

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Application for Change
REPORT OF EXAMINATION

PRIORITY DATE November 22, 1963	APPLICATION NUMBER 6950	PERMIT NUMBER 6536	CERTIFICATE NUMBER G3-00003
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NAME Tom Youngers			
ADDRESS (STREET) 6671 Eagle Drive NE	(CITY) Moses Lake	(STATE) WA	(ZIP CODE) 98837

PUBLIC WATERS TO BE APPROPRIATED

SOURCE Three Wells			
TRIBUTARY OF (IF SURFACE WATERS)			

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE 200	MAXIMUM ACRE FEET PER YEAR 80
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QUANTITY, TYPE OF USE, PERIOD OF USE 200 gallons per minute, 80 acre-feet per year, from March 15 to November 1 each year for seasonal irrigation of 20 acres; and 1 acre-foot per year for continuous single domestic supply
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LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL <ul style="list-style-type: none"> • 200 feet south and 125 feet east of the northwest corner of Section 11 • 250 feet south and 2500 feet east of the northwest corner of Section 11 • 670 feet south and 2510 feet east of the northwest corner of Section 11

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) N $\frac{1}{2}$ NW $\frac{1}{4}$	SECTION 11	TOWNSHIP 18 N.	RANGE (E. OR W.) M. 26 E.	W.R.I.A. 41	COUNTY Grant
PARCEL NUMBER 160281001	LATITUDE	LONGITUDE	DATUM		

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
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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.]

NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T. 18 N., R. 26 E.W.M.

DESCRIPTION OF PROPOSED WORKS

A well, pump, and pivot.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Complete	COMPLETE PROJECT BY THIS DATE: June 1, 2011	WATER PUT TO FULL USE BY THIS DATE: June 1, 2012
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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.

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 submitted to Ecology upon request.
4. 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".
5. 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

6. 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.
7. 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

8. 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.
9. 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.
10. 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.

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 is approved, subject to the following:

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

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

Mail appeal to:

Deliver your appeal in person to:

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

OR

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:

Deliver your appeal in person to:

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

OR

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 , 2010.

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

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: 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 Tom Youngers on October 1, 2008. The application requests to add two wells to the existing right.

A notice of application was duly published in accordance with RCW 90.03.280 in the Columbia Basin Herald on October 28 and November 4, 2008, 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.

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 Certificate G3-00003, and other water rights/claims/permits in the vicinity; (3) the well and water system; (4) USGS topographic maps, aerial photographs, State of Washington Irrigation Guide (WA210-VI-WAIG, October 1985) and; (5) discussions with Department of Ecology regional program staff.

The certificate confirmed a right of 200 gallons per minute, 80 acre-feet for the irrigation of 20 acres and single domestic supply. The original well was constructed in 1964. Review of the aerial photos in 1976 and 1977, confirm approximately 20 acres were developed within the NW¹/₄NW¹/₄ of Section 11. The original development appears to have been wheel or hand lines.

Since issuance of the original water right, two additional authorizations were approved for irrigation within the NW¹/₄ of Section 11. Quincy Basin Permit QB-314(B) authorized 700 gallons per minute, 350 acre-feet per year for the irrigation of 100 acres, and Quincy Basin Permit QB-1445 authorized 100 gallons per minute, 35 acre-feet per year for the irrigation of 10 acres. The total between all three water rights limited the irrigation to 130 acres within the NW¹/₄ of Section 11. The applicant has constructed a standard 130-acre pivot in the NW¹/₄ and no longer uses the wheel or hand lines.

There are two wells that were constructed under the Quincy Basin Permits in the NE¹/₄NW¹/₄ of Section 11. The change application requests to add these two wells to the underlying certificate. In discussion with the applicant, the two wells in the NE¹/₄NW¹/₄ supply the irrigation water to the pivot and the original well continues to serve the domestic supply.

There are no meter records to establish beneficial use. This authorization will require a meter to be installed and metering records maintained for at least one year and submitted with a proof of appropriation.

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.

Ground Water Certificate G3-00003 authorized 20 acres of irrigation and up to 4 acre-feet per acre. The property has been irrigated up to 20 acres. The Quincy Basin Permits authorize 3.5 acre-feet per acre. The 3.5 acre-feet per acre is consistent with the normal delivery requirement for the USBR project and considered adequate for QB permits, standard delivery for project lands in the area.

The original right issued with a lower efficiency of application than the current pivots. It is likely the application of water under the new pivot is closer to the standard quantity of 3.5 acre-feet per acre than the 4 acre-feet per acre.

