water right, the Washington Supreme Court has held that Ecology is required to make a tentative determination of extent and validity of the claim or right. This is necessary to establish whether the claim or right is eligible for change. *R.D. Merrill v. PCHB* and *Okanogan Wilderness League v. Town of Twisp.*

- Environmental review under SEPA is required for many projects; however, some minor projects are categorically exempt from SEPA. Appropriations of one cfs or less of surface water, or of 2,250 gpm or

less of ground water, for any purpose, and appropriations of 50 cfs or less for surface water used for irrigation are categorically exempt from SEPA. See WAC 197-11-305.

- Applications for change of water right permits and certificates are governed by RCW 90.44.100, which states in part that: the holder of a valid right to withdraw public ground waters 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 the Department 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. The Department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment.

BACKGROUND

An application for change/transfer was submitted by Jerry Allred on January 26, 2005. The application requests to change the place of use under Ground Water Permit G3-29049P.

A notice of application was duly published in accordance with RCW 90.03.280 in The Columbia Basin Herald on February 2 and February 9, 2006, and no protests were received.

This application is categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW.

Table 1. Summary of Proposed Changes to Water Right Certificate G3-29049P

Attributes	*Existing*	*Proposed*
Name	Jerry Allred	No change
Priority Date / Date of Application for Change	July 1, 1991	Change App: January 26, 2005
Instantaneous Quantity	500 gpm	No change
Annual Quantity	175	No change
Source	2 wells	One well
Points of Withdrawal	1) 600 feet south and 1000 feet west from the N¼ corner of Section 13, within the N½NE¼NW¼; 2) S½SE¼SW¼ of Section 12	No Change requested – Well #2 no longer needed.
Purpose of Use	Irrigation	No change
Period of Use	Seasonal	No change
Place of Use	50 acres within the N½NW¼ of Section 13, T 17 N., R. 24 E.W.M.	50 acres within the N½NW¼ of Section 13, lying northerly of the W61C Canal and west of Adams and M Roads; AND the S½SW¼ of Section 12 lying south of the W53.1E canal and west of Adams Road; within T. 17 N., R. 24 E.W.M.

INVESTIGATION

In considering the proposed changes, this investigation included, but was not limited to, research and review of: (1) appropriate rules and statutes; (2) Ground Water Permit G3-29049P, and other water rights/claims/permits in the vicinity; (3) the well and water system; (4) USGS topographic maps, aerial photographs, State of Washington

DRAFT

Irrigation Guide (WA210-VI-WAIG, October 1985) and; (5) discussions with Department of Ecology regional program staff.

This application requests to change the place of use as granted under Ground Water Permit No. G3-29049P to reflect the lands actually developed.

The water system currently includes 2 small pivot circles of approximately 50 acres. The applicant plans to gradually phase in tree and vineyard plantings and develop up to 100 acres. A new application for change will be required to add acres to this authorization. Interim seasonal changes have been approved in recent years for this project. The property in question is listed by the county as owned by Mountain View Acre Inc. Jerry Allred is one of the shareholders of this company.

Evaluation of the Permit and Beneficial Use Analysis:

The Washington State Supreme Court, in Okanogan Wilderness v. Town of Twisp and Department of Ecology, 133 Wn.2d 769, 947 P.2d 732 (1997), found that applications for change may be granted only to the extent the water has been historically put to beneficial use, as beneficial use determines the measure of a water right. They also found that the existence and quantification of a water right must be determined, including whether or not the water right has been lost for non-use before the Department can approve a change or transfer of the water right.

Aerial photographs and field visits have confirmed the extent of development, historical use and beneficial use in this section. The original acre-feet allotment was calculated at 3.5 acre-feet per acre, which is reasonable for this area and consistent with crops grown on these lands.

One well is currently developed and used for irrigation. The well is located in the NE¼NW¼ of Section 13. On February 24, 2006 there was a water meter on the well which read 472.82.

Hydrologic/Hydrogeologic Evaluation

The proposed project lies within the boundaries of the Quincy Ground Water Management Subarea as defined in Chapter 173-124 WAC. This Subarea covers the northern portion of the Columbia Basin Project (by the US Department of Interior, Bureau of Reclamation), and lies mostly within Grant County.

Permit G3-29049P was originally issued with two wells as the source of water, but the owner plans to only use Well 1, the well in the NE¼NW¼ of Section 13. Well 2 is no longer needed for the project.

