STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

MAY 06 2016

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

Dear Ms. Krass:

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

The Department of Ecology (Ecology) received your application for a seasonal change of Surface Water Certificate (SWC) 3691 on March 21, 2016. Your application has been assigned control number CS1-*09221C@4. Please refer to this number when corresponding with us about this seasonal change authorization.

This seasonal change authorization is one of three requested by you under SWC 3691. The other two are CS1-*09221C@5 (Local Roots Farm) and CS1-*09221C@6 (Goose and Gander Farm).

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 daily (as needed) during all the years he controlled the property, whereas the Gunningham family is planning to irrigate on a scheduled basis within the certificated place of use during the 2016 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**

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.

- The certificated (original) point of diversion (for Gunningham) shall only be used on Monday, Wednesday, and Friday during the 2016 irrigation season. The additional point of diversion (for Growing Things Farm) shall only be used on Tuesday, Thursday, Saturday, and Sunday.

- The certificated instantaneous rate cannot be exceeded at any time. The total rate of pumping from any and all 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.

- 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 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 seasonal change 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/

Under the subject seasonal change application you are requesting to change a portion of SWC 3691 to a parcel farmed by Michaele Blakely (Growing Things 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 2 acre-feet
- Irrigation of up to 10 acres and a greenhouse
- An additional POD from the Snoqualmie River (downstream of the certificated POD). It will be located within the NE¼ NE¼ of Section 1, Township 25 North, Range 6 East
- An additional POU to include King County parcel 0125069002 located within the NE¼ NE¼ of Section 1, Township 25 North, Range 6 East
- An irrigation schedule of midnight to midnight on Tuesday, Thursday, Saturday, and Sunday

In 2015, you requested a similar seasonal change of SWC 3691. Based on that request, 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 Ms. Blakely showed my staff the requested point of diversion, place of use, pump, and crops being grown. Water will be pumped directly from the Snoqualmie River by using a 6 horsepower pump with a 2 inch hose. The pump will be properly throttled so no more than 0.12 cfs (54 gpm) will be diverted. The diversion intake is screened. Mixed market vegetables will be irrigated using a drip system.

The requested additional 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 partial seasonal change in the place of use and for an additional point of diversion for the 2016 irrigation season is hereby **APPROVED** under the terms and conditions listed below.

- This seasonal change does not authorize an enlargement of water use or total irrigated acres as described in SWC 3691.
- The instantaneous rate under this seasonal change, for Growing Things Farm, shall not exceed 0.12 cubic feet per second.
- The total volume used under this seasonal change, for Growing Things Farm, shall not exceed 2 acre-feet.

- **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.**

- All conditions and provisions in the original water right must be complied with.

- **This seasonal change shall be in effect through October 1, 2016** (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 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 6th day of May, 2016.

Thomas Buroker
Section Manager
Water Resources Program

tb/bs/mc

Enclosure: Your Right to be Heard

By Certified Mail: 9171 9690 0935 0106 7172 74