



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION

PRIORITY DATE	APPLICATION NO.	PERMIT NO.	CERTIFICATE NO.
December 1, 1952	2839	3092	2567-A w/chg 1-3-176

NAME Warden Hutterian Brethren		
ADDRESS/STREET	CITY/STATE	ZIP CODE
1054 West Harder Road	Warden, WA	98857

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
2 wells
TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND (cfs)	MAXIMUM GALLONS PER MINUTE (gpm)	MAXIMUM ACRE FEET PER YEAR (ac-ft/yr)
	1200	300

QUANTITY, TYPE OF USE, PERIOD OF USE
1200 gallons per minute, 300 acre-feet per year: 22.5 acre-feet for continuous group domestic supply, industrial uses, and, 15 acre-feet for non-agricultural irrigation of 6 acres of lawn, 262.5 acre-feet for agricultural irrigation of 105 acres from February 1-November 30

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL					
2450 feet east and 350 feet north of the SW corner of Section 8, T. 18 N., R. 31 E.W.M.					
2100 feet east and 20 feet north of the SW corner of Section 8, T. 18 N., R. 31 E.W.M.					
LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY
SE¼SW¼	8	18 N.	31 E.W.M.	41	Adams
PARCEL NUMBER	LATITUDE	LONGITUDE		DATUM	

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

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.]

S½S½ of Section 8, T. 18 N., R. 31 E.W.M.
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DESCRIPTION OF PROPOSED WORKS

Two wells, group domestic supply, industrial uses distribution system, pivots, hand lines and solid set
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DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	WATER PUT TO FULL USE BY THIS DATE
started	complete	May 1, 2012

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PROVISIONS

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All wells constructed 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".

All pump test data for the well(s) shall be submitted to the Department as it is obtained.

Installation and maintenance of an access port as described in chapter 173-160 WAC is required.

**"WAC 173-130A-170 Casing and Sealing.** In order to protect existing shallow domestic and stock water wells, and springs, casing and sealing requirements will be determined on a case-by-case basis and included as a provision on all new permits issued. New permits will also be conditioned to prohibit cascading water in wells in accordance with chapter 173-160 WAC (Minimum standards for construction and maintenance of water wells). Sealing of required casing shall consist of filling the annular space between casing and well bore with cement grout placed by pumping from the bottom of the casing to land surface. Alternative methods to provide the same protection afforded by casing and sealing may be submitted to the department for review and shall only be used if approved in writing by the department prior to well completion."

**"WAC 173-130A-180 Reworking Wells.** Any well which is reworked shall be constructed to comply with the casing and sealing provisions of WAC 173-130A-170. Reworking shall include, but not limited to, reaming to enlarge well diameter or deepening."

"Should the two wells be reconstructed or modified, or replacement wells constructed for this water right, they will be required to be properly constructed in accordance with the well drilling statutes (RCW 18.104 and WAC 173-160). WAC 173-130A-170 Casing and Sealing, allows the determination of casing and sealing requirements on a case-by-case basis in order to protect existing shallow domestic and stock water wells, and springs. If the wells are reworked or deepened and their total depth exceeds 700 feet below land surface, then casing requirements for the wells at this site shall be 700 feet of casing to construct the wells into the Grande Ronde aquifer. Sealing shall be placed from the bottom of the wells to the top until undiluted seal material returns to the surface through the annular space. After casings are sealed in place, the wells may be completed by drilling out the casings until sufficient water is obtained. If at any time in the future, these wells are reworked or reconstructed, the wells shall be video scanned to determine actual construction. If the wells are constructed into the Wanapum aquifer, then replacement wells may remain in the aquifer.

**"WAC 173-130A-140 Airlines.** An airline and pressure gauge **shall be installed** and maintained in operating condition on all new or reworked wells and equipped with a standard tire valve, placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls. The total length of the airline and any changes in length shall be reported to the Department of Ecology, Water Resources Program, Eastern Regional Office, N. 4601 Monroe, Spokane, Washington 99205-1295. Access shall be granted for annual water level measurements from these wells.

An approved measuring device shall 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", 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 promptly submitted to Ecology upon request.

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.