Existing well

The well log for Well 1, the irrigation well, indicates that the completed well is 12" in diameter and 1518 feet deep. It was drilled in 2003. The static water level was listed at 770 feet on the well log. The well is located in the NE¼NW¼ of Section 13, but was incorrectly listed on the well log as in the SW¼SW¼ of Section 13.

Impairment Considerations

"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 instream flow levels established by rule (POL-1200), and/or 4) degrade the quality of the source to the point that 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.

FINDINGS

There is a water right permit available for change/transfer under Ground Water Permit No. G3-29049P. Ground water has been historically and beneficially used under this permit, for the seasonal irrigation of 50 acres at up to 500 gallons per minute/ 175 acre-feet per year. When considering an application for change to a water right, Ecology must determine that the proposed change can be made without detriment or injury to existing water rights. Factors considered when determining potential impact include the following:

Impairment to Existing Rights:
No impairment issues arise because the well has been operating at this location since 2003, with no known adverse impacts.

DRAFT

Detriment to the Public Welfare:
There has been no public expression of protest or concern regarding the subject proposal, and no detrimental impacts have been found that would result from the approval of this change.

Enhancement of the Original Right:
The approval of this change would not enhance this water permit.

CONCLUSIONS

It is the conclusion of this examiner that, in accordance with Chapters 90.03 and 90.44, approval of this application to change the place of use as granted under Ground Water Permit No. G3-29049 will not enlarge the quantity of water historically authorized, nor will it impair existing rights or be detrimental to the public welfare provided the terms and conditions above are followed.

The amount of water recommended is a maximum limit that shall not be exceeded, and the water user may only use that amount of water within the specified limit that is reasonable and beneficial. This authorization does not increase in any way the original amounts authorized by this permit.

RECOMMENDATIONS

The applicant's request to change/transfer the place of use as granted under Ground Water Permit No. G3-29049 is **approved**, subject to the following:

Purpose of Use and Authorized Quantities

500 gallons per minute, 175 acre-feet per year, each year, for seasonal irrigation of 50 acres.

Point of Withdrawal

600 feet south and 1000 feet west from the N¼ corner of Section 13, within the N½NE¼NW¼

Place of Use

50 acres within the N½NW¼ of Section 13, lying northerly of the W61C Canal and west of Adams and M Roads; AND the S½SW¼ of Section 12 lying south of the W53.1E canal and west of Adams Road; within T. 17 N., R. 24 E.W.M. Grant County, Washington

