



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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June 17, 2010

Kulwinder Singh & Gurjit Kaur Bassi  
& Bhupinder Singh & Rachhpal Kaur  
648 Kirkview Place  
Bellingham WA 98226-5524

Dear Applicants:

**Re: APPROVED Protested Seasonal Change Authorization for Ground Water  
Certificate 3865, Whatcom County, Water Resources Inventory Area 1**

BACKGROUND INFORMATION

The Department of Ecology (Ecology) received your application for a seasonal change of Ground Water Certificate (GWC) 3865 on March 22, 2010. You requested a change in the point of withdrawal and the place of use. You did not request to change the purpose of use or the period of use.

GWC 3865 was originally issued to Herman Crape with a priority date of September 23, 1959. It authorizes the withdrawal of up to 350 gallons per minute, 70 acre-feet per year, from an infiltration trench, for the irrigation of 35 acres. The authorized point of withdrawal and place of use is within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 19, Township 38 North, Range 5 East.

You requested to seasonally change the point of withdrawal to the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 19, Township 38 North, Range 5 East. You requested to seasonally change the place of use for up to 33 acres (of the certificated 35 acres) of irrigation to:

- The West half of the Southeast quarter of Section 19, Township 38 North, Range 5 East, W.M.; Except that portion lying Southerly and Westerly of a line defined as follows: Beginning at a point 25 feet East of the Northwest corner of the Southeast quarter of said Section 19; thence South 01°23'29" West parallel with the West line of the Southeast quarter a distance of 1,921.98 feet; thence South 88°14'56" East, 1,263.89 feet; thence South 01°44'57" West a distance of 663.16 feet to the South line of the Southeast quarter and the terminus of this line. Except Strand Road lying along the Southerly line thereof.
- The South half of the South 417 feet of the East 417 of the Northeast quarter of the Southeast quarter of Section 19, and the Southeast quarter of the Southeast quarter of Section 19, Township 38 North, Range 5 East, W.M., except beginning at a point 20 feet North and 20 feet West of the Southeast corner of said Section 19; thence West 275 feet; thence North 520 feet; thence East 275 feet; thence South 520 feet to the point of beginning, except Strand road and County Road No. 9.



- The North half of the South 417 feet of the East 417 feet of the Northeast quarter of the Southeast quarter of Section 19, Township 38 North, Range 5 East, W.M., except county Road No. 9.

Approximately 2 acres (parcel # 380519487267) within the original place of use is not subject to this change request (see attached map).

Your application states you are the owners of the proposed place of use and point of withdrawal. The currently certificated place of use (with the exception of parcel # 380519487267) and point of withdrawal are owned by S & V Farms (currently doing business as Alpine Meadows Tree Farm).

Your application packet included aerial photos from 1961, 1975, 1986, 1991, 1995, 2004, and 2008 to substantiate your claim that the original place of use has consistently been used for agricultural purposes.

Documentation in your application packet (and a subsequently received letter) states the original place of use was a working dairy farm. Irrigation equipment serving the property consisted of electric and power take-off (PTO) pumps with hand line aluminum pipe and small sprinklers. Irrigation was needed for grass, hay, silage, and corn production. More recently, S & V Farms rented the property from the Crape Family and raised peas. After purchasing the property in 1982, S & V Farms began to plant varieties of Christmas trees. Currently, a portion of the property is planted in Christmas trees and a portion is planted in grass. The owners of the property claim their water use has been 240 gallons per minute and 23.1 acre-feet per year (0.7 acre-feet per year per acre x 33 acres).

The original (Crape) point of withdrawal (an infiltration trench) is described in Ecology records as being 100 feet long x 50 feet wide x 14 feet deep. It is located within the Quaternary alluvium (Qa) of the Lower South Fork Nooksack River subbasin. The proposed seasonal point of withdrawal is an 8-inch drilled well, completed to 40 feet in depth. During drilling, water was encountered at approximately 9-12 feet. The static water level on the date of completion (March 3, 2008) was 6.5 feet. This well is also located within the Qa deposits of the Lower South Fork Nooksack River subbasin (therefore the same body of public groundwater as the Crape trench). It is located approximately 3000 feet south of the certificated point of withdrawal.

Public notice of your application took place in the Lynden Tribune on April 14 & 21, 2010. In a letter dated May 10, 2010, the Lummi Indian Business Council protested your application due to a concern of potential impacts to instream flows in the South Fork Nooksack River. No other protests were received during the statutory 30-day protest period following your second date of publication.

On May 20, 2010, Buck Smith, Water Resources Program Senior Hydrogeologist, conducted a site examination of your property to confirm the existence of your project. He confirmed the existence of your point of withdrawal and Kulwinder Singh explained to him the proposed beneficial use (drip irrigation of blueberries) to occur within the new (seasonal) place of use.

DEPARTMENT OF ECOLOGY DECISION - INCLUDING TERMS & CONDITIONS

Your request for a seasonal change in point of withdrawal and place of use is hereby APPROVED under the terms and conditions listed below:

- The authorized instantaneous rate and annual volume cannot be exceeded at any time. Pumping from the seasonally authorized point of withdrawal shall not exceed 240 gallons per minute and 23.1 acre-feet per year. You are required to monitor pumping to ensure compliance with this condition.
- An approved measuring device shall be installed and maintained on the seasonally authorized point of withdrawal in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. 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".  
<http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>
- This seasonal change authorization 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 greater use of water than authorized under the existing certificate, 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, then this authorization will be immediately canceled.
- This seasonal change authorization shall be in effect through October 1, 2010 (unless canceled sooner); at which time the subject right will automatically revert back to the original attributes described in GWC 3865.
- 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.
- Ecology assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this seasonal change authorization.
- Ecology staff may field verify this seasonal change at any time for compliance with the terms and conditions of this authorization.

OPPORTUNITY TO APPEAL

You have a right to appeal this decision. 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 Coordinator  
PO Box 47608  
Olympia WA 98504-7608

OR Deliver your appeal in person to:

The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey WA 98503

**3. And send a copy of your appeal to:**

Jacqueline Klug  
Department of Ecology  
Northwest Regional Office  
3190 160<sup>th</sup> Ave SE  
Bellevue WA 98008

*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>.*

Kulwinder Singh & Gurjit Kaur Bassi  
& Bhupinder Singh & Rachhpal Kaur  
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If you have any questions, please contact Buck Smith at 425-649-7147.

Sincerely,



Jacqueline Klug  
Section Manager  
Water Resources Program

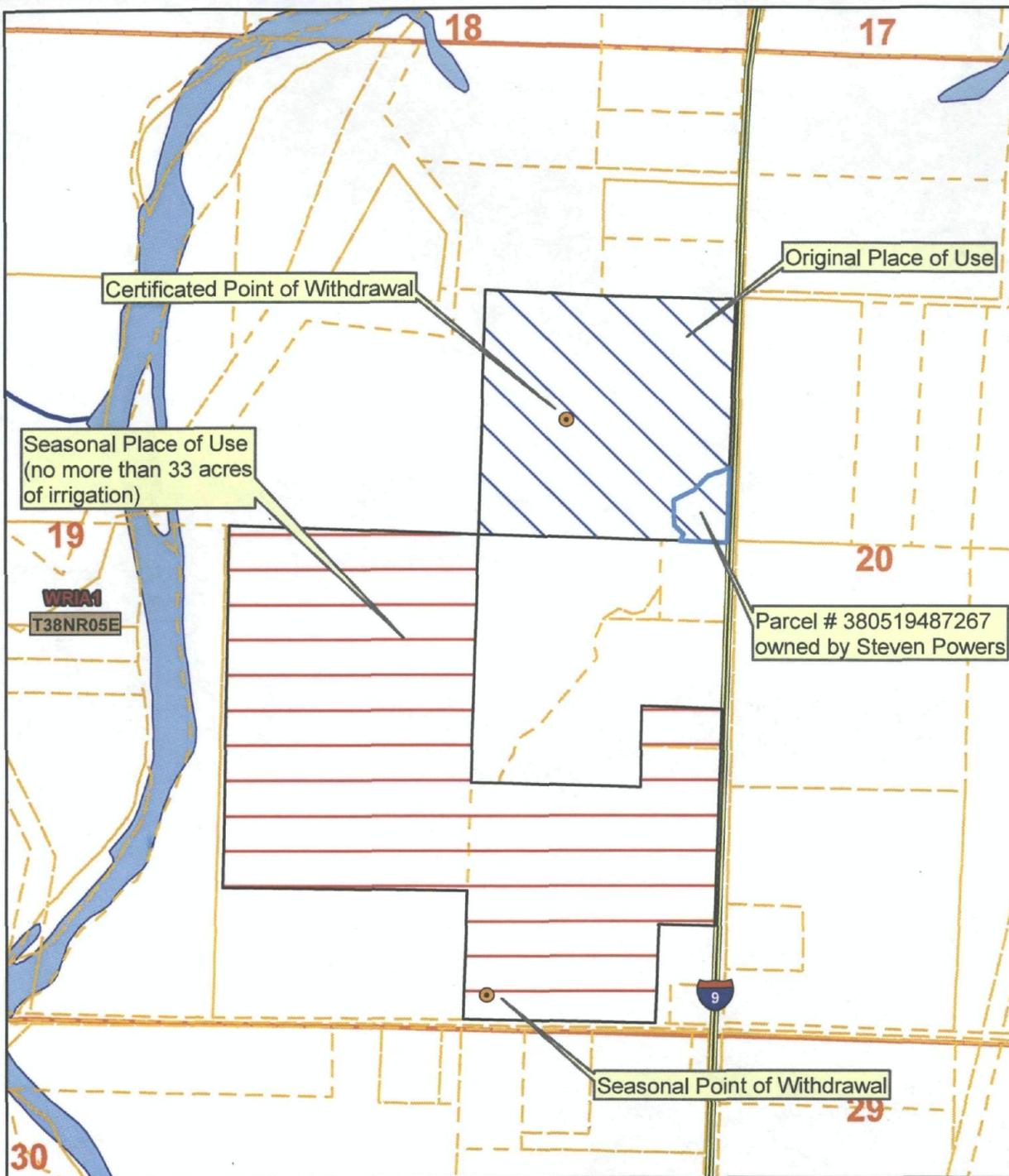
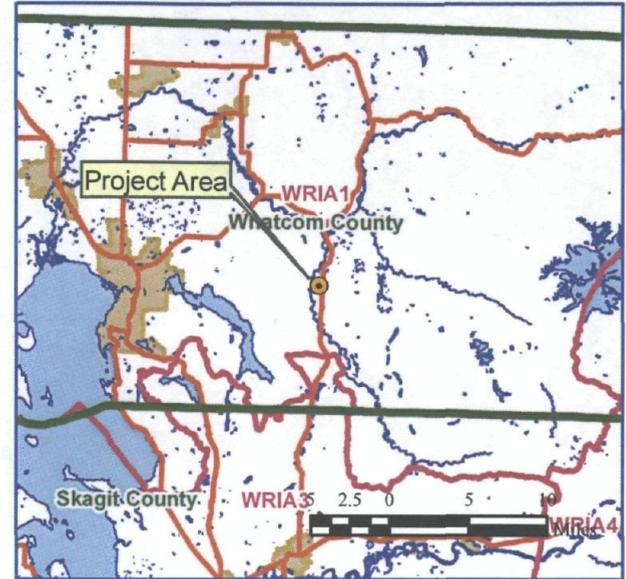
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Attachment (map)  
Enclosure

Certified Mail [7009 2820 0001 7154 6376]

cc: Lesa Starkenburg-Kroontje  
Lummi Indian Business Council

Singh, Kulwinder & Bassi, Gurjit  
 Water Right Number 3865  
 Sec. 19 T 38N R 05E W.M.  
 WRIA 1- Whatcom County



**Legend**

- WRIA
- Highways
- Townships
- Sections
- cities
- Parcels2007
- Major Water Bodies
- Marsh/wetland
- Authorized Point of Withdrawal
- Seasonal Place of Use
- Certificated Place of Use



Place of use and point(s) of diversion/withdrawal are as defined on the cover sheet under the headings, 'LOCATION OF DIVERSION/WITHDRAWAL' and 'LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED.'