In accordance with chapter 173-160 WAC, wells shall not be located within certain minimum distances of potential sources of contamination. These minimum distances shall comply with local health regulations, as appropriate. In general, wells shall be located at least 100 feet from potential sources of contamination. Wells shall not be located within 1,000 feet of the boundary of a solid waste landfill.

If the criteria in RCW 90.03.386(2) are not met and a Water System Plan/Small Water System Management Program was approved after September 9, 2003, the place of use of this water right reverts to the service area described in that document. If the criteria in RCW 90.03.386(2) are not met and no Water System Plan/Small Water System Management Program has been approved after September 9, 2003, the place of use reverts to the last place of use described by Ecology in a water right authorization.

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project

at Eastern Drinking Water Operations, 16201 East Indiana Avenue, Suite #1500, Spokane Valley, Washington 99216, (509) 329-2106.

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.

The water right holder shall 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 superseding document. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

“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. Such limitation does not apply to water used for domestic supply.”

Certificate of Change 1-3-176 issued March 31, 1977 is superseded by this document and considered null and void.

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### FINDINGS OF FACT AND ORDER

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Upon reviewing the investigator’s report, I find all facts relevant and material to the subject application have been thoroughly investigated. Furthermore, I find the change of water right as recommended will not be detrimental to existing rights.

Therefore, I ORDER approval of the recommended change to add a well, change a portion and place of use and purpose of use under Ground Water Certificate 2567-A together with chg 1-3-176 subject to existing rights and the provisions listed above.

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:

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

OR

Deliver your appeal in person to:

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:

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

OR

Deliver your appeal in person to:

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

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**INVESTIGATOR'S REPORT**

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**BACKGROUND**

An application for change/transfer was submitted by Jake Wollman for the Warden Hutterian Brethren (WHB) to the Department of Ecology on February 9, 2006. The application was modified April 21, 2006. The applicant proposes to change one point of withdrawal, add a point of withdrawal, and change portions of the purpose of use and place of use.

A notice of application was duly published in accordance with RCW 90.03.280 in the Othello Outlook on May 11, and 18, 2006 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 because the withdrawal is less than 2250 gallons per minute.

Ground Water Certificate No. 2567-A together with change 1-3-176 authorized a use of 1200 gallons per minute, 480 acre-feet per year for the seasonal irrigation of 120 acres.

**Table 1** Summary of Proposed Changes to Water Right Certificate 2567-A w/chg 1-3-176

<i>Attributes</i>	<i>Existing</i>	<i>Proposed</i>
Name	WHB	WHB
Instantaneous Quantity	1200	1200
Annual Quantity	480	480
Source	A well	2 wells
Point of Diversion/Withdrawal	SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8	SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8
Purpose of Use	irrigation	Irrigation and municipal supply
Period of Use	seasonal	Seasonal and continuous
Place of Use	S $\frac{1}{2}$ S $\frac{1}{2}$ Section 8, Section 17 less that part thereof lying within the loop formed by the east low irrigation canal; All within T. 18 N., R. 31 E.W.M., Adams County	S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 8, T. 18 N., R. 31 E.W.M.

When the application was filed with Ecology, RCW 90.03.015, defining municipal purposes was in effect as enacted by the Legislature. On June 11, the King County Superior Court struck three sections of the 2003 Municipal Water Law, declaring three sections of the law unconstitutional including the definitions under RCW 90.03.015. (The law, the legal challenges, related briefs, and the Court's decision are on the Municipal Water section of the Water Resources website: [Water Right Information - Municipal Water Law](#).)

The proposed uses identified in this application will be addressed as group domestic supply and industrial uses instead of municipal supply.

For new water rights issued to private water systems, we will describe the purpose of use on water right documents as being for "community domestic", multiple domestic", or "group domestic" purposes.

## INVESTIGATION

A field investigation of the subject change request was completed May 30, 2007. Eli Wollman and Paul Wollman were present. Two wells are constructed as identified and serving water to the property. The water use under this certificate was described as primarily serving only the S $\frac{1}{2}$ S $\frac{1}{2}$  of Section 8. There is currently a large shop, multiple living facilities for the WHB, stock water for cows, sheep, ducks and other farm animals, irrigation of the lawns around the facilities and agricultural irrigation.

