

State of Washington

File NR S1-28730
WR Doc ID 5282102

Report of Examination for Water Right
S1-28730

PRIORITY DATE June 8, 2012	WATER RIGHT NUMBER S1-28730
MAILING ADDRESS Dick Bedlington Farms LLC 8497 Guide Meridian Road Lynden, WA 98264	SITE ADDRESS (IF DIFFERENT) Dick Bedlington Farms LLC properties west of the Nooksack River near the intersection of Slater and Ferndale Roads, Whatcom County

Total Quantity Authorized for Withdrawal or Diversion		
WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
1.336	CFS	131.4

PURPOSE	WITHDRAWAL OR DIVERSION RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Irrigation	1.336		CFS	131.4		5/1 – 9/15

REMARKS

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
120			

Place of Use (See Attached Map)			
PARCELS			
Acres	Parcel Number	TRS	Owner
19.87	380205050285	T38N R02E 05	THE FAST FAMILY TRUST
10.32	380205061512	T38N R02E 05	DICK BEDLINGTON REAL ESTATE LLC
27.34	380205066453	T38N R02E 05	DICK BEDLINGTON REAL ESTATE LLC

35.31	380205117360	T38N R02E 05	THE FAST FAMILY TRUST
45.84	380205121103	T38N R02E 05	KG LLC
55.97	380205163176	T38N R02E 05	DICK G BEDLINGTON REAL ESTATE LLC
25.89	380205235240	T38N R02E 05	DICK G BEDLINGTON REAL ESTATE LLC
4.43	380205246369	T38N R02E 05	THE FAST FAMILY TRUST
28.45	390231240211	T39N R02E 31	BEDLINGTON FARMS LLC
38.09	390231240211	T39N R02E 31	BEDLINGTON FARMS LLC
13.58	390232085068	T39N R02E 32	BEDLINGTON FARMS LLC
14.05	390232086116	T39N R02E 32	DICK BEDLINGTON REAL ESTATE LLC

319.14 Total acreage

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

See attached.

Proposed Works

The applicant requested a diversion of 1.805 cubic feet per second (810 gallons per minute) from any one of three proposed points of diversion located on the west bank of the Nooksack River in Whatcom County. The diversion would be accomplished by use of a portable pump that would be moved between the three proposed points of diversion as necessary to irrigate crops. The crops requiring irrigation are either potatoes or corn and would be rotated between the properties listed as places of use (see attached list) each season. The place of use includes 319.14 acres owned and leased by the applicant.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
January 1, 2015	December 31, 2016	December 31, 2019

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Annually or Upon Request by Ecology
What volume should be reported?	Total Annual Volume
What rate should be reported?	Rate of Diversion (cfs)

Provisions

Existing Rights

This authorization to make use of public waters of the state is subject to existing rights, including any tribal reserved water rights held by the United States for the benefit of tribes, to the extent they may exist.

Family Farm Development Permit

This authorization to use public waters of the state is classified as a Family Farm Development Permit in accordance with Chapter 90.66 RCW. Whenever an interest in this land is transferred by the holder of this Family Farm Development Permit to a person who can qualify for a Family Farm Permit, the Department shall issue a Family Farm Permit upon request.

Family Farm Irrigation

This authorization to use public waters of the state is classified as Family Farm Permit in accordance with chapter 90.66 RCW. 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.

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.

WAC 173-173 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.

Department of Fish and Wildlife Requirement(s)

The intake(s) must be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. <http://www.wdfw.wa.gov/reg/regions.htm>

No dam or weir may be constructed in connection with this diversion.

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 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.

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 permit. 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.

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, diversions, measuring devices and associated distribution systems for compliance with water law.

High Tide Pumping Schedule from September 1st – September 15th

During September, the water right holder will only divert for the 2 hours before and after high tides as predicted by the NOAA Tidal Station 9449211 at Bellingham, WA. The website for this station is: <http://www.co-ops.nos.noaa.gov/noaatidepredictions/NOAATidesFacade.jsp?Stationid=9449211>

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 of use is beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S1-28730, 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 Hearing 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.

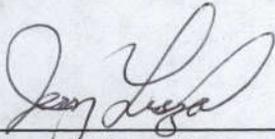
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

- 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 RD SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO 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 17 day of December 2014.



Jerry Liszak, LHG, Acting Section Manager
 Water Resources Program/NWRO
 Department of Ecology

INVESTIGATOR'S REPORT

Application for Water Right -- Dick Bedlington Farms

Water Right Control Number S1-28730

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S1-28730.

Cost Reimbursement

This application is being processed under a cost reimbursement agreement between the applicant and the Department of Ecology. The report was prepared by Robinson Noble, Inc. under Ecology Cost reimbursement contract C1000191. The work assignment for this project was authorized by Ecology on January 21, 2013.

Compliance History

The applicant has been irrigating this farm under Surface Water Certificates 7634 and 3921. However, they have own property outside the place of use of these certificates. They are currently and have been irrigating a portion of this farm without water right. Ecology has an active compliance case with the applicant that must be resolved in order for irrigation of the proposed place of use to continue. The applicant is working to resolve this issue through this application and using the Cost Reimbursement process.

Project Description

The Department of Ecology received the subject application from Dick Bedlington Farms LLC on June 8, 2012. The application requests a diversion of 1.805 cubic feet per second (810 gallons per minute) from any one of three proposed points of diversion located on the west bank of the Nooksack River in Whatcom County. The diversion would be accomplished by use of a portable pump that would be moved between the three proposed points of diversion as necessary to irrigate crops. The crops requiring irrigation are either potatoes or corn and would be rotated between the properties listed as places of use (see attached list) each season. The proposed place of use includes 360.17 acres owned and leased by the applicant. They have proposed to irrigate until September 30th. However, most years they finish irrigating by the end of August.

Table 1 Summary of Requested Water Right

Applicant Name:	Dick Bedlington Farms LLC
Date of Application:	6/8/2012
Place of Use	See attached list

County	Water body	Tributary To	WRIA
Whatcom	Nooksack River		1-Nooksack

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Irrigation	1.805	CFS	131.1	05/01	09/30

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Nooksack River	390232291054	39N	02E	32	SW SE	48.82024	-122.58060

Nooksack River	380205235240	38N	02E	05	NW SE	48.81178	-122.58396
Nooksack River	380205163176	38N	02E	05	NW SE	48.80859	-122.58284

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; Datum: NAD83/WGS84.

Legal Requirements for Approval of Appropriation of Water

Public Notice

Notice of this application was published in the Lynden Tribune on February 27, 2013 for two weeks ending on March 6, 2013. The last day for protests to be received was April 6, 2013. The protest made by the Lummi Nation (discussed below) was the only protest received.

Consultation with the Department of Fish and Wildlife

Robinson Noble provided the Washington Department of Fish and Wildlife (WDFW) with maps and the latitude-longitude locations of the proposed points of diversion. We received a letter from Mr. Steve Boessow, Water Rights Biologist for WDFW, dated March 27, 2013. Mr. Boessow states that: "based on impacts to fish and/or wildlife and the habitat they rely on, and pursuant to chapter 77.57.020 RCW, WDFW does not oppose the issuance of this application, provided the water right is conditioned to WAC 173-501-030." Mr. Boessow recommended metering and reporting to ensure ongoing compliance with conditions to the water right. The applicant will also have to file for hydraulic permit approval (HPA) and approval of their fish screening design.

State Environmental Policy Act (SEPA)

This surface water right application is exempt from SEPA because it requests less than 50 cubic feet per second for agricultural irrigation purposes only.

INVESTIGATION

Site Visit

Robinson Noble hydrogeologist Douglas Dow conducted a site visit on March 13, 2013. Also present were Melissa and Scott Bedlington, the applicants, and Thomas Buroker, representing the Department of Ecology. The proposed points of diversion and places of use were inspected. Additional information regarding the project was provided by the applicant following the field visit.

Proposed Use and Basis of Water Demand

Applicant operates a Family Farm, as defined in Chapter 90.66 RCW, and proposes to irrigate 120 acres of crops annually, typically from May through September, using 1.805 cfs (810 gpm) supplied from a portable pump. The 250-horsepower diesel pump will be moved to one of the three proposed points of diversion depending upon the need for irrigation of the crops proposed to be grown at that location. A 6-inch mainline will distribute water to three irrigation reels, each with a 1-inch nozzle to irrigate the fields. The nozzle will spray in a 180-degree arc covering a 375-foot diameter half circle with 270 gpm on a 12-hour set. Their irrigated and non-irrigated crops will be rotated annually between the listed places of use parcels with only 120 acres of the 319.14 acres being irrigated in any one season.

The annual quantity of water for appropriation was calculated using Crop Irrigation Requirement (CIR) data from the State of Washington Irrigation Guide (WAIG) 1985 and 1992. The applicant plans to irrigate crops of potatoes and/or corn, which are rotated between fields as needed. Appendix A (pages 10 to 12) to the WAIG show that, for the Bellingham area, growing potatoes requires 8.54 inches of irrigation per acre per season (June through September). Field corn and sweet corn require 8.11 and 7.64 inches per acre per season, respectively. The applicant has requested irrigation seasonally May through September.

So, using potatoes as the crop with the highest CIR, we assessed the water needed if the full 120 acres were planted with this crop. This approach provides an estimated upper limit of water demand.

However, the CIR formula does not take into account the loss in conveyance from seepage, evaporation and surface runoff. Consequently, irrigation efficiency percentages were used from Ecology Water Resources Guidance 1210. Three big guns, each spraying a 180-degree arc, such as planned for this property, is assumed to have an average efficiency of 65%. Adjusting the CIR by the efficiency, the Total Irrigation Requirement (TIR) for the 120 acres of farm land was calculated, as shown below:

$$\text{TIR} = \text{acres} \times \text{CIR} \times / \text{EFF}\%$$

Where:

- TIR = total irrigation requirement (acre-feet per year)
- Acres = irrigated crop area (acres)
- CIR = crop irrigation requirement (feet of water)
- EFF% = irrigation system application efficiency

The CIR for potatoes is 0.71 feet (8.54 inches).

So, the TIR for 120 acres of farm land, all watered using a big gun irrigation system, is:

$$\text{TIR} = (120 \text{ acres of farm} \times \text{CIR of } 0.71 / 65\% \text{ efficiency})$$

$$(120 \times 0.71 / 0.65) = 131.08$$

$$\text{TIR} = 131.08 \text{ acre-feet}$$

Therefore, an annual volume of 131.1 acre-feet is considered appropriate for the applicant's stated use.

Geographic Setting of the Place of Use and Points of Diversion

The Bedlington Family Farm properties, pertaining to application S1-28730, are located west of the Nooksack River as shown on Attachment 1. This section of the Nooksack River Basin, between approximate river mile 2.25 and 3.45, is part of the Nooksack River Delta. River delta deposits typically consist of alluvial deposits of gravels, sands, and silts. Over time, coarser deltaic deposits typically become overlain by finer grained soils of more recent alluvium. The surface geology at the applicant's place of use parcels appears to be fine-grained alluvium. The parcels are at an elevation of about 10 feet above sea level.

The Whatcom County Shoreline Master Program, Title 23, designates the fields north of Slater Road in the proposed place of use to be in a conservancy area (23.30.08) and those fields south of Slater Road in

the proposed place of use to be in a resource area (23.30.09). Generally, a resource area is an area set aside or given protection for agricultural, rural and commercial forest, and mineral resource uses. Conservancy areas are zones outside of urban growth areas where ecological process and function are currently less impacted compared to other zones and retention of its present conditions is desired.

Other Rights Appurtenant to the Place of Use

The Department of Ecology Water Rights Tracking System (WRTS) was accessed to locate surface or ground water rights that are physically near the diversions from the Nooksack River proposed in S1-28730.

SWC 7634

Surface Water Certificate 7634 has a place of use that includes 80 acres of the proposed place of use of S1-28730. This certificate was issued for 0.55 cfs and 156 acre feet per year for the irrigation of 78 acres. The authorized point of diversion on the Nooksack River appears to be accessible from the Bedlington's property. Parcels 390232265136 and 390232291054 can be irrigated with this certificate. This certificate was discussed with the applicant and they agreed that these two parcels (390232265136 and 390232291054) do not need to be included in the proposed place of use.

S1-00071C

Surface Water Certificate S1-00071C has a place of use that includes 66 acres of the proposed place of use (parcel 390231240211). This certificate was issued for 1.33 cfs and 167 acre feet per year for the irrigation of 100 acres. Bedlington Farms does not have access to the authorized diversion point on the Nooksack River, which is in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31. Since the Bedlington's do not use S1-00071C, S1-28730 should not be considered supplemental to this right.

SWC 3921

Surface Water Certificate 3921 has a place of use that includes 66 acres of the proposed place of use (parcel 390231240211). This certificate was issued for 0.74 cfs for the irrigation of 74 acres. The authorized diversion point on the Lummi River appears to be on the Bedlington's property in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31. The applicant is requesting an alternative supply of water from the Nooksack River to this parcel because, some years, the Lummi River goes dry in the summer. The applicant has put this certificate into a 20 year temporary trust under the Trust Water Rights Program (90.42 RCW).

Impairment Considerations

Other Water Rights

Groundwater application G1-27865 is located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 32 proposed by Ed and Michelle Tomlin, to withdraw 200 gpm and 57 acre feet per year, for irrigation with a priority date of 11/18/1997. Since S1-28730 is a surface water diversion, it should have no impact on the Tomlin's proposed upstream withdrawal.

Across the river from the Bedlington's farm is Surface Water Certificate 09824A. This certificate was issued for 0.71 cfs from the Nooksack River for irrigation. The lowest recorded mean monthly discharge of the Nooksack River at USGS Gage 12213100 was 628 cfs in October of 1987. Usually, mean monthly discharge is greater than 1000 cfs during the low flow months of August through October. The Bedlington's proposed diversion should not impact or impair this right.

Instream Flow

The lowermost reach of the Nooksack River is not regulated by Chapter 173-501 WAC. WAC 173-501-030(2) specifies the regulated reach is "from the influence of mean annual high tide at low instream flow levels to the confluence with and including Smith Creek (SW1/4 SW1/4, Section 20, Township 39 North, Range 4 East)." However, since Ecology had not previously defined a specific point of compliance (the limit of influence of mean annual high tide at low instream flow), it was not immediately clear if the proposed points of diversion were within the regulated portion of the river.

Contact was made via email to local experts regarding the tidal signature in the lower reaches of the Nooksack River. The USGS reports that they do not see tidal impact at their Ferndale gage. According to the Whatcom County Public Works River and Flood Manager, they have not looked into tidal influence at low flow periods because they are primarily interested in flood impacts. The Lummi Nation was also contacted and they stated that they have observed tidal response at least up as far as the Marine Drive Bridge, which is downstream from the applicant's proposed points of diversion.

To resolve the issue, the Department of Ecology contracted Robinson Noble under separate contract to perform a field investigation monitoring the river levels for tidal signatures. As previous interpretations of data at the Ferndale Gage indicated that tidal influence ceases below that gage, a network of five electronic pressure transducers were placed from roughly river mile 2.5 (Tidal Station 1) to river mile 4.8 (Tidal Station 5) as shown on Figure 1. The five stations included locations representative of the Bedlington's proposed points of diversion. Monitoring occurred from September 20 to September 27, 2013.

Each station consisted of a 1-inch stilling well driven into the river bottom a few feet offshore. The tubes were set at least 6 inches below the river level to reduce the likelihood of their being tampered with. Transducers were set to read water levels once each minute. The resulting data record is shown on Figure 2.

Prior to the storm surges of September 24th and 25th, flows in the river were generally at typical low-flow conditions and somewhat stable. Tidal signatures over these days are evident in the river stage record at each of the five monitoring locations. Based on tidal projections from National Oceanic and Atmospheric Administration (NOAA) tidal stations 9449424 at Cherry Point and TWC1189 at Ferndale, the high tides within this period are very close to the NOAA defined mean high water mark. At the Cherry Point station, the recorded mean high water (MHW) values for September 20th through September 23rd were:

Date	feet above/below MHW
9-20	0.343
9-20	-0.357
9-21	0.395
9-21	-0.262
9-22	0.045
9-22	-0.15
9-23	0.192
9-23	-0.232

The river stage after September 23rd increases sharply due to heavy rainfall in the upper basin, and except for a few instances, the tidal effects are masked through the remainder of the record.

Assuming that "mean annual high tide," as cited in WAC 173-501, is equivalent to MHW as recorded by NOAA tidal gages, then these tides appear appropriate for this investigation. Accordingly, all of the monitored locations appear to be below the point of compliance and thus in the unregulated portion of the river. Therefore, the subject request will not be an impairment of minimum instream flows as established in WAC 173-501.

Water Quality

The change in water quality as a result of the proposed diversion is likely to be immeasurable given that the river generally flows at greater than 1000 cfs.

Water Availability

For water to be available for appropriation, it must be both physically and legally available.

Physical availability

The volume of water available from the Nooksack River is sufficient for this application.

Legal availability

The lowermost reach of the Nooksack is not closed to further appropriations, therefore water is legally available.

Beneficial Use

The proposed use of water is defined in statute as a beneficial use (RCW 90.54.020(1)). The proposed instantaneous rate and annual volume are reasonable for the requested use.

Public Interest Considerations

This appropriation, if limited to the requirements of WAC 173-501-030, preserves instream resources and makes water available to serve the public. Therefore, this proposed appropriation is not detrimental to the public interest.

Consideration of Protests and Comments

In response to public notice of this application, the Department of Ecology received a protest from the following party:

Protestant	Date of Protest
Lummi Nation	July 23, 2012

This water right application was protested by the Lummi Indian Nation in a letter dated July 19, 2012. The Lummi Nation objected to the proposed application based on their status as senior water rights holder and on-going negotiations with the United States and the State of Washington over unresolved issues. The Lummi Nation asserts that the Department of Ecology has stated that no further diversions in WRIA 1 will be approved until the negotiations are complete. No specific technical arguments were provided concerning this application. In consideration of senior water right holders, including tribal

reserved water rights asserted by the Lummi Nation to the extent they may exist, the following provision will remain on S1-28730:

This authorization to make use of public waters of the state is subject to existing rights, including any tribal reserved water rights held by the United States for the benefit of tribes, to the extent they may exist.

On March 21, 2013, an email was sent to Mr. Steve Boessow, Water Rights Biologist, at WDFW to solicit his comments. This email included an area map as an attachment which indicated the proposed points of diversion and place of use. The email summarized the proposed use. Mr. Boessow responded on March 21, 2013 and recommend approval of the proposed diversion subject to instream flows. However, Mr. Boessow also noted that, "If they are downstream of the influence of high tide, then they would be exempt from the minimum instream flows, but not Hydraulic Project Approval (HPA)."

The proposed project is in the lower reaches of the Nooksack River, below the Lummi River and within two miles of the delta. Based on the tidal study discussed above, diversions in this reach are considered to be within the tidally influenced zone.

Comments on the Draft Report of Examination

Ecology received written comments from the Lummi Indian Business Council on May 8, 2014. Their comments included concerns about instream flow, water quality, previous illegal use by the Bedlington's, navigation, and the tidal influence analysis contained in this report. On July 29, 2014 Ecology responded to the Lummi Nation to address their concerns and agree to changes within this report. Ecology provided the Lummi Nation comments and Ecology's response to the applicant. Based on the comments by the Lummi Nation the applicant has agreed to modify their proposal. The Bedlington's have agreed to reduce their instantaneous diversion rate from 1.805 to 1.336 cfs (810 to 600 gallons per minute). The Bedlington's have also agreed to shorten the season of use by 15 days, ending September 15th instead of September 30th. In addition, the Bedlington's have agreed to only irrigate 2 hours before and after high tide from September 1st-15th.

Conclusions

In accordance with Chapter 90.03 RCW, I conclude that:

- The water is physically and legally available for appropriation,
- The water will serve a beneficial use,
- The diversion will not cause impairment of existing rights, and
- The proposed use is not detrimental to the public interest.

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 beginning on page 3.

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:

1.34 cfs (600 gpm),
131.1 acre-feet per year,
Irrigation of 120 acres, rotating crops annually within 319.14 acres.
Season of Use: May 1st – September 15th

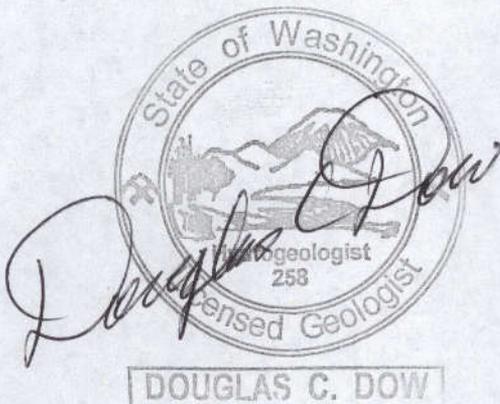
Points of Diversion

SW¼ SE¼, Section 32, Township 39 North, Range 2 E, W.M., Parcel 390232291054

NW¼ SE¼, Section 5, Township 38 North, Range 2 E, W.M., Parcel 380205235240

NW¼ SE¼, Section 5, Township 38 North, Range 2 E, W.M., Parcel 380205163176

Place of Use
(See attached list)



Doug C. Dow, L.H.G.
Robinson Noble

12/10/2014

Date

Thomas Buroker

12-17-2014

Reviewed by Thomas Buroker, Dept. of Ecology

Date

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.

Selected References

Washington State Department of Conservation, 1960: *Water Resources of the Nooksack River Basin and Certain Adjacent Streams*, State of Washington, Water Supply Bulletin No. 12, 145 p., appendix, 9 plates.

Washington State Department of Conservation, 1964: *Miscellaneous Stream-Flow Measurements 1890 to 1961*, State of Washington, Water Supply Bulletin No. 23, 293 p.

U.S. Department of Agriculture, 1992: Soil Survey of Whatcom County

U.S. Dept. of Agriculture, Soil Conservation Service, 1990: *Washington State Climatic Stations for Consumptive Use*, Appendix A.

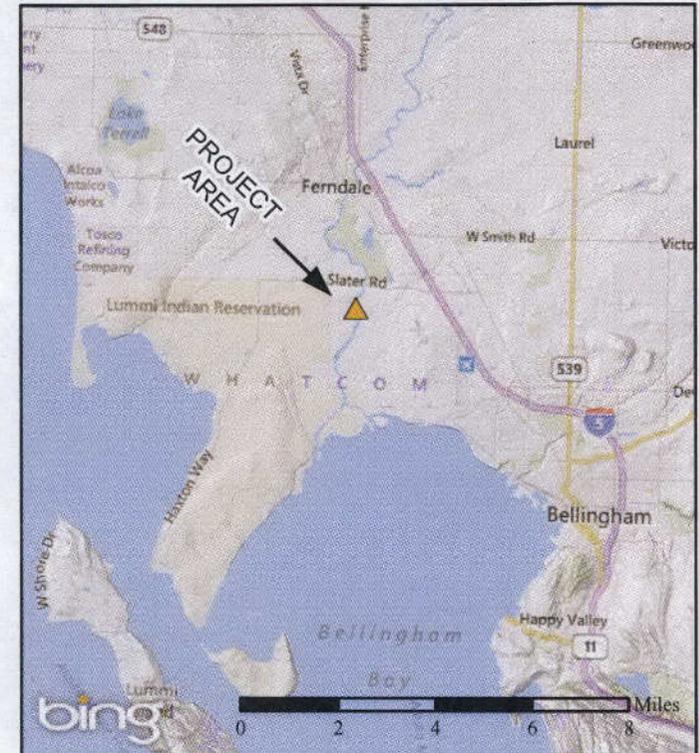
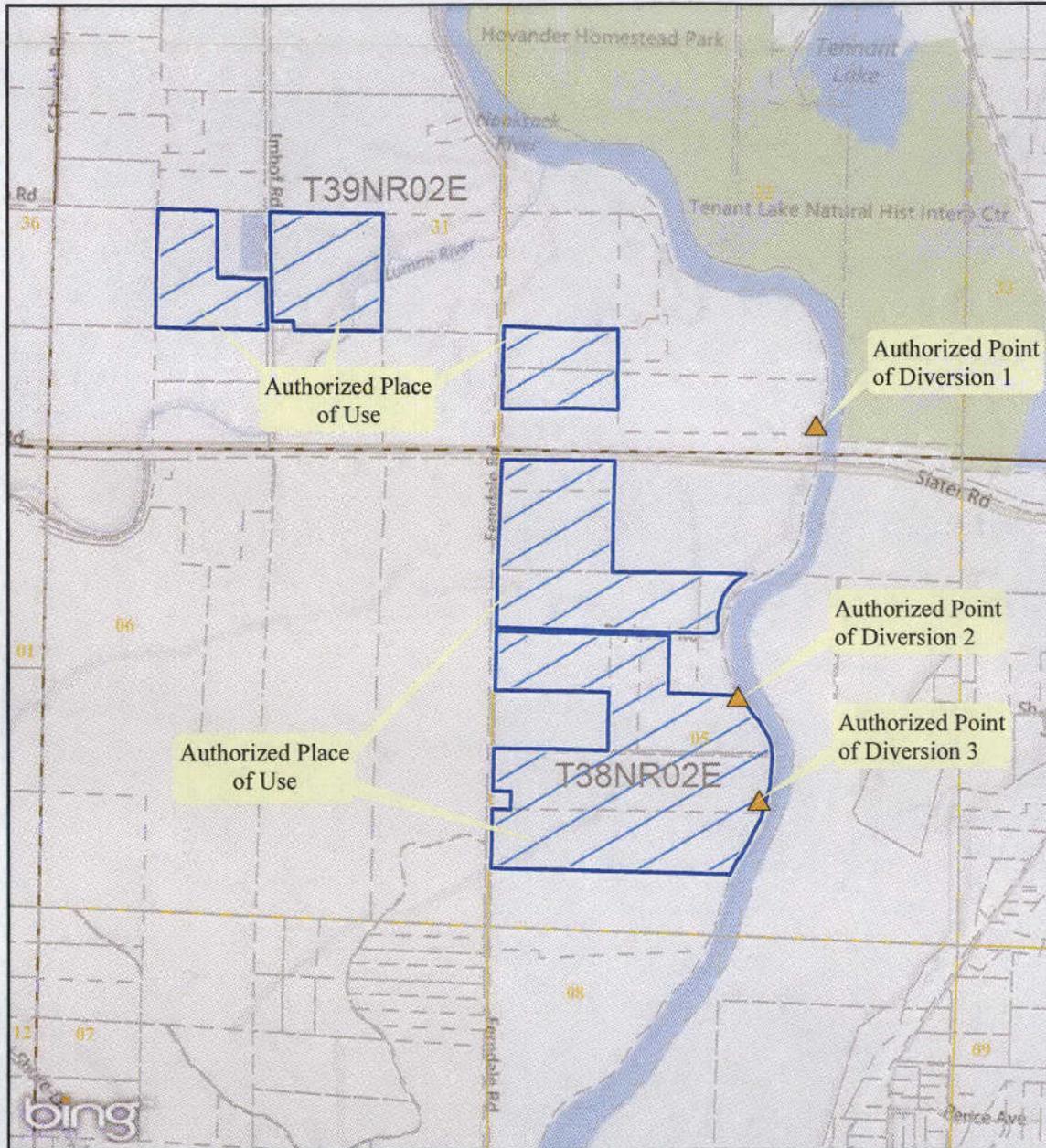
United States Department of Agriculture, 1997, *Irrigation Guide*, Part 652: Natural Resources Conservation Service, National Engineering Handbook 820 p. 2 appendices.

http://www.wa.nrcs.usda.gov/technical/ENG/irrigation_guide/index.html

Washington State Department of Ecology Well Log Viewer:

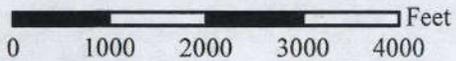
<http://apps.ecy.wa.gov/welllog/>

Dick Bedlington Farms
 Water Right SI-28730
 Section 32 T 39N R 02E W.M. and
 Section 5 T 38N R 2E W.M.
 WRIA 1 - Whatcom County



Legend

-  Authorized Place of Use
-  Authorized Point of Diversion
-  Parcels
-  Water Body
-  Townships
-  Sections



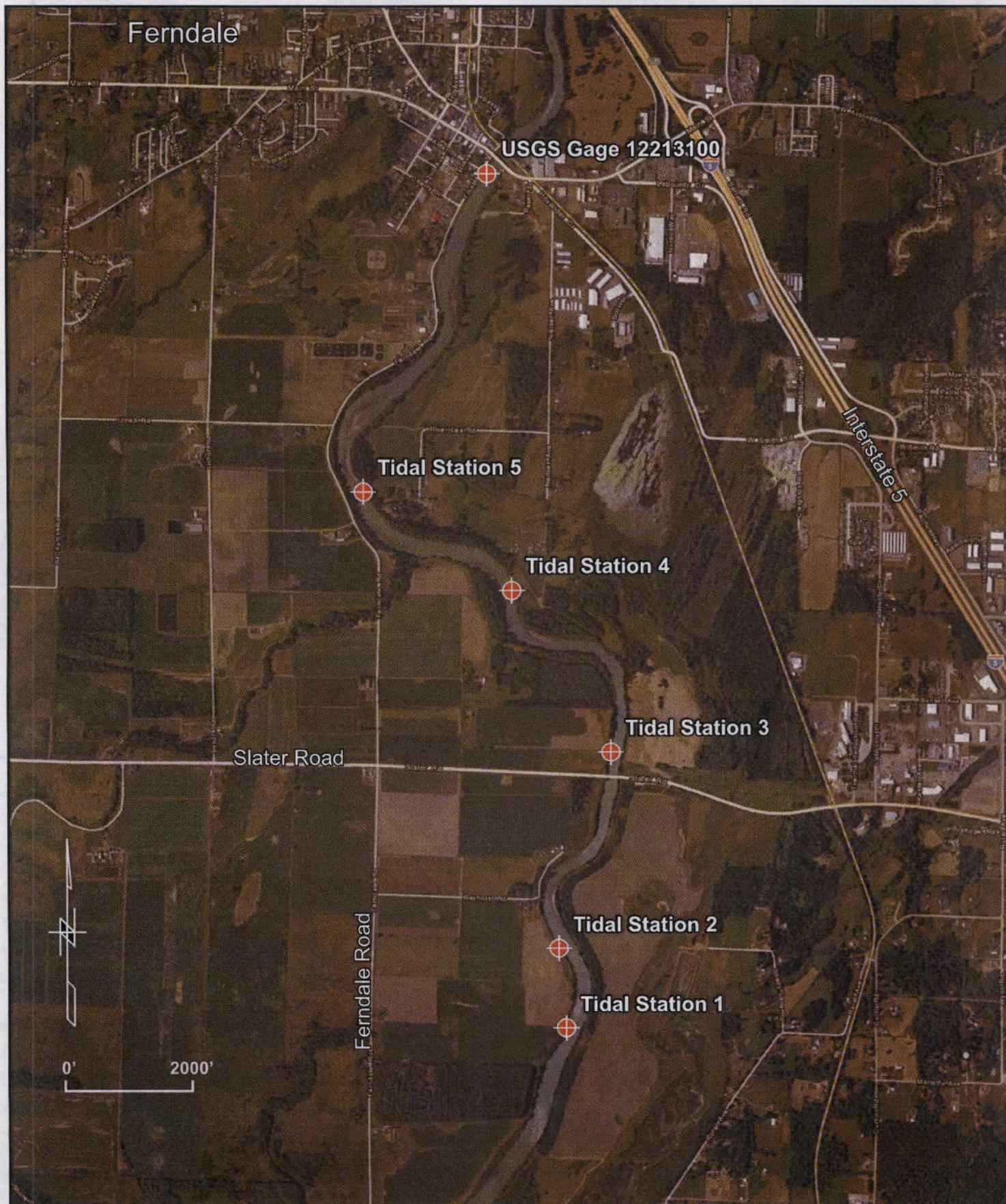
Map Date: 3/4/2014



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

Place of Use Parcel List (S1-28730)

Acres	Parcel Number	TTRRSS	Owner	Legal Description
19.87	380205050285	380205	THE FAST FAMILY TRUST	MARIETTA GARDEN FARMS BLKS 11 THRU 14-EXC W 25 FT OF BLK 14 FOR RD
10.32	380205061512	380205	DICK BEDLINGTON REAL ESTATE LLC	N 1/3 OF GOVT LOT 4-EXC PTN TO STATE FOR HWY 1Z DESC AF 827659-LESS RD
27.34	380205066453	380205	DICK BEDLINGTON REAL ESTATE LLC	S 1/3 OF GOVT LOT 4- S 1/2 OF N 2/3 OF GOVT LOT 4-LESS RD
35.31	380205117360	380205	THE FAST FAMILY TRUST	MARIETTA GARDEN FARMS BLKS 1 THRU 6-EXC W 25 FT OF BLK 1 FOR RD-BLK 7-VAC RD-LESS RD-SUBJ TO WATER LI ESMT TO RIVER RD WATER ASSN DESC AF 948559-
45.84	380205121103	380205	KG LLC	THAT PTN OF S 1/2 SW-SW SE DAF-BEG 40 FT E OF W SEC LI-660 FT S OF S LI OF MARIETTA GARDEN FARMS-TH E PAR TO S LI OF MARIETTA GARDEN FARMS 3110 FT TO NOOKSACK RIVER-TH SLY ALG SD RIVER TO PT 648 FT N OF S SEC LI-TH W PAR TO SD S LI 2768 FT-TH N PAR TO W
55.97	380205163176	380205	DICK G BEDLINGTON REAL ESTATE LLC	MARIETTA GARDEN FARMS-LOTS 10-19 TR IN SW 1/4 DAF-15 ACRES IN SW 1/4 BOUNDED-DAF-BEAP WHERE E BNDRY LI OF CO RD 558 INTERS S BNDRY OF S 30 FT RD-TH E 60 FT-TH S 40 RODS-TH W 60 RODS-TH N 40 RODS TO BEG-EXCS 208.71 FT OF W 208.71 FT THEREOF-LESS RD-THAT
25.89	380205235240	380205	DICK G BEDLINGTON REAL ESTATE LLC	MARIETTA GARDEN FARMS BLKS 9-20-21-28 THRU 30
4.43	380205246369	380205	THE FAST FAMILY TRUST	MARIETTA GARDEN FARMS BLKS 22-23-24-EXC RD ON BLKS 22-23-SUBJ TO ESMT TO RIVER RD WATER ASSN REC AF 948559
66.54	390231240211	390231	BEDLINGTON FARMS LLC	NW SE-NE SW-EXC NLY 750 FT OF ELY 580 FT THEREOF-LESS RD-SUBJ TO POWER LI ESMT REC AF 867862-SUBJ TO EMST OVER NE SW TO OLYMPIC PIPE LINE CO REC AF 1011576-EXC PTN DAF-BEG AT SW COR OF NW SE-TH N 03 DEG 51'36" W PAR WI W LI OF NW SE 105 FT-TH N 87 DEG 45
13.58	390232085068	390232	BEDLINGTON FARMS LLC	S 1/2 OF N 2/3 OF SW SW-LESS RD-SUBJ TO POWER LI ESMT
14.05	390232086116	390232	DICK BEDLINGTON REAL ESTATE LLC	N 1/3 OF SW SW-LESS RD



Note: Basemap taken from USGS Ferndale Quadrangle

PM: BGC
October 2013
2034-018A

Whatcom County
T 38,39 N/R 02 E
Scale 1" = 2000'

Figure 1
Tidal Station Map
WA DOE - Nooksack River Tidal Influence Monitoring

