DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT CHANGE

DRAFT

Add Point of Withdrawal

PRIORITY	WATER RIGHT NUMBER
December 16, 1963	G3-01352C(B), together with ROE dated 11/28/2011, together with the ROD dated January 10, 2012

MAILING ADDRESS
Isaak Land Inc.
PO Box 953
Coulee City, Washington 99115-0953

Total Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
127.8	GPM	89

Total withdrawals from all sources must not exceed the total quantity authorized for withdrawal listed above.

Purpose

	WITHDRAWAL RATE			ANNUAL QUANTITY (AF/YR)		
PURPOSE	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	PERIOD OF USE (mm/dd)
Irrigation	127.8			89		4/1 - 10/31

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
55			

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Grant	Groundwater		42-Grand Coulee

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Dormaier Well	180793001		25 N.	29 E.	18	N½	47.6667° N	119.2244°W
Isaak Well 1	171515000	BTH064	25 N.	28 E.	13	SE¼SE¼	47.6591° N	119.2355°W
							Datum: NAD83/WGS84	

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

180793001, 180793002, 180793003

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

NW¼ of Section 18, T. 25 N., R. 29 E.W.M. Grant County, Washington

Proposed Works

Two wells, mainlines and one irrigation pivot

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	Complete	September 1, 2017

Measurement of Water Use

How often must water use be measured?	Monthly
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

Provisions

The total withdrawal under Certificates 2434-A and G3-01352C(B), together with ROE dated 11/28/2011, together with the ROD dated January 10, 2012, shall not exceed 877.8 gallons per minute, 689 acre-feet for the irrigation of 255 acres.

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.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

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.

At such time that any reconstruction occurs on the Dormaier Well located in the N½ of Section 18, T. 25 N., R. 29 E.W.M., the well owner shall contact the Department to determine the casing and sealing requirements.

The Dormaier Well appears to be completed into both the Wanapum and Grande Ronde aquifers. According to WAC 173-160-181, any new or reconstructed well(s) shall be required to be constructed in such a manner to prevent the interchange of water between aquifers.

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.

In addition to the required access port, the applicant must install and maintain, in operating condition, an airline and pressure gage. 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.

Any future pump test data shall be submitted as it is obtained to the Department of Ecology.

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 data shall be recorded monthly and maintained by the property owner for a minimum of five years. The maximum rate of withdrawal and the annual total volume shall be submitted to the Department of Ecology by January 31st of each calendar year. Recorded water use data shall be submitted to the Eastern Regional Office.

A flow meter is required on the mainline between the well (Isaak Well 1) located within the SE¼SE¼ of Section 13, T. 25 N., R 28 E.W.M. and the irrigation pivots located within the N½ of Section 18, T. 25 N., R. 29 E.W.M. This meter data shall be recorded and submitted to the Eastern Regional Office by January 31st of each year.

Easement and Right-of-Way
The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

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.

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 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 for change to Ground Water Certificate No. G3-01323C(B) together with ROE dated 11/28/2011, together with the ROD dated January 10, 2012, 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 , 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.

INVESTIGATOR'S REPORT
Dan Tolleson, Department of Ecology
Water Right Control Number CG3-01352C(B)
Ground Water Certificate No. G3-01352C(B)

DRAFT

BACKGROUND

This report serves as the written findings of fact concerning application for change/transfer to Ground Water Certificate No. G3-01352C(B) together with ROE dated 11/28/2011 and together with the ROD dated January 10, 2012.

EXISTING Water Right Attributes

Water Right Name	Gerald Dormaier
Priority Date	12/16/1963
Place of Use	NW¼ of Section 18, T. 25N., R. 29 E.W.M.

County	Waterbody	Tributary To	WRIA
Grant	Groundwater		42-Grand Coulee

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Irrigation of 55 acres	127.8	GPM	89	4/01	10/31

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Dormaier Well	180793001		25 N.	29 E.	18	N½	47.6667° N	119.2244°W

CFS = Cubic Feet per Second; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum in NAD83/WGS84.

REQUESTED Water Right Attributes

Applicant Name	Isaak Land Inc.
Date of Application	2/13/2015
Place of Use	NW¼ of Section 18, T. 25N., R. 29 E.W.M.

County	Waterbody	Tributary To	WRIA
Grant	Groundwater		42-Grand Coulee

Purpose	Rate	Unit	Acre-feet/yr	Begin Season	End Season
Irrigation of 55 acres	127.8	GPM	89	4/01	10/31

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Dormaier Well	180793001		25 N.	29 E.	18	N½	47.6667° N	119.2244°W
Isaak Well 1	171515000	BTH064	25 N.	28 E.	13	SE¼SE¼	47.6591° N	119.2355°W

CFS = Cubic Feet per Second; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum in NAD83/WGS84.

Legal Requirements for Requested Change

The following is a list of requirements that must be met prior to authorizing the proposed change.

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 Coulee City News-Standard on March 11 and 18, 2015. No protests were received regarding this notice.

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.

Water Resources Statutes and Case Law

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.

The Washington Supreme Court has held that Ecology, when processing an application for change to a water right, 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.*

RCW 90.44.100 allows Ecology to amend a ground water permit to (1) allow the user to construct a replacement or additional well at a new location outside of the location of the original well, or to (2) change the manner or place of use of the water, if:

(a) The additional or replacement well taps the same body of public ground water as the original well. RCW 90.44.100(2)(a),

(b) Where a replacement well is approved, the user must discontinue use of the original well and properly decommission the original well. RCW 90.44.100(2)(b),
(c) Where an additional well is constructed, the user may continue to use the original well, but the combined total withdrawal from all wells shall not enlarge the right conveyed by the original permit or certificate. RCW 90.44.100(2)(c),
(d) Other existing rights shall not be impaired. RCW 90.44.100(2)(d).

When changing or adding points of withdrawal to groundwater rights (RCW 90.44.100), or when consolidating exempt wells with an existing permit or certificate (RCW 90.44.105), the wells must draw from the *same body of public groundwater*. Indicators that wells tap the *same body of public groundwater* include:

(a) Hydraulic connectivity.
(b) Common recharge (catchment) area.
(c) Common flow regime.
(d) Geologic materials that allow for storage and flow, with recognizable boundaries or effective barriers to flow.

INVESTIGATION

In considering the proposed application, the investigation included, but was not limited to, research and review of: (1) appropriate rules and statutes; (2) other water rights, permits and claims; (3) USGS topographic maps, and aerial photographs; (4) authorized and proposed points of withdrawal; (5) authorized place of use; (6) Hydrogeologic Analysis: Coulee City dated October 3, 2012; and (7) discussions with Department of Ecology regional program staff.

A field investigation of this site was conducted by Dan Tolleson on June 5, 2007. Air photographs were reviewed to verify any changes to this site. This site is approximately 2 miles east of Banks Lake and 5 miles northeasterly of Coulee City, Washington. This project lies within the study area referred to as the *Wilson Creek – Coulee City Area*.

The authorized place of use is approximately 160 acres of land lying about a half mile north of US 2 within the NW¼ Sections 18. The terrain of this project is relatively flat and generally slopes to the south. Currently, one full sweep quarter section irrigation pivot is located within the place of use. The land outside of the irrigation pivots is generally undeveloped.

The authorized point of withdrawal, referred to as the Dormaier Well is located in the center of the N½ of Section 18, between the sweeps of the irrigation pivots. The system currently has a 150 horsepower turbine pump, with a 50 horsepower centrifugal booster pump and a flow meter.

The proposed point of withdrawal, referred as Isaak Well 1 or "Pump on 6", is located in the SE¼SE¼ of Section 13, T. 25 N., R 28 E.W.M., just to the northeast of an irrigation pivot. This well is currently used as a production well for various other water rights within the area of this project. The system has a single flow meter to record all production. Since this source is used for multiple rights and the irrigation within Section 18 is effectively a separate system, an additional flow meter is required. This meter must be located on the mainline between proposed well (Isaak Well 1) and irrigation pivots located within Section 18.

History of Water Use

Ground Water Certificate No. G3-01352 was issued in 1963 in an area now referred to as the "*Wilson Creek – Coulee City Area*" study area. In 2011, a change application was submitted to the Grant County Conservancy Board and approved, which resulted in a Report of Examination (ROE) received 11/28/2011. A modified Record of Decision (ROD) was issued on January 10, 2012, by the Department of Ecology. This authorized a change in place of use and additional points of withdrawal. In addition, the water right was divided into A, B, and C portions with different owners. The B portion of this right, which is the part proposed for change under this application, was issued to Gerald Dormaier. Isaak Land Company currently has a lease with Mr. Dormaier to farm under this water right. A seasonal change, that is identical to this requested permanent change, was approved for the 2015 irrigation season.

