State of Washington

# DRAFT

## REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

WR File NR CG2-22107
WR Doc ID 6044971

**Change Place of Use**

| PRIORITY DATE | WATER RIGHT NUMBER |
|---|---|
| 4/1/1974 | CG2-22107 |

| MAILING ADDRESS | SITE ADDRESS (IF DIFFERENT) |
|---|---|
| Wilcox Farms Inc.<br>40400 Harts Lake Valley Road<br>Roy, WA 98580 | |

## Total Quantity Authorized for Withdrawal or Diversion

| WITHDRAWAL OR DIVERSION RATE | UNITS | ANNUAL QUANTITY (AF/YR) |
|---|---|---|
| 100 | GPM | 187.2 |

## Purpose

| PURPOSE | WITHDRAWAL OR DIVERSION RATE | | | ANNUAL QUANTITY (AF/YR) | | PERIOD OF USE (mm/dd) |
|---|---|---|---|---|---|---|
| | ADDITIVE | NON-ADDITIVE | UNITS | ADDITIVE | NON-ADDITIVE | |
| Irrigation (in combination with other rights not to exceed 475 acres) | 100 | - | gpm | 128.7 | - | 05/1-10/1 |
| Industrial/Commercial | | | | | 52.5 | 1/1 – 12/31 |
| Multiple Domestic Supply | | | | | 6 | 1/1- 12/31 |

Industrial/Commercial and Domestic Supply quantities are non-additive to G2-20972

## Source Location

| COUNTY | WATERBODY | TRIBUTARY TO | WATER RESOURCE INVENTORY AREA |
|---|---|---|---|
| Pierce | Nisqually | N/A | WRIA 11 |

| SOURCE FACILITY/DEVICE | PARCEL | WELL TAG | TWN | RNG | SEC | QQ Q | LATITUDE | LONGITUDE |
|---|---|---|---|---|---|---|---|---|
| Well 3 | 0316182003 | | 16 N | 3 E | 18 | SE NW | 46.878266 | -122.481918 |
| Well 8 | 0316071010 | | 16 N | 3 E | 18 | SE NW | 46.889825 | -122.476872 |
| Well 9 | 0316063019 | | 16 N | 3 E | 6 | SE SW | 46.89547472 | -122.4783646 |
| Well 10 | 0316064033 | | 16 N | 3 E | 6 | SW SE | 46.897005 | -122.474928 |

Datum: NAD83/WGS84

## Place of Use (See Attached Map)

**LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE**

| Parcel | Acres | Description |
|---|---|---|
| 216011000 | 78.47 | Section 1 Township 16 Range 2 Quarter 11 : SE OF NE ALSO LOT 1 LESS NLY 20 FT CURRENT USE RCW 84.34 AS AMEND 1973 |
| 316062012 | 16.02 | Section 6 Township 16 Range 3 Quarter 22 : THAT POR OF W 1/2 OF GOVT LOT 4 LY SWLY OF TANWAX EXC N 20 FT - AS MEASURED ON W LI OF SD GOVT LOT - THEREOF, & EXC THAT POR CYD TO PIERCE CO FOR HARTS LAKE LOOP RD SEG F 9527 |
| 316062005 | 3.00 | Section 6 Township 16 Range 3 Quarter 23 : BEG NW COR LOT 5 TH S 200 FT TH E 653.4 FT N 200 FT W 653.4 FT TO BEG CURRENT USE RCW 84.34 AS AMEND 1973 |
| 216011003 | 39.00 | Section 1 Township 16 Range 2 Quarter 11 : THAT POR OF GOVT LOT 2 LY ELY OF C/L OF NISQUALLY RIV SEG F 1432 |
| 216011004 | 38.00 | Section 1 Township 16 Range 2 Quarter 11 : SW OF NE LY ELY OF C/L OF NISQUALLY RIV SEG F 1432 |
| 216014000 | 40.00 | Section 1 Township 16 Range 2 Quarter 41 : SE OF SE |
| 216014002 | 40.00 | Section 1 Township 16 Range 2 Quarter 41 : NE OF SE |
| 216014004 | 77.24 | Section 1 Township 16 Range 2 Quarter 41 : W 1/2 OF SE OF SEC 1 EXC THEREFROM THE FOLL DESC PROP BEG AT A PT ON N & S C/L OF SD SEC 1 1650.00 FT N OF SW COR OF SD SE TH N ALG SD S & N C/L 600 FT TH E PAR TO E & W C/L OF SD SEC 1 200.00 FT TH S & PAR TO SD N & S C/L 600.00 FT TH W & PAR TO SD E & W C/L 200.00 FT TO POB SUBJ TO EASE |
| 216121000 | 133.00 | Section 12 Township 16 Range 2 Quarter 11 : THAT PART OF NE IN P CO ALSO THAT POR OF NE OF SE LY E & N OF NISQUALLY RIV EXC E 30 FT FOR RD |
| 216124002 | 26.30 | Section 12 Township 16 Range 2 Quarter 41 : THAT POR OF SE OF SE LY E & N OF NISQUALLY RIV EXC E 30 FT FOR RD |
| 316063019 | 68.99 | Section 6 Township 16 Range 3 Quarter 33 : GOVT LOT 7 & SE OF SW EXC N 250 FT ALSO EXC S 422.83 FT OF N 702.83 FT OF SE OF SW LY W OF HARTS LK VALLEY RD EXC W 225.89 FT THEREOF ALSO EXC FOLL DESC PROP COM AT SE COR OF SW TH N 01 DEG 37 MIN 02 SEC E ALG E LI SD SW 322.21 FT TO CENT OF PRI RD & UTILITY EASE REC UND AFN 88-01-07-0282 TH S 81 DEG 53 MIN 47 SEC W ALG C/L OF SD EASE 188.37 FT TH N 79 DEG 56 MIN 47 SEC W ALG SD C/L 544.35 FT TO AS-BUILT C/L OF HARTS LK VALLEY RD TH S 16 DEG 20 MIN 07 SEC W ALG C/L SD RD 42.12 FT TO POB TH S 73 DEG 36 MIN 48 SEC E 200 FT TH S 20 DEG 17 MIN 44 SEC W 300.7 FT TH N 73 DEG 36 MIN 48 SEC W 200 FT TO AS-BUILT C/L OF HARTS LK VALLEY RD TH N 21 DEG 33 MIN 04 SEC E ALG SD C/L 168.66 FT TH N 18 DEG 41 MIN 34 SEC E ALG SD C/L 132.13 FT TO POB EXC POR LY WITHIN HARTS LK VALLEY RD DESIGNATED FOREST LAND |
| 316064031 | 5.10 | Section 6 Township 16 Range 3 Quarter 43 : PARCEL "A" DBLR 95-06-15-0156 DESC AS LOT 1 OF LARGE LOT 970 AFN 88-05-24-0258 EXC POR LYING SLY OF FOLL DESC LI: COM AT S 1/4 COR OF 07-16-03E TH N 00 DEG 32 MIN 08 SEC E 5400.02 FT TO A 1 1/4 INCH IRON PIPE AT NW COR OF GOVT LOT 7 SD SEC 7 & TRUE POB OF THIS DESC LI TH N 89 DEG 09 MIN 19 SEC E 345 FT M/L TO HARTS LAKE & TERMINUS OF SD LI TOG/W & SUBJ TO EASE RESTR & RESERV OF REC DC/BL04-01-97 |
| 316064032 | 5.04 | Section 6 Township 16 Range 3 Quarter 43 : L 2 L L 88-05-24-0258 TOG/W EASE & RESTRICTIONS OF REC OUT OF 4-027 & 4-028 SEG Z-0200 PP RJ |
| 316064033 | 5.19 | Section 6 Township 16 Range 3 Quarter 43 : L 3 L L 88-05-24-0258 TOG/W EASE & RESTRICTIONS OF REC OUT OF 4-027 & 4-028 SEG Z-0200 PP RJ |

| | | |
|---|---|---|
| 316064034 | 5.10 | Section 6 Township 16 Range 3 Quarter 43 : L 4 L L 88-05-24-0258 TOG/W EASE & RESTRICTIONS OF REC OUT OF 4-027 & 4-028 SEG Z-0200 PP RJ |
| 316064035 | 5.08 | Section 6 Township 16 Range 3 Quarter 43 : L 5 L L 88-05-24-0258 TOG/W EASE & RESTRICTIONS OF REC OUT OF 4-027 & 4-028 SEG Z-0200 PP RJ |
| 316064036 | 6.43 | Section 6 Township 16 Range 3 Quarter 43 : L 6 L L 88-05-24-0258 TOG/W EASE & RESTRICTIONS OF REC OUT OF 4-027 & 4-028 SEG Z-0200 PP RJ |
| 316071010 | 368.55 | Section 7 Township 16 Range 3 Quarter 13 : (WETLAND & BUFFER NOTICE REC UNDER AFN 96-03-29-0477 GR 2-97) LOT 6 TOG/W SHLDS ABUTT ALSO SE OF NW LOT 2 E 1/2 OF SW LOT 3 N 1/2 OF LOT 4 N 18 AC OF S 1/2 OF LOT 4 & 5 TOG/W SHLDS ABUTT ALSO SW OF SE EASE OF RECORD EXC THAT POR OF LD LY IN SE OF NW DESC AS FOLL COM AT W 1/4 COR OF SD SEC TH S 88 DEG 36 MIN 06 SEC E 1874 FT ALG S LI OF NW OF SEC TH N 854 FT TO POB TH N 18 DEG 15 MIN 30 SEC E 185 FT TH S 71 DEG 44 MIN 30 SEC E 185 FT TH S 28 DEG 58 MIN 20 SEC W 188.28 FT TH N 71 DEG 44 MIN 30 SEC W 150 FT TO POB LESS THAT PART DESC AS FOLL BEG AT NE COR OF GOVT LOT 4 TH E ALG N LI OF SE OF SW OF SEC 47 FT M/L TO WLY R/W OF THE HARTS LAKE VALLEY RD TH SLY ALG SD WLY R/W OF SD RD TO INTER A LI PAR/W & 225 FT S OF N LI OF S 1/2 OF SW OF SD SEC TH W ALG SD PAR LI TO INTER A LI PAR/W & 90 FT W OF E LI OF SD LOT 4 TH N ALG