The facility (group domestic and industrial uses) has been constructed and is operating without authorization of permit. Two claims were filed during the claims registration act and will be discussed later in the report. The water right certificates of the farm have all been representative of the irrigation demand and not the group domestic use associated with the domestic and industrial facilities. The applicant confirmed approximately 22 acre-feet per year are supplied for group domestic and industrial use. The proposed transfer should provide a sufficient quantity of water to cover the current group domestic and industrial uses.

The agricultural irrigation systems are pivots with end guns, handlines and solid set systems.

### Proposed Use

The WHB have proposed to take 15 acres of irrigation out of production and change the purpose of use to group domestic and industrial supply. The proposed lands were identified as a portion of a small pivot located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  consisting of approximately 9 acres. This is proposed as a future site of a lagoon. A small field, approximately 5 $\frac{1}{2}$  acres in size located in the S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 17 was converted to buildings in 2005.

### Existing rights

To evaluate the change proposal the water rights associated with the farm were reviewed. Three water right certificates and two claims are appurtenant to the property.

Certificate G3-01520C issued to the DNR and the WHB. This certificate authorized a well in Section 16 for 2000 gallons per minute, 2580 acre-feet per year for irrigation of 645 acres. The authorized place of use included Section 16, and that portion of Section 17 lying east of the canal and the S $\frac{1}{2}$ S $\frac{1}{2}$  of Section 8. Review of the water right includes a provision indicating the right is limited to Section 16 unless the permittee advises the department. The department is to be notified of the specific number of acres to be rotated and irrigated on Section 17 and Section 8 and the notice is to be received before March of each year. Since issuance of the Certificate in 1975, no record of transfers requests were found to have been received from the DNR. Therefore the right has been limited to Section 16 only. The WHB continue to farm DNR property within Section 16 with 4 large pivots and one small center pivot of approximately 553 acres. The corner areas are not and have not been irrigated for a period exceeding five years and subject to relinquishment.

The second water right, Certificate G3-01541C, issued to the WHB. This certificate authorizes a well in Section 20 for 2000 gallons per minute, 2640 acre-feet per year for the irrigation of 660 acres. The authorized place of use included specifically 295 acres within the N $\frac{1}{2}$  of Section 20, Section 17 lying east of the canal, and the S $\frac{1}{2}$ S $\frac{1}{2}$  of Section 8. The water right contains a provision that the right is supplemental in part to permit 7906 (Certificate G3-01520C) and the total annual amount authorized shall not exceed 2640 acre-feet per year for the irrigation of 660 acres. It appears the provision expressed that if any portion of Certificate G3-01520C was used on Section 8 or 17, Certificate G3-01541C was not additive to the existing right. Certificate G3-01541C was confirmed in July 1979. The WHB have continued to farm approximately 295 acres in the N $\frac{1}{2}$  of Section 20, leaving approximately 365 acres authorized in Section 17 and in the S $\frac{1}{2}$ S $\frac{1}{2}$  of Section 8.

The third right reviewed is Certificate 2567-A. This right was transferred to this property under Certificate of Change 1-3-176 in March of 1977. This certificate authorized a well in Section 8 for the use of 1200 gallons per minute, 480 acre-feet per year for irrigation of 120 acres. The authorized place of use includes the S $\frac{1}{2}$ S $\frac{1}{2}$  of Section 8 and Section 17 lying east of the canal. The WHB have continued to farm approximately 400 acres in Section 17 and 127 acres in the S $\frac{1}{2}$ S $\frac{1}{2}$  of Section 8.

Currently there are approximately 295 acres irrigated in Section 20, 404 acres irrigated in Section 17 and 127 acres irrigated in Section 8. It appears the farm is irrigating approximately 45 acres in excess of the authorized number of acres under all of the rights. This was discussed with the applicant and they agreed they will take steps necessary to reduce their irrigated acres.

The applicant agreed the primary use of the irrigation of Certificate 2567-A lies in the S $\frac{1}{2}$ S $\frac{1}{2}$  of Section 8 and any future superseding document will be reduced to this smaller legal description. With the 120 acres identified in Section 8, the proposed reduction of 5 $\frac{1}{2}$  acres in Section 17 is not addressed.

Two Water Right Claims were submitted during the claim registration period and are described as follows:

Ground Water Claim No. 009425 claimed a use of 22 gallons per minute 35 acre-feet per year for domestic supply and a spud shed. The date of first use was described as June 1971. The well was located within Section 17 and the place of use is described as Section 17, T. 18 N., R. 31 E.W.M.

Ground Water Claim 009246 claimed a use of 80 gallons per minute, 128 acre-feet per year for domestic supply. The date of first use is described as February 1, 1972. The well location and place of use is described as the S½S½ of Section 8, T. 18 N., R. 31 E.W.M.

According to the applicant, these claimed wells were constructed in 1971 and 1972 although a record of the original well is unavailable. Since the wells and use did not begin prior to June of 1945, it appears these claims do not represent valid water rights in excess of any amount available under the Ground Water Exemption, RCW 90.44.050.

The Department of Ecology recognizes that the final determination of the validity and extent associated with a claim registered in accordance with RCW 90.14 ultimately lies with the Superior Court through the general adjudication process provided for by Sections 90.03.110 through 90.03.240 RCW.

**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 2567-A w/chg 1-3-176 authorizes a use of 1200 gallons per minute, 480 acre-feet per year for the irrigation of 120 acres. The WHB provided crop records for the 15 acres proposed for transfer. The lands subject to change under Certificate 2567-A are identified in Section 8. The crop types analyzed were from the pivot in Section 8. These lands are primarily rotation cropped lands and the quantities submitted are typical uses associated with the 120 acres of agricultural irrigation.

YEAR	CROP	ACRE-INCHES	ACRE-FEET	2 HIGH YEARS
2007	Spring Wheat	23.7	1.97	
2006	Seed Corn	26.9	2.24	*
2005	Wheat	20.5	1.70	
2004	Potato	31.5	2.62	*
2003	Wheat	20.4	1.7	

In addition to the extent and validity determination, RCW 90.03.380 states, “A change in the place of use, point of diversion, and/or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if such change results in no increase in the annual consumptive quantity of water used under the water right.” For purposes of this section, “annual consumptive quantity” means the estimated or actual annual amount of water diverted pursuant to the water right, reduced by the estimated annual amount of return flows, averaged over the two years of greatest use within the most recent five-year period of continuous beneficial use of the water right.

The most recent five years of beneficial use would be the last 60 months of use prior to this investigation, 2003 through 2007. The consumptive use is based on the acre-inches provided by the applicant. The two high years, 2006 and 2004 applied an average of 2.43 acre-feet per year. The applied quantity is consistent with the Odessa Subarea WAC 173-130A-150 which states, the duty of water issued in permits for agricultural irrigation shall be not more than 2.5 acre-feet per acre per calendar year. This quantity was discussed with the applicant and he confirmed he needed no more than 2.5 acre-feet per acre.

Based on this applied water use, 9 acres of agricultural irrigation at 2.5 acre-feet per acre would provide 22.5 acre-feet of water for group domestic and industrial use.

This proposed change would provide the following annual quantities:

- 22.5 acre-feet per year for continuous group domestic and industrial supply
- 15 acre-feet for irrigation of 6 acres of non-agricultural irrigation
- 262.5 acre-feet for 105 acres of agricultural irrigation

## Hydrogeologic Analysis

Applications for change/transfer 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. The relatively flat-lying land surface slopes in a southwesterly direction and is locally dissected by coulees.

Basalt aquifers of the Odessa Sub-area are part of a large ground water reservoir occurring in a thick series of basalt flows known as the Columbia River Basalt Group. The thickness of this series of flows varies 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.

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

Two well logs are on file and constructed within the S½S½ of Section 8. One eight-inch diameter well was constructed in 1982 to a depth of 825 feet. The well was reconstructed in 1998. The reconstruction log indicates that the well was reamed to ten inches and deepened to 833 feet. This well was cased and sealed to a depth of 560 feet. The static water level was reported at 428 feet below land surface in October of 1998.

The second well was constructed in 1995. It is a 16 inch well completed to a depth of 1734 feet. The log indicates a surface seal to 29 feet. The log does not describe any casing nor does it list a static water level at the time of drilling.

The existing wells, as constructed, are likely completed into both the Wanapum aquifer and the Grande Ronde aquifer. Should the applicant reconstruct or modify any of these wells, or drill replacement wells for these existing wells, they are required to case the wells into the Grande Ronde Formation to protect the shallow aquifer. The new wells must be properly constructed in accordance with the well drilling statutes (RCW 18.104 and WAC 173-160).

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.

The altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238, Sheet Three) for a well in Section 08, T. 18 N., R. 31 E.W.M. is approximately 860 feet above sea level (ASL). With a land surface elevation of 1360 feet ASL, this puts the top of the Grande Ronde at 500' below land surface. The casing call for a well at this site would be 700' of casing.

To properly construct a well at this location, it would be required to case and seal to a minimum depth of 700 feet below ground surface to allow for production from the Grande Ronde aquifer. The annular space shall 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. More casing than specified may be necessary in this well should interaquifer transfer occur after casing and sealing is set.

The department can modify the specified casing depth upon review of information that leads the Department to the conclusion that the hydrologic break occurs higher or lower in the well. This information is usually obtained through a carefully run video scan of the well, prior to placement of casing.

Sealing shall be placed from the bottom of the well to the top until undiluted sealing material returns to the surface.

Adequate annular space also needs to be maintained for proper sealing of the well and for proper pump sizing. It is important to start out with and maintain a large enough well diameter to accommodate future reworking of wells. Ecology recommends discussing this with your well contractor prior to beginning work on your well.

To avoid any misunderstandings or problems, prior to any construction of a new well or reconstruction of an existing well, you may send a copy of the plans for construction or reconstruction to the Department for written concurrence with said plans. Ecology requires a video scan of these wells prior to and/or after the installation of

casing. The Driller is to keep the Department informed of the drilling progress. No pump may be installed until any required video scans have been completed and then reviewed by the Department.

An airline measuring device will be installed pursuant to WAC 173-130A-140. Additionally, WAC 173-160-291(3) and your water right certificate require the well be equipped with an access port. The length of the airline needs to be reported to the Department of Ecology, Water Resources Program, Eastern Regional Office, N. 4601 Monroe, Spokane, Washington 99205-1295.

### **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.

WAC 173-130A-120 was established to protect the ground water mound and irrigation of the Columbia Basin Project Lands. This section confirms “all applications for permit within the following described area will be evaluated on a case by case basis consistent with this chapter. Additionally, the potential effects of the proposed appropriations on existing rights including protection of the ground water mound will be determined.” The subject application is within the described area.

The proposed change to change a point of withdrawal and purpose of use will not enlarge the quantity of water currently withdrawn from the aquifer(s). Both wells have been in place and operating for many years. There is a documented decline of 3 to 5 feet per year in this area of the Odessa Subarea. However, there has been no documented history of pumping interference problems between existing wells in this area, and it is not anticipated that the proposed change would cause impairment to existing water rights.

### **CONCLUSIONS**

There is a water right available for change/transfer under Ground Water Certificate No. 2567-A. Ground water has been historically and beneficially used under this certificate for the purpose of 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 beneficially used under this certificate.

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 historically put to beneficial use would be authorized through approval of this change.

Same Source of Water:

The ground water to be withdrawn is supplied by the same body of public water.

### **RECOMMENDATIONS**

Based on the above investigation and conclusions, I recommend that the request for change to add a well, and change a portion of the purpose of use be approved in the amounts and within the limitations listed below and subject to the provisions beginning on Page 2.

#### **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:

- 1200 gpm
- 300 acre-feet per year: 22.5 acre-feet for continuous group domestic supply, industrial use, 15 acre-feet for non-agricultural irrigation of 6 acres of lawn, 262.5 acre-feet for agricultural irrigation of 105 acres of agricultural use from February 1-November 31,
- Group domestic and industrial supply and irrigation

**Point of Withdrawal**

2450 feet east and 350 feet north of the SW corner of Section 8, T. 18 N., R. 31 E.W.M.  
 2100 feet east and 20 feet north of the SW corner of Section 8, T. 18 N., R. 31 E.W.M.

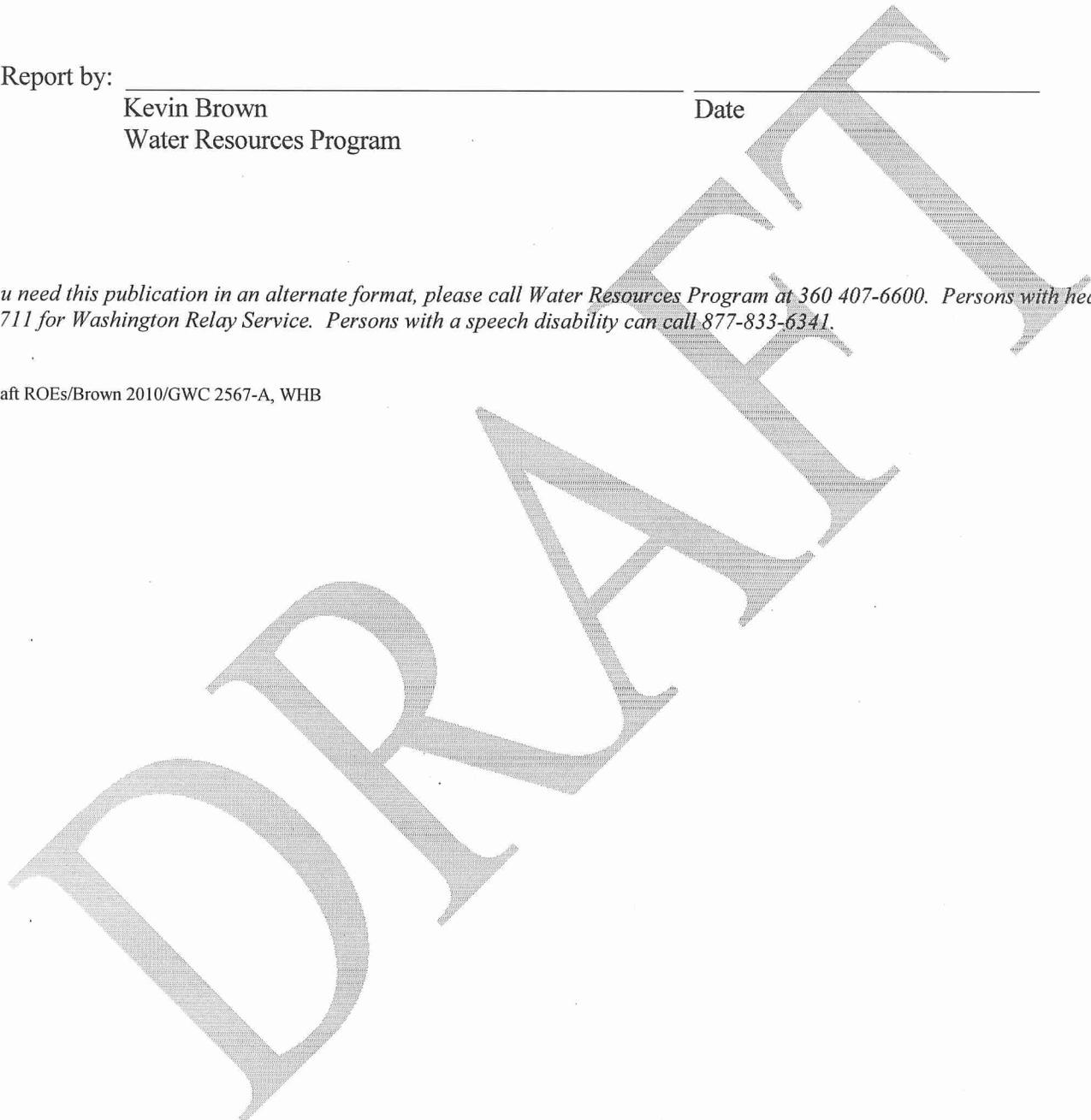
**Place of Use**

S½S½ of Section 8, T. 18 N., R. 31 E.W.M.

Report by: \_\_\_\_\_ Date \_\_\_\_\_  
 Kevin Brown  
 Water Resources Program

*If you need this publication in an alternate format, please call 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.*

W/Draft ROEs/Brown 2010/GWC 2567-A, WHB



# Attachment 1

