DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Added Point of Withdrawal

PRIORITY DATE	WATER RIGHT NUMBER
December 12, 1966	7692-A

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
Stahl Hutterian Brethren 1485 North Hoffman Road Ritzville, WA 99169	

Total Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
2000	GPM	650

Purpose

PURPOSE	WITHDRAWAL RATE ADDITIVE	WITHDRAWAL RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
agricultural irrigation of 260 acres	2000		GPM	650		4/01 - 10/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
ADAMS	GROUNDWATER		41-LOWER CRAB

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well 1	2932150000001		19N	32E	15	SESW	47.130538	118.784139
Proposed Well 2	2932220100001		19N	32E	22	NWNW	TBD	TBD

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

2932150000001

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

260 acres within the E½ of Section 15, T. 19 N., R. 32 E.W.M

Proposed Works

2 wells, pivot irrigation systems

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
August 1, 2016	August 1, 2018	August 1, 2020

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Upon Request by Ecology
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

Provisions

The property within the proposed place of use lies within the boundary of the Columbia Basin Project and potentially within delivery of the irrigation district. Should contracts be issued that include lands developed under this authorization, these lands will be subject to RCW 90.44.510. If water from facilities of any legally formed irrigation district is used on any or all of the lands described and developed herein as the place of use, the quantities of water withdrawn under this authorization shall be proportionately reduced to correspond to the acreage for which district water is not available. RCW 90.44.510 confirms that should water be supplied to these lands (agricultural or non-agricultural) and replaced with Columbia Basin Project Water, the permit or certificate, or portion thereof shall be designated as a standby or reserve water right. The total number of acres irrigated must not exceed the quantity of water authorized by the Bureau of Reclamation and the authorized number of acres under the permit.

Wells, Well Logs and Well Construction Standards
All wells constructed in the state must meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard must be decommissioned.

All wells must be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag must remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

Well Construction

Proposed Well 2 - The altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238, Sheet Three) for a well in the NW¼NW¼ of Section 22, T. 19 N. R. 32 E.W.M. is 1125'. With a land surface of ~1641', this puts the top of the Grande Ronde at 516' below land surface. Adding 200' to this formation top would put the minimum casing and sealing requirement at 716' below land surface for a Grande Ronde well at this location. The driller will need to case and seal the well to allow

for production from only the Grande Ronde Aquifer. The annular space would need to be a minimum of 4-inches greater than the permanent casing. After casing is sealed in place, the well may be completed by drilling out of the casing until sufficient water is obtained. Sealing shall be placed from the bottom of the well to the top until undiluted sealing material returns to the surface.

For new well construction of Well 2, in addition to the required access port, the applicant must install and maintain, in operating condition, an airline and pressure gage. The location (GPS coordinates) and length of the airline shall be submitted to the Department of Ecology, Water Resources Program. The pressure gage must be equipped with a standard tire valve and placed in a location accessible to Department of Ecology personnel. The airline must extend from land surface to the top of the pump bowls and the total airline length must be reported to the Department of Ecology upon completion of the pump system.

If the original 710' well associated with 7692-A or 6885-A which is located in the SE¼ SW¼ of Section 15 is replaced or reconstructed, the applicant would be required to case and seal the new well to this depth of 720' or discuss alternative construction specifics with Ecology prior to initiating any well construction.

Measurements, Monitoring, Metering and Reporting
An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Water Use Efficiency
The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

Proof of Appropriation
The water right holder must file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include, as appropriate, contracting with a Certified Water Right Examiner (CWRE) to confirm the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

Schedule and Inspections
Department of Ecology personnel, upon presentation of proper credentials, will have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that a valid water right exists; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. CG3-*08454, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. 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 the Order.

File your appeal and a copy of this Order 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 Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail 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 PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 11th day of February, 2016.

Keith L. Stoffel, Section Manager

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.

BACKGROUND

An application for change/transfer was submitted by Stahl Hutterian Brethren on December 2, 2015. The applicant proposes to add one point of withdrawal to Ground Water Certificate 7692-A.

A notice of application was duly published in accordance with RCW 90.03.280 in the Ritzville Adams County Journal on December 17 and 24, 2015 and no protests were received.