Report by: _____ _____

Lynn Maser, Watermaster
Water Resources Program

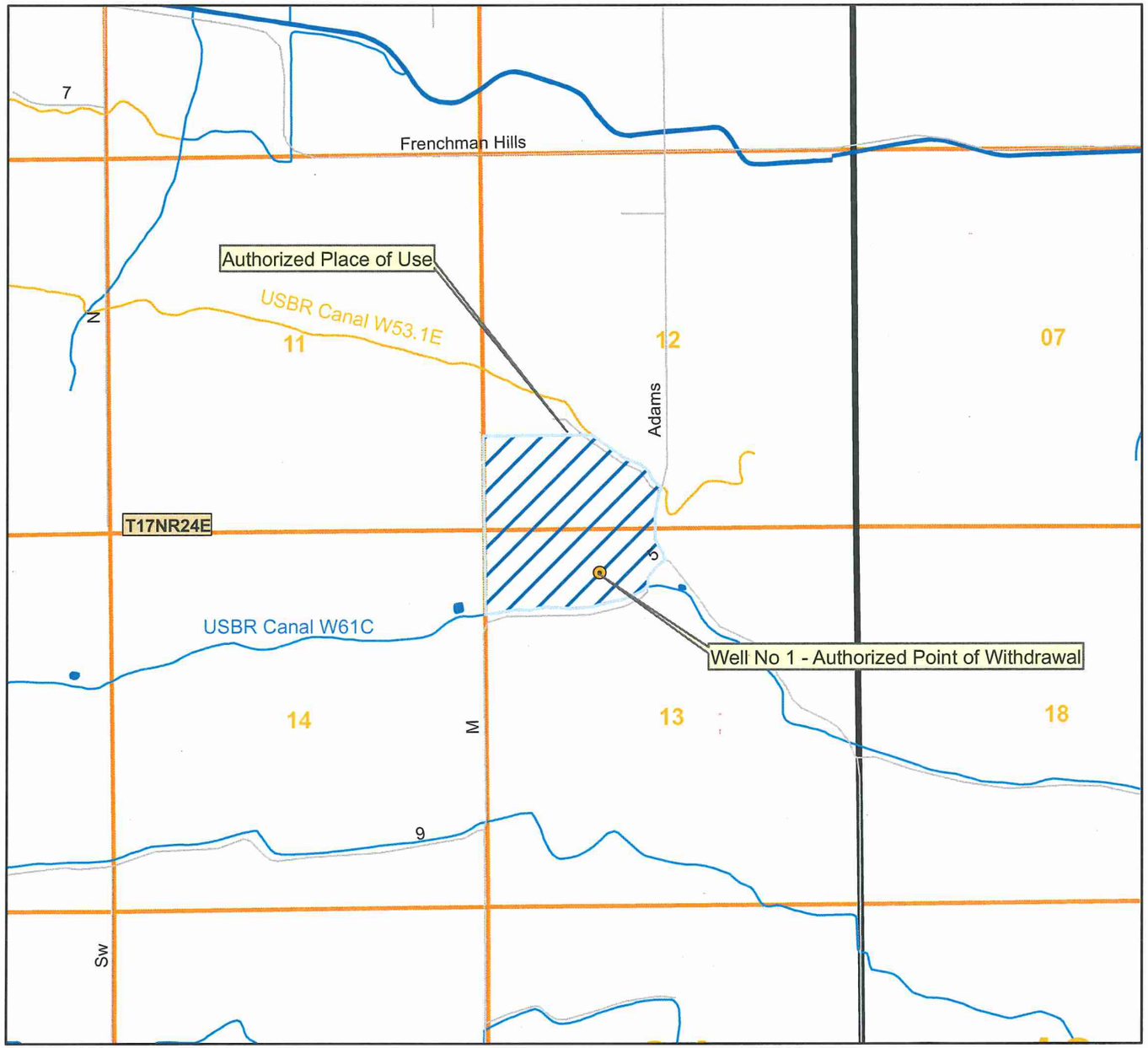
Date

W/Draft ROEs/Maser 2009/G3-29049 Allred

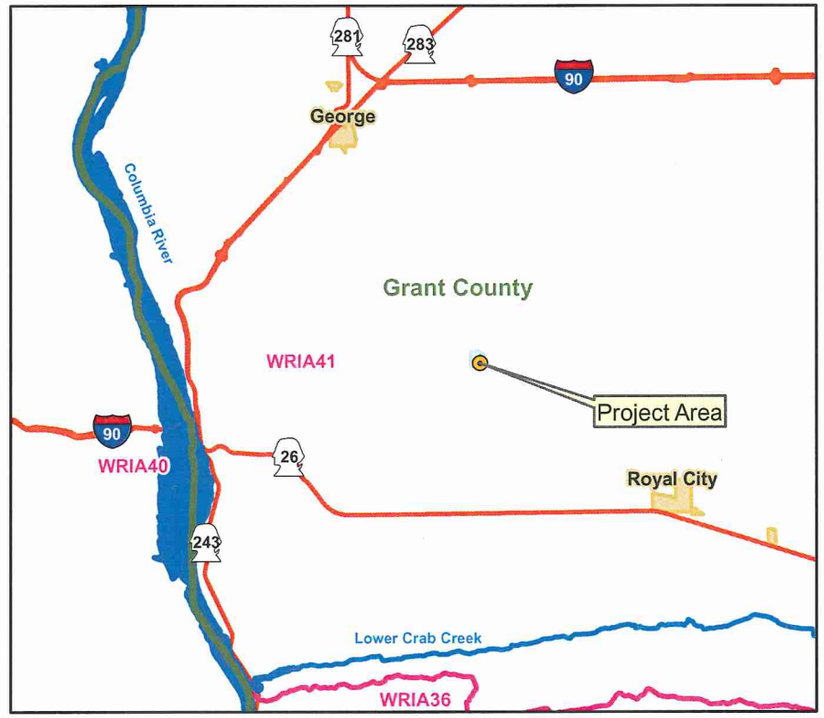
DRAFT

Jerry K. Allred
Ground Water Permit G3-29049P
WRTS No CG3-29049@2
Sec. 12 & 13, T 17N, R 24E.W.M.
WRIA 41 - Grant County

WASHINGTON STATE DEPARTMENT OF ECOLOGY



2,640 1,320 0 2,640 5,280 Feet



6 3 0 6 12 Miles

Legend

- County
- WRIA
- Cities
- Local Roads
- Highways
- Townships
- Sections
- Authorized Point of Withdrawal
- Authorized Place of Use

Comments:
Place of use, points of withdrawal/diversions are as defined on the cover sheet under the heading, 'LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED.'

Attachment 1