In accordance with Policy POL-1120, if a tentative determination has been performed on a water right in the last five years, then only a simplified tentative determination is required for a new change application. A complete determination of historical use and development was done, for this right, in the ROE issued by the Grant County Conservancy Board in November of 2011. The B portion of this was right issued to Gerald Dormaier for 127.8 gallons per minute, 89 acre-feet for the irrigation of 55 acres. The 55 acres of water right has been used for irrigation to complete the sweep of the existing irrigation pivot within the NE¼ of Section 18. According to aerial photographs, 255 acres are now irrigated under Ground Water Certificates 2434-A and G3-01352C(B), together with ROE dated 11/28/2011, together with the ROD dated January 10, 2012.

The proposed well (Isaak Well 1) can produce significantly more water than is authorized under this right, and thus it is used as a source for multiple rights. Because this well supplies multiple water rights, water withdrawals will need to be coordinated so as not to exceed the quantities authorized under each right. The proposed well is an authorized source for the following ground water rights: G3-21395C, G3-26329C, 2346-A, 2561-A, 6336-A with Certificate of Change 3p361, 6898-A with Certificate of Change 3p356 and 7094-A.

Proposed Use

The applicant proposes to add an additional well for a total of two points of withdrawal. The proposed well is only intended to be a backup supply to the original well should it fail to produce sufficient water.

Well Tags

WAC 173-160 contains requirements for well drillers, system operators and/or owners to tag new and existing wells with identification tags supplied by Ecology. The well identification program creates a standard system to identify all newly constructed or existing wells, so that property owners and various agencies can readily share well data. In addition, Ecology field staff use the well tag to identify the well. Accordingly, this decision contains provisions requiring each well to be tagged with a unique identification number.

Other Rights Appurtenant to the Place of Use

A review of Ecology records was conducted for existing water rights, permits, and claims in the area of the project. The search focused primarily on Section 18 of T. 25 N., R. 29 E.W.M. The review shows

multiple water right certificates and water right claims within the vicinity of the project. One water right certificate and one claim are appurtenant to the place of use, which are as follows:

Water Right Claim No. 136952 claims stockwater on a short form within the NW¼ of Sec. 18 of T. 25 N., R. 29 E.W.M. It appears that this claim is not in use.

Ground Water Certificate No. 2434-A, authorizes 750 gallons per minute, 600 acre-feet per year for the irrigation of 200 acres, within the N½ of Sec. 18, T. 25 N., R. 29 E.W.M. This right is additive to Ground Water Certificate No. G3-01352C(B).

Summary of Water Rights

Water right	Qi	Qa	Acres
Certificate No. 2434-A	750	600	200
That portion of G3-01352C(B), together with ROE dated 11/28/2011, together with the ROD dated January 10, 2012	127.8	89	55
Total	877.8	689	255

(The extent and validity of the above listed rights are not determined in this report)

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. Any amendment shall be issued by the Department of Ecology (Ecology) only under the conditions that (1) an 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) all existing water rights shall not be impaired. Ecology may specify an approved manner of well construction and shall require a showing of compliance with the provisions of the amendment.

The following hydrogeologic analysis was written by Tracy Band, Hydrogeologist, and was reviewed by Guy J. Gregory, R.G., L.G., L.Hg, Technical Unit Supervisor of the Water Resources Program, Ecology's Eastern Regional office.

The proposed change to add a point of withdrawal as a backup well is located in a large ground water reservoir occurring in a thick series of basalt flows known as the Columbia River Basalt Group. The thicknesses of the basalts vary from a few hundred feet at the Spokane River to over 10,000 feet in the Pasco Basin. The wells associated with this change application are all producing water from the same aquifer system and as such, they are all producing water from the same body of public groundwater.

The existing well being considered for this change is located within T. 25 N., R. 29 E., in the center of the N½ of Section 18. The proposed added point of withdrawal is within T. 25 N., R. 28 E., within the SE¼SE¼ of Section 13. The proposed well site is located less than 2 miles southwest of the existing well.

The existing well is located within the center of the N½ of Section 18, T. 25 N., R. 29 E.W.M. It was constructed in 1953 and deepened in 1982. The well has been used for irrigation purposes and is now 594 feet deep. It is drilled through top soil, sand, clay, gravels, and then into basalt. It penetrates the Wanapum Basalt and the Vantage Interbed, and is completed in the Grande Ronde Basalt Group. The well has 115 feet of casing with an unknown amount of surface seal, and yielded 750 gpm when originally constructed. The static water level in the well was 185 feet below land surface at the time it was deepened.

The proposed well is located in SE¼SE¼ of Section 13, T. 25 N., R. 28 E.W.M. It was constructed in 2014. The well has been used for irrigation purposes and is 1,365 feet deep. It is drilled through sand, gravel, and clay layers and then into basalt. It penetrates the Wanapum Basalt and the Vantage Interbed, and is completed in the Grande Ronde Basalt Group. The well has 615 feet of casing and surface seal and yielded 3,000 gpm at the time of drilling. The static water level in the well was 284 feet below land surface.

Impairment Considerations

"Impair" or "impairment" means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection, not including earlier filed applications , 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, 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).

The proposed change to add a point of withdrawal will not enlarge the quantity of water historically authorized, nor will it impair existing rights or be detrimental to the public welfare. The proposed well is only intended to be used as a backup well if the original well fails to produce sufficient water. Both wells are completed in to the Grande Ronde Basalt Aquifer. There has been documented history of groundwater level declines and of pumping interference problems between existing wells in this area. It is not anticipated that the proposed change would cause any impairment to existing water rights. In the unforeseen event that the new well causes impairment to existing rights, it will be treated as a junior appropriator and regulated accordingly.

Public Interest Considerations

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

Conclusions

In accordance with Chapters 90.03 and 90.44, approval of this application to add one point of withdrawal as granted under Ground Water Certificate No. G3-01323C(B) together with ROE dated

11/28/2011, together with the ROD dated January 10, 2012, 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. This authorization does not increase in any way the original amounts authorized.

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 listed above

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:

127.8 gallons per minute
89 acre-feet per year
Irrigation of 55 acres from 4/1 – 10/31

Points of Withdrawal

Dormaier Well – N½ of Section 18, T. 25 N., R. 29 E.W.M.
Isaak Well 1 (Pump on 6) – SE¼SE¼ of Section 13, T. 25 N., R. 28 E.W.M.