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

Attributes of Ground Water Certificate No. 7692-A

Recorded Name:	C. R. Shannon
Priority Date:	December 12, 1966
Instantaneous Quantity – Q(i):	2000 gallons per minute
Annual Quantity – Q(a):	898 acre-feet per year
Source:	A well
Point(s) of withdrawal:	SE¼SW¼ of Sec 15, T. 19 N., R. 32 E.W.M.
Purpose of Use:	irrigation of 315 acres

INVESTIGATION

Certificate 7692-A authorized the use of 2000 gallons per minute, 898 acre-feet per year for the irrigation of 315 acres from a well. The authorized place of use is located in Section 15, the N½ of Section 22, and the NW¼ of Section 23, except a small tract of land in Section 22. This right overlaps with three other primary water rights. There are seven irrigation pivots of approximately 130 acres each for a total of 910 acres. Within Section 15 there are 4 pivots of approximately 130 acres. The 260 acres in the W½ of Section 15 is considered authorized under 6885-A. The 260 acres in the E½ of Section 15 is considered authorized under 7692-A. The 260 acres in the N½ of Section 22 is considered authorized under 6884-A. The 130 acres in the NW¼ of Section 23 is considered authorized under 7690-A.

This source well also provides water under Certificate 6885-A. This right (7692-A) issued with the provision that the source well was limited to 2000 gallons per minute under both rights. Because the total under both rights does not exceed 2250 gallons per minute, the change applications together remain exempt under SEPA. An application for change to add a well to Certificate 6885-A was also filed. Each application will have its own decision.

Evaluation of the Water Right 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 7692-A confirmed a use of 2000 gallons per minute 898 acre-feet per year for the irrigation of 315 acres. The legal description overlaps with three other water rights. It is considered this right is appurtenant to the E½ of Section 15. There are two pivots of approximately 130 acres developed within the E½ of Section 15. The Odessa Subarea Rule, WAC 173-130A-150 confirms that permits issued for agricultural irrigation shall not be more than 2.5 acre-feet per acre per calendar year. This right issued prior to the adoption of the rule and issued for 2.85 acre-feet per acre. These lands are primarily rotation crops, with potatoes being the highest water duty. The Washington State Irrigation Guide confirms the consumptive crop requirement for potatoes at 23.36 inches per acre (1.94 acre-feet per acre). If water is applied at 80% efficiency, this use would be close to the recommended annual quantity of 2.5 acre-feet per acre.

This right has been determined to have been perfected and put to beneficial use for 2000 gallons per minute, 650 acre-feet per year for the irrigation of 260 acres.

Hydrologic/Hydrogeologic Evaluation

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.

The proposed project lies within the boundaries of the Odessa Sub-area as defined in Chapter 173-128A WAC. The Odessa Sub-area encompasses approximately 2,000 square miles in parts of Grant, Lincoln, and Adams Counties. The relatively flat-lying land surface slopes in a southwesterly direction and is locally dissected by coulees. The proposed change is subject to the conditions of WAC 173-130A, the management regulation for the Odessa Sub-area.

The Department of Ecology promulgated the Odessa Ground Water Management Subarea (Chapter 173-128A WAC) under authority and procedures provided in chapters 34.04, 43.21A, 90.03, and 90.44 RCW.

RCW 90.44.130 directs the Department to designate groundwater subareas that *"enclose a single and distinct body of public groundwater. Each such subarea may be so designated as to enclose all or any part of a distinct body of public groundwater, as the department deems will most effectively accomplish the purposes of this chapter."* By this rule, the wells producing water from the Columbia River Basalt Group within the Subarea boundary are all producing water from the same body of public groundwater.

The original well was constructed in 1967. The original well is described as a 16 inch well, cased to 710 feet, the depth of the completed well. Its static water level is listed at 203 feet at the time of construction.

The existing well is constructed in the Columbia River Basalt Group. The additional well is required to be constructed into the Columbia River Basalt Group to remain within the same body of public ground water.

WAC 173-130A-170 Casing and Sealing allows the determination of casing and sealing requirements on a case-by-case basis for wells located within the Odessa Subarea in order to protect existing shallow domestic and stock water wells, and springs.

Information on static water levels collected over a number of years by the U.S. Geologic Survey and Ecology indicates the hydrologic break between the Wanapum and Grande Ronde aquifers typically occurs 200 feet below the geologic division between the Wanapum and Grande Ronde Formations. Based on this knowledge, we require the following casing and sealing provisions for the new well to be added under this change application:

Proposed Well 2 (NW¼NW¼ of Section 22)- The altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238, Sheet Three) for a well in the NW¼NW¼ of the Section 22, T. 19 N. R. 32 E.W.M. is 1125'. With a land surface of ~1641', this puts the top of the Grande Ronde at 516' below land surface. The casing requirement for a well at this site would be 716' below land surface for a Grande Ronde well at this location.

To properly construct a well in the Grande Ronde Aquifer, the driller will need to case and seal the well as mentioned above to allow for production from only the Grande Ronde Aquifer. The annular space would need to be a minimum of 4-inches greater than the permanent casing. After casing is sealed in place, the well may be completed by drilling out of the casing until sufficient water is obtained. Sealing shall be placed from the bottom of the well to the top until undiluted sealing material returns to the surface.

Existing Rights

Two water rights are appurtenant to the well in the SE¼SW¼ of Section 15 and are described below:

Ground Water Certificate 6885-A confirms a right of 2000 gallons per minute, 1036 acre-feet per year for irrigation of 264 acres.

Ground Water Certificate 7692-A confirms a right of 2000 gallons per minute, 898 acre-feet per year; for irrigation of 315 acres. The instantaneous quantity was non-additive to 6884-A.

Existing rights appurtenant to the property.

Certificate 6885-A confirmed a right for 264 acres of irrigation in the W½ of Section 15. Certificate 6884-A confirmed a right for irrigation of 264 acres in the N½ of Section 15. Certificate 7690-A confirmed a right for 160 acres within Section 15, NW¼ of Section 23 and N½ of Section 22. Certificate 7692-A confirmed a right for 315 acres within Section 15, NW¼ of Section 23 and N½ of Section 22.

Within Section 15 there are 4 pivots of approximately 130 acres. The 260 acres in the W½ of Section 15 is considered authorized under 6885-A. The 260 acres in the E½ of Section 15 is considered authorized under 7692-A. The 260 acres in the N½ of Section 22 is considered authorized under 6884-A. The 130 acres in the NW¼ of Section 23 is considered authorized under 7690-A.

All of these lands are also authorized under G3-21721 from a source well in Section 24. This right issued as a supplemental (non-additive) right to these existing identified rights.

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.

The proposed well location will not impair existing water rights.

The proposed change to add one point of withdrawal will not enlarge the quantity of water identified above. The proposed well(s) are required to be constructed into the same body of public ground water.

The property within the proposed place of use lies within the boundary of the Columbia Basin Project and potentially within delivery of the irrigation district. Should contracts be issued by the district that include lands developed under this authorization, these lands will be subject to RCW 90.44.510. If water from facilities of any legally formed irrigation district is used on any or all of the lands described and developed herein as the place of use, the quantities of water withdrawn under this authorization shall be proportionately reduced to correspond to the acreage for which district water is not available. RCW 90.44.510 confirms that should water be supplied to these lands (agricultural or non-agricultural) and replaced with Columbia Basin Project Water, the permit or certificate, or portion thereof shall be designated as a standby or reserve water right. The total number of acres irrigated must not exceed the quantity of water authorized by the Bureau of Reclamation and the authorized number of acres under the permit.

Public Interest Considerations

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be detrimental impact to the public welfare through issuance of the proposed change.

CONCLUSIONS

It is the conclusion of this examiner that, in accordance with Chapters 90.03 and 90.44 RCW, a valid right exists. This application for change to add points of withdrawal and change the place of use will not enlarge the quantity of water identified, nor will it impair existing rights or be detrimental to the public welfare provided the terms and conditions are followed.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the request for change to Ground Water Certificate 7692-A be approved in the amounts and within the limitations listed below and subject to the provisions.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

- 2000 gpm
- 650 acre-feet per year
- Agricultural irrigation of 260 acres

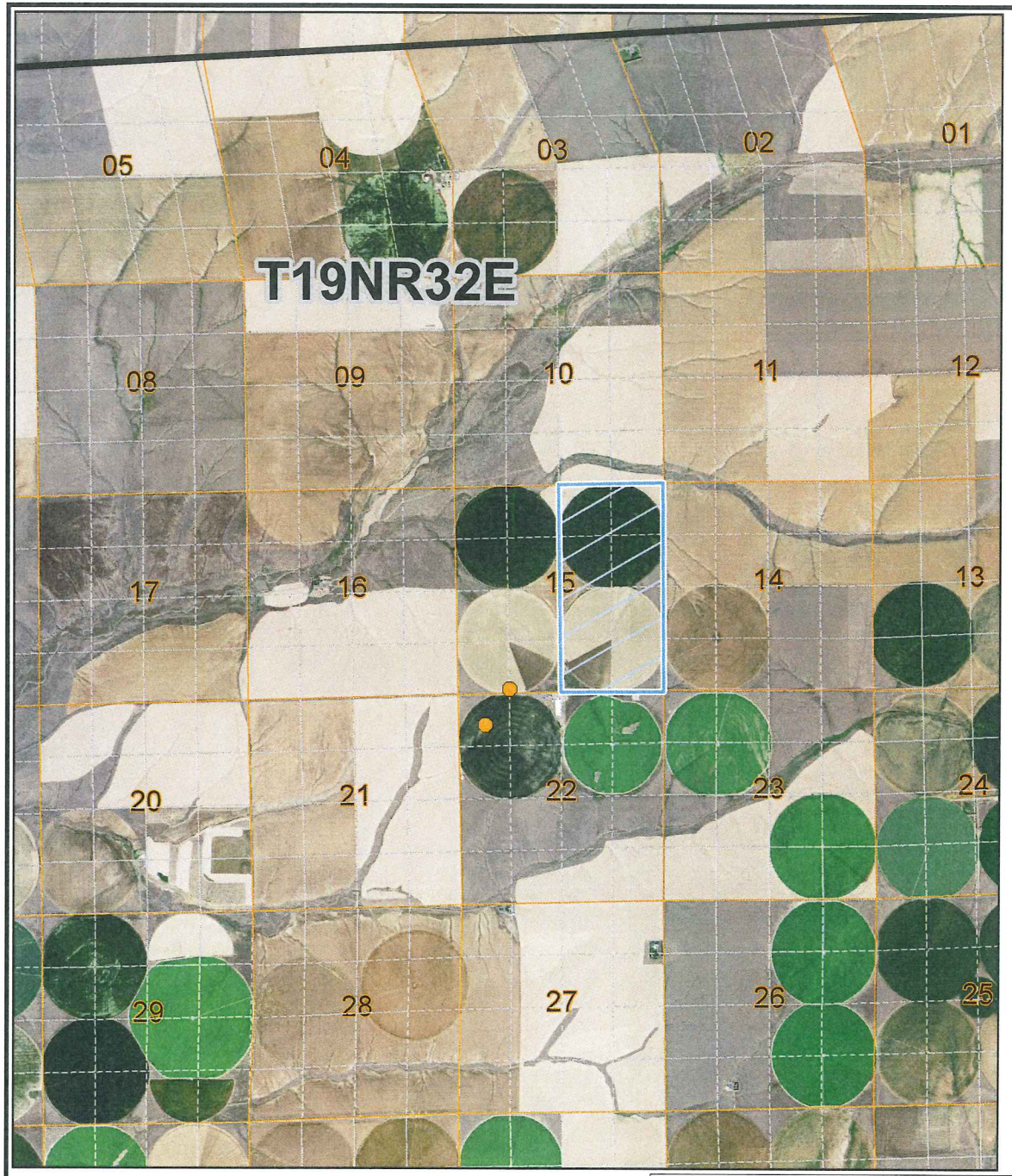
Authorized points of withdrawal and place of use is identified above.

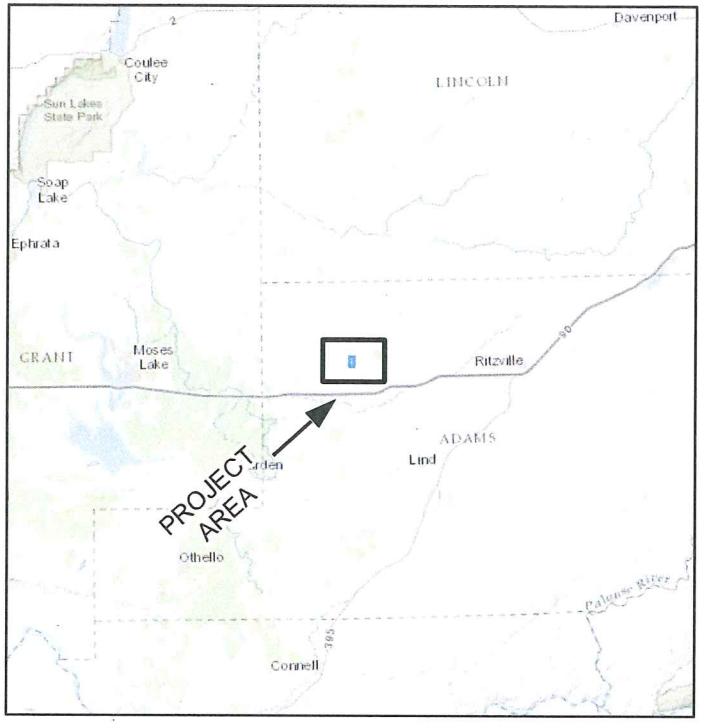
Report by: Kevin Brown _____ 2/11/14 _____

Kevin Brown
Water Resources Program

Date

Stahl Hutterian Brethren
7692-A
T19N/R32E





Basemap - (ESRI US Topographic Maps)

Legend

Authorized Place of Use

Townships

Sections

Authorized Point of Withdrawal

(Source locations may vary in their accuracy and precision as stated within the body of the report.)

Feet
0 2,640 5,280 10,560
Basemap - (NAIP 2013 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 2/10/2016

Comment:
Place of use and source locations are as defined within the Report of Examination cover sheet for the document identfied in the header above.

ATTACHMENT 1