DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
DRAFT
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Changed Place of Use
Added or Changed Point of Withdrawal/Diversion

PRIORITY DATE
December 12, 1991

WATER RIGHT NUMBER
G3-29101(B)

MAILING ADDRESS
PUTNAM BROTHERS LLC
PO BOX 5501
GEORGE, WA 98824

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
441	GPM	105

Purpose

	WITHDRAWAL RATE			ANNUAL QUANTITY (AF/YR)		
PURPOSE	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	PERIOD OF USE (mm/dd)
Irrigation of 30 acres	441		GPM	105		04/01 - 10/31

Source Location

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

SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well 1	150303000	17 N.	23 E.	2	Govt. Lot 2	47.00002	119.90404
Well 2	150304001	17 N.	23 E.	2	Govt. Lot 3	47.00050	119.90919

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

150303000, 150305011

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

S½ of Govt. Lot 1; and east 291 feet of the N½ of Govt. Lot 1 lying south of the canal: and the south 480 feet of Govt. Lot 2 all within Section 2, T. 17 N., R. 23 E.W.M.

Proposed Works

Two wells and distribution system for orchard

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
April 1, 2015	April 1, 2017	April 1, 2019

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

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".

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.

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.

That portion of this authorization relating to irrigation 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.

This authorization for the withdrawal of public ground waters is within the boundaries of the Columbia Basin Project (RCW 90.44.510). If water from facilities of any legally formed irrigation district is used on any or all of the lands described 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 and becomes Standby Reserve.

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 Rights Examiner (CWRE), 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.

Real Estate Excise Tax

This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the state Department of Revenue to obtain specific requirements for your project. Phone: (360) 570-3265. The mailing address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia WA 98504-7477 Internet: http://dor.wa.gov/. E-mail: REETSP@DOR.WA.GOV.

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 water is available from the source in question; 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. CG3-29101C@1, 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 day of 2014.

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.

INVESTIGATOR'S REPORT

BACKGROUND

On December 4, 2013, David Putnam, representing Putnam Brothers LLC, filed an application for change requesting to change a portion of the place of use and add points of withdrawal to Ground Water Certificate G3-29101.

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Quincy Valley Post-Register on January 16 and 23, 2014, and no protests were received.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

(a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
(b) It is a groundwater right application for more than 2,250 gallons per minute;
(c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
(d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
(e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

In considering the proposed change/transfer, the investigation included, but was not limited to, research and review of (1) appropriate rules and statutes; (2) Ground Water Certificate G3-29101 and other water rights/claims/applications in the vicinity; (3) water well reports for the applicant's wells, and other wells in the vicinity; (4) USGS topographic maps; (5) discussions with Department of Ecology regional program staff; including review by Ecology hydrogeologists.

Ground Water Certificate G3-29101 confirms a right of 1400 gallons per minute, 332.5 acre-feet per year for the irrigation of 95 acres from three wells located in the N½SE¼ of Section 25, T. 21 N., R. 24 E.W.M. A proof examination in 2011 confirmed the use of the described certificate. The right was beneficially

used for irrigating orchard and alfalfa. Soon after the certificate issued, the wells began to fail. The landowner placed the right into the Trust Water Right Program.

The water right holder/landowner has signed the application to move a portion of this certificate to the applicant. The applicant proposes to move the proportional share of this right for 30 acres to his property and existing wells. The lands identified for the transfer are the south 30 acres. This property was historically irrigated hay ground. The right will be split as a result of this decision and the owner will keep a portion of the certificate as follows:

- G3-29101(A), Roger Sommers, 959 gallons per minute, 227.5 acre-feet per year for irrigation of 65 acres.
- G3-29101(B), Putnam Brothers LLC, 441 gallons per minute, 105 acre-feet per year for the irrigation of 30 acres.

Once the decision is completed, the existing Trust Water Right will be cancelled. The landowner, Mr. Sommers, will need to pay the cost of recording the new Certificate G3-29101(A) and if he desires, submit a new application for donation of the remaining portion back into trust.

Since the right was evaluated in the 2011 proof examination and soon after donated into the Trust Water Program, the right is in good standing and available for change or transfer.

The proposed place of use is 30 acres lying south of the district irrigation canal in Section 2, T. 17 N., R. 23 E.W.M. The proposed 30 acres is undeveloped. The majority of the surrounding irrigated property is north of the district canal and is served from the canal. No other state issued water rights other than the applicant's are in this vicinity.

Rights appurtenant to the point of withdrawal

Ground Water Certificate G3-28286 confirms a right of 350 gallons per minute, 94.5 acre-feet per year for irrigation of 27 acres from the two source wells.

Ground Water Certificate G3-24886 confirms a right of 200 gallons per minute, 70 acre-feet per year for the irrigation of 20 acres from the two source wells.

The proposed change would be additive to these existing water rights.

The property within the proposed place of use of this authorization lies within the boundary of the Columbia Basin Project and within potential delivery of the irrigation district or other water rights associated with the Quincy Basin. Should contracts or rights 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 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.

Hydrologic/Hydrogeologic Evaluation

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.

Three wells are currently constructed at the proposed place of use. Only two well logs are available. Well 1 is constructed to a depth of 525 feet. Well 2 is constructed to a depth of 532.5 feet. Both wells are constructed in the Columbia River Basalt Group.

Two wells are proposed. Well 1 is described as constructed to a depth of 364 feet. Well 2 is described as constructed to a depth of 360 feet. Both wells are constructed in the Columbia River Basalt Group. Two additional wells are constructed on the property and are used for domestic exempt purposes.

Both the existing wells and the proposed wells are within the Gray Area of the Quincy Basin and are constructed into the Columbia River Basalt Group. Both the proposed wells and the existing wells are within the same body of public ground water.

The Gray Area of the Quincy Basin is that portion of the Quincy Basin as defined in WAC 173-124 that is outside the area where the U.S Bureau of Reclamation claimed all artificially stored groundwater exists, as defined in WAC 173-134A. The Gray area is generally outside the area where leakage from U. S. Bureau of Reclamation canals and facilities is present, and is generally considered an area of natural recharge for the Quincy Basin. As it is dependent upon natural recharge, wells often yield little water in the Gray area.

Both the existing and proposed wells will tap the same body of public groundwater.

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 flows 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.

There are no other water rights in the vicinity. The majority of the irrigation is supplied by the Columbia Basin Irrigation District. There are some water right claims of record in the vicinity, but they are also lying north of the canal.

This proposed change in the place of use shall not increase the amount of water withdrawn from the aquifer nor will it increase the land proposed for irrigation or expand the right. The proposed change will not impair existing water rights.

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.

There is a water right available for change/transfer. Ground water has been historically and beneficially used under this authorization for the purpose of agricultural irrigation.

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:

No Impairment to Existing Rights

The proposed change will not increase the volume of water currently authorized and existing rights will not be impaired.

No Detriment to the Public Welfare

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.

No Enhancement of the Original Right

No withdrawal of water over and above what has been authorized for beneficial use would be authorized through approval of this change.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions.

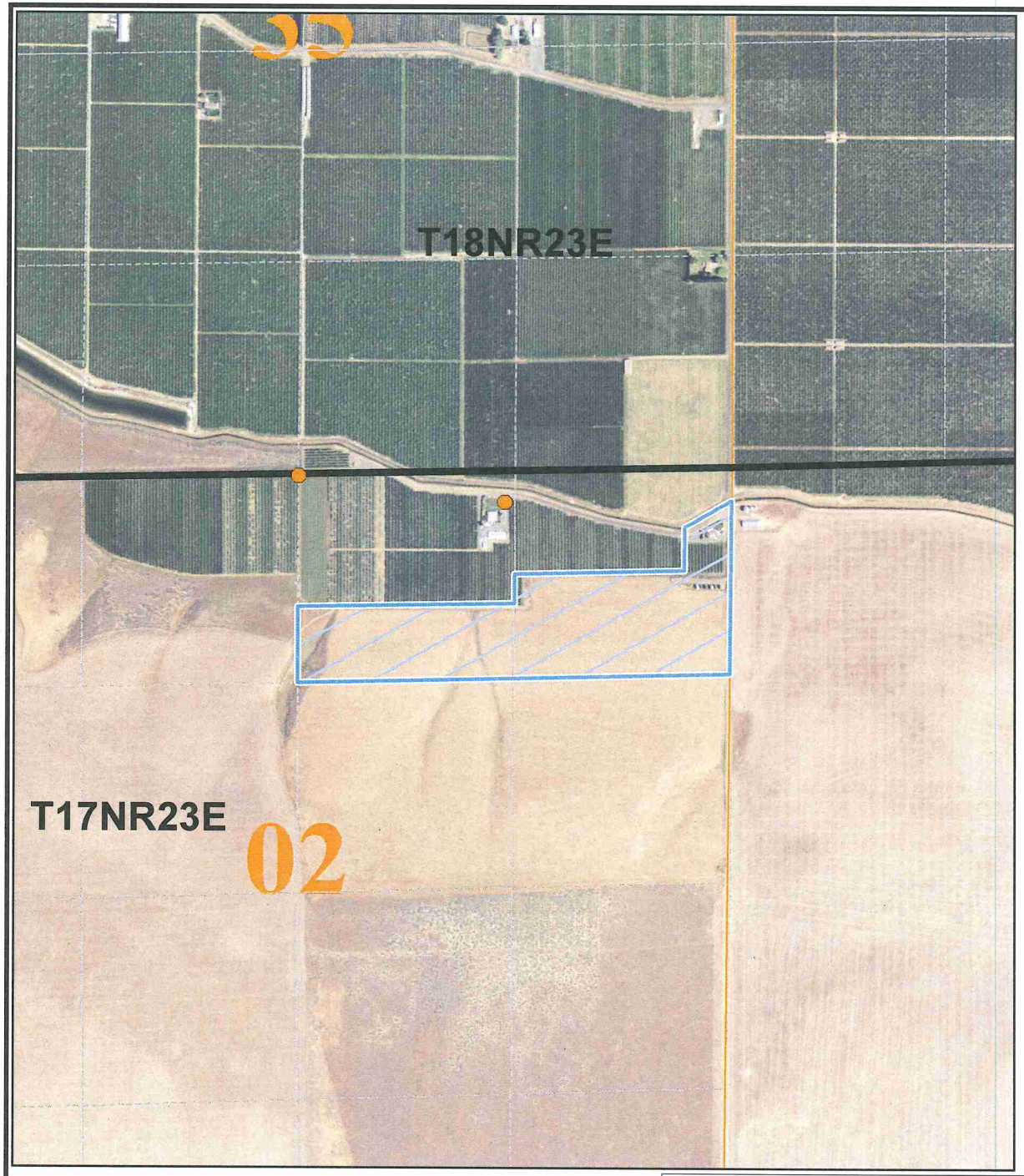
Purpose of Use and Authorized Quantities
The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

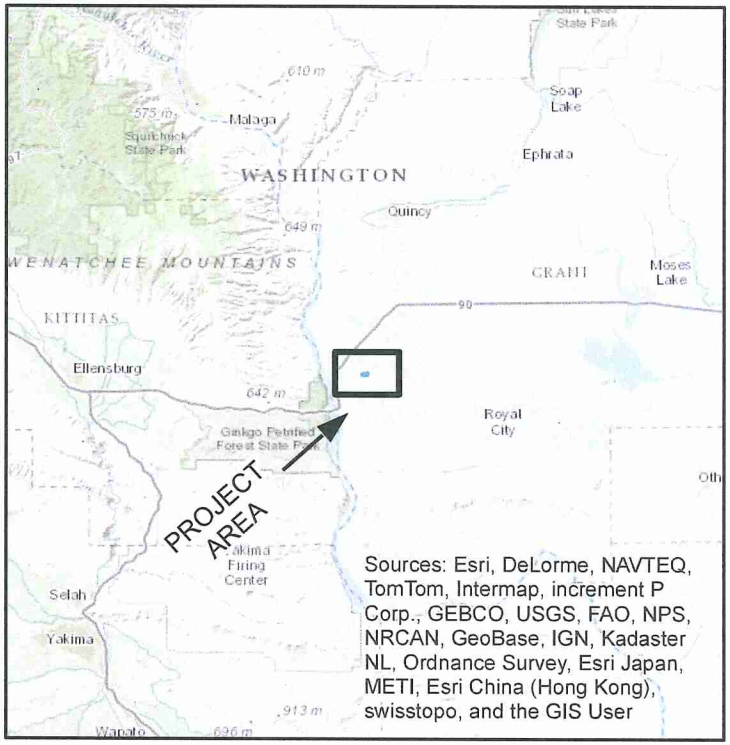
441 gpm
105 acre-feet per year
Agricultural irrigation of 30 acres

Kevin Brown, Report Writer *Date*

If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Putnam Brothers LLC
G3-29101(B)
T17N/R23E





Basemap - (ESRI US Topographic Maps)

Legend

Authorized Place of Use

Townships

Sections

Authorized Point of Withdrawl

Feet
0 330 660 1,320 1,980 2,640 3,300

Basemap - (NAIP 2011 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 2/7/2014

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