Place of Use

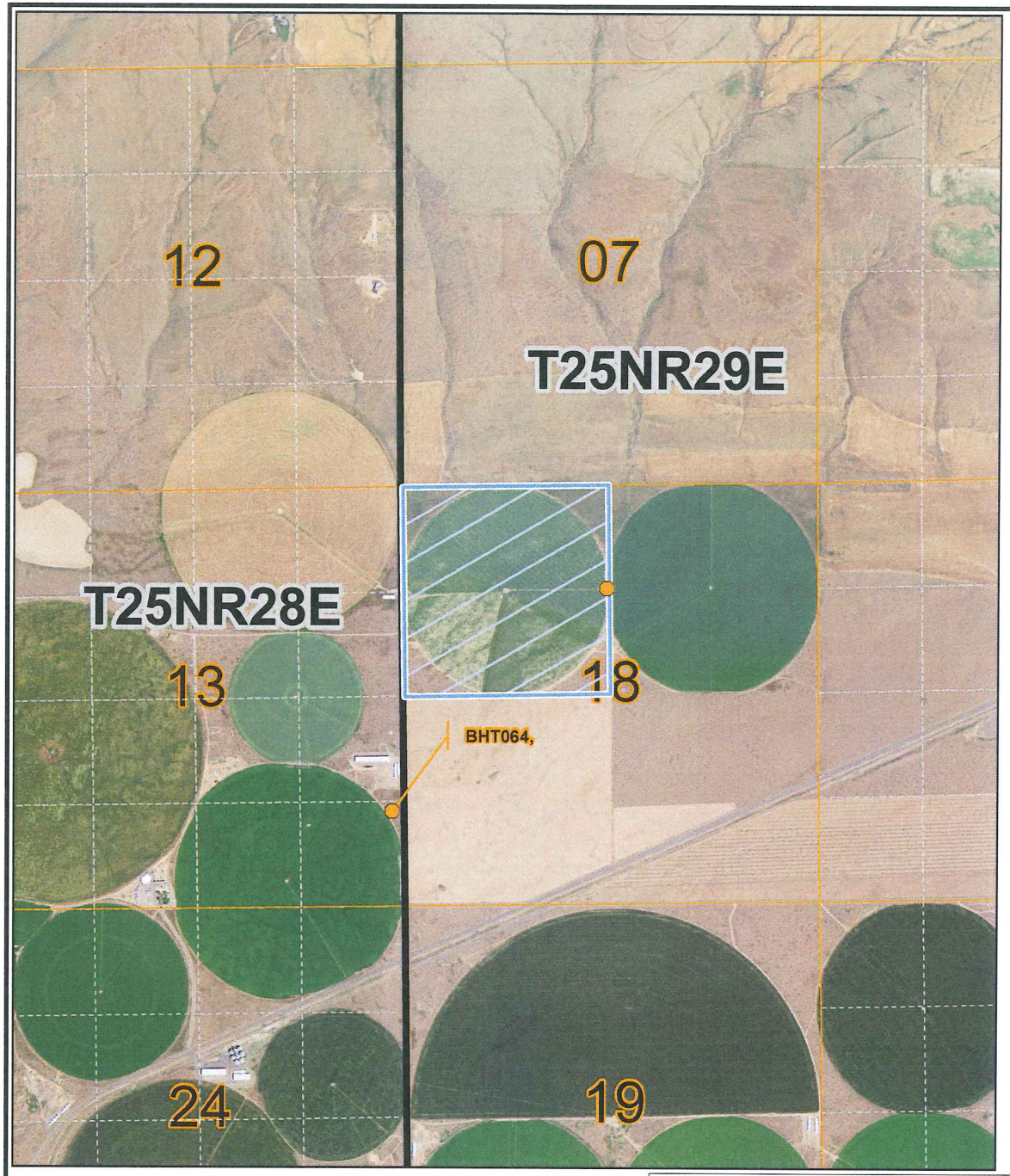
As described on Page 1 of this Report of Examination.

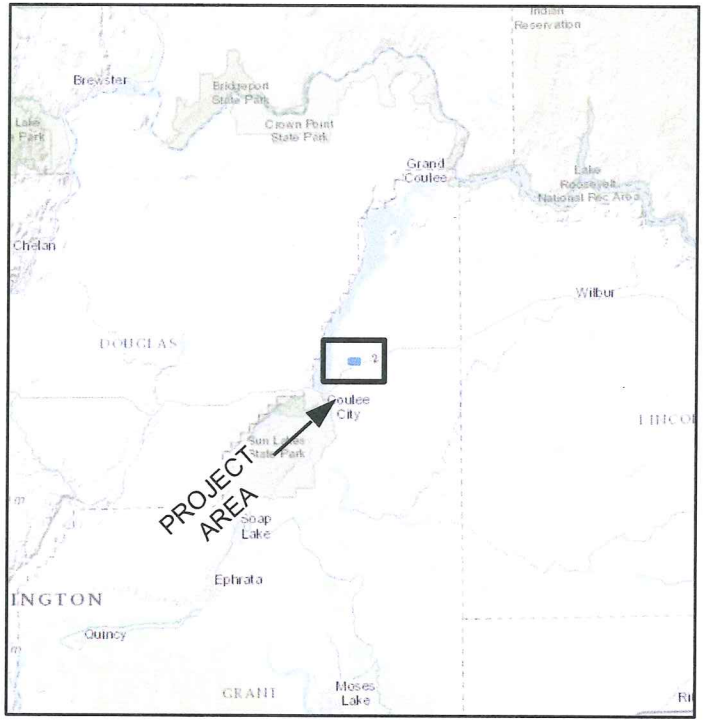
Dan Tolleson, Report Writer *Date*

cc: Gerald Dormaier
PO Box 86
Hartline, Washington 99135

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.

Isaak Land Inc.
G3-01352(B), together with ROE dated 11/28/2011,
together with the ROD dated January 10, 2012
T25N/R28E, T25N/R29E





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
0 660 1,320 2,640
Basemap - (NAIP 2013 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 8/25/2015

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