If approved, metering data will be required to be submitted for a minimum of one year to confirm actual water use.

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.

Much of the Quincy Subarea is underlain by unconsolidated sediments and/or sedimentary rocks. Most of the unconsolidated sediments were deposited by a series of glacial outburst floods that occurred during the most recent ice age between approximately 15,000 and 12,000 years ago. The sedimentary rocks were deposited in a series of ancestral rivers and lakes that occupied much of the Columbia Basin between about 8.5 and 3.5 million years ago. The sediments and sedimentary rocks comprise the "*Quincy unconsolidated zone*" as defined in WAC 173-124-050. The thickness of the *Quincy unconsolidated zone* generally varies from a few feet to several hundred feet, but it is absent in places.

The sediments and sedimentary rocks of the *Quincy unconsolidated zone* overlie a thick sequence of basalt flows assigned to the Columbia River Basalt Group (CRBG), which erupted between 17 and 6 million years ago. The CRBG is subdivided into three formations, from youngest to oldest, the Saddle Mountains Basalt, the Wanapum Basalt, and the Grande Ronde Basalt. All CRBG basalt flows in the Quincy Subarea are assigned to the "*Quincy basalt zone*", as defined in WAC 173-124-050. The *Quincy basalt zone* varies from a few hundred feet to several thousand feet thick.

Two groundwater management units, the "*shallow management unit*" and the "*deep management unit*", were established for the Quincy Subarea in WAC 173-134 (which was subsequently repealed and then amended and adopted as WAC 173-134A). The *shallow management unit* is defined as groundwater hydraulically continuous between land surface and a depth of 200 feet into basalt of the Columbia River Basalt Group (i.e., it includes all of the Quincy unconsolidated zone and the uppermost 200 feet of the Quincy basalt zone). The deep management unit is defined as all groundwater underlying the shallow management unit (i.e., it includes the entire Quincy basalt zone with the exception of the uppermost 200 feet of that zone).

The *shallow water management unit* is subject to artificial recharge of the ground water in the upper aquifer. This situation is caused by the Bureau of Reclamation's Columbia Basin Project which is a series of canals used for irrigation. Most of the canal system is unlined and there is a significant return flow from this canal system and its wasteways. There is also a significant return flow from the irrigated crop. Therefore, much of the water in the shallow aquifer is artificially stored and is under the jurisdiction of the Bureau of Reclamation.

Existing well

The existing well was constructed near the NW corner of Section 11. The well log indicates that the well is 8" by 136 feet deep. The static water level was listed at 70 feet. The well mostly penetrated sands and gravels.

The two wells constructed in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ are described as a 16" x 186 feet and a 16" x 180 feet. Both of these wells were also constructed into the sands and gravels.

Both the existing well and the proposed wells are completed in the unconsolidated sediments and/or sedimentary rocks and are in the same body of public ground water.

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.

Existing Rights

In this case, no impairment issues arise since these wells have been operating at this location, are within the same body of ground water with no known adverse impacts.

FINDINGS

There is a water right available for change/transfer under Ground Water Certificate No. G3-00003C. Ground water has been beneficially used under this certificate, for single domestic supply and the seasonal irrigation of 20 acres at up to 200 gallons per minute, 80 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:

In this case, no impairment issues arise since the well has been operating at this location, with no known adverse impacts.

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 certificate.

Source of Water:

The proposed wells and authorized well are within the same body of public ground water.

CONCLUSIONS

In accordance with Chapters 90.03 and 90.44, approval of this application to change the point of withdrawal and add two points of withdrawal will not enlarge the quantity of water 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.

RECOMMENDATIONS

The applicant's request to add two wells under Ground Water Certificate No. G3-00003C is **approved**, subject to the following:

Purpose of Use and Authorized Quantities

200 gallons per minute, 80 acre-feet per year, each year, for continuous single domestic supply and seasonal irrigation of 20 acres

Point of Withdrawal

- 200 feet south and 125 feet east of the northwest corner of Section 11
- 250 feet south and 2500 feet east of the northwest corner of Section 11
- 670 feet south and 2510 feet east of the northwest corner of Section 11

Place of Use

NW¹/₄NW¹/₄ of Section 11, T. 18 N., R. 26 E.W.M.

Report by: Kevin Brown _____ Date _____
 Water Resources Program

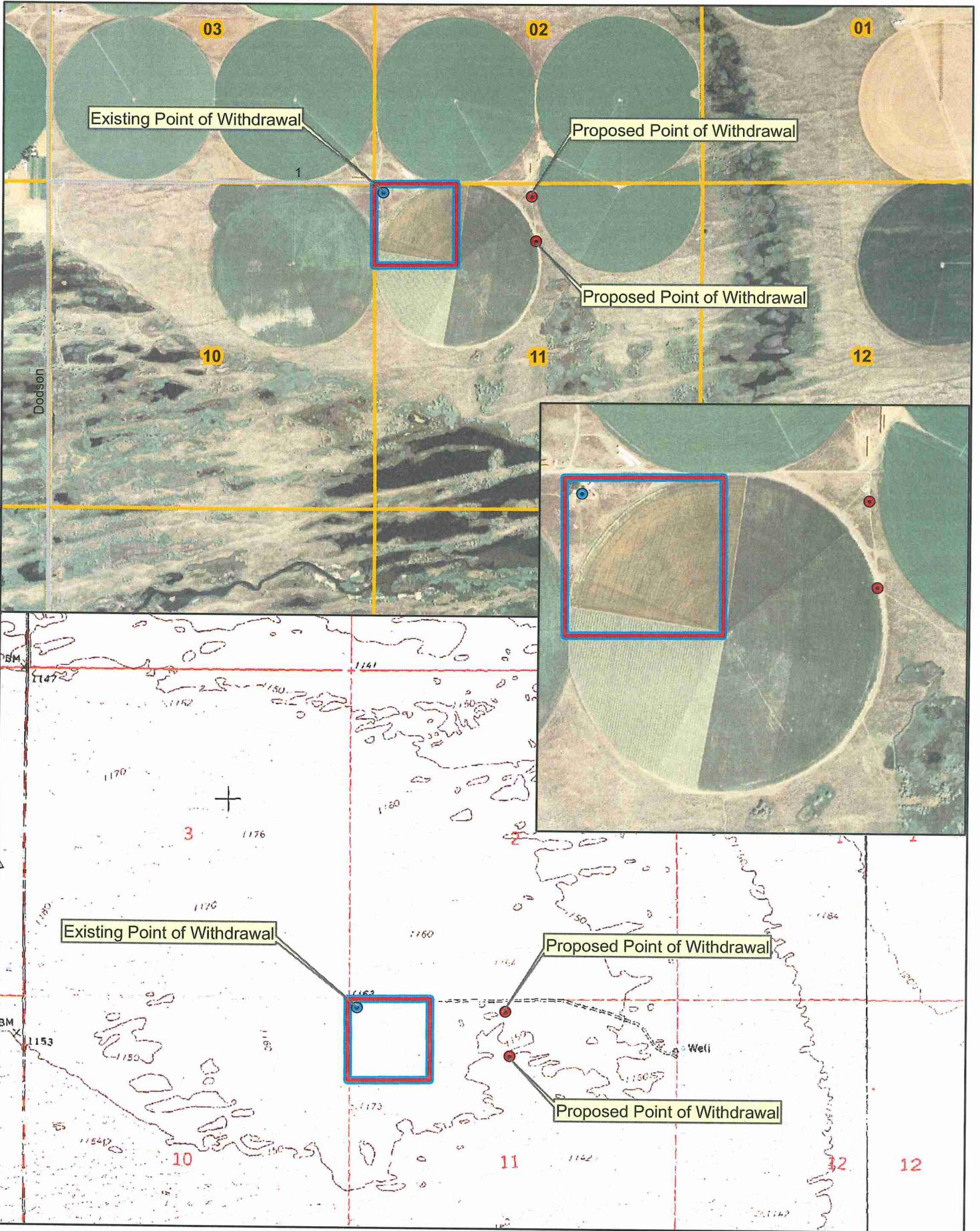
W/Draft ROEs/Brown 2009/G3-00003/Youngers

DRAFT

Mr. Tom F. Youngers
Application for Change on Cert G3-00003c
WRTS File No. CG3-00003C
Sec. 11, T 18 N., R. 26 E.W.M.
WRIA 41 / Grant County

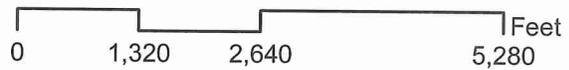


Map based on Application for Change/Transfer of a Water Right received 10/1/2008



Legend

- County Parcel
- County
- WRIA
- Township / Range
- Section
- Major Roads
- Roads
- Existing Point of Withdrawal
- Proposed Point of Withdrawal
- Existing Place of Use
- Proposed Place of Use



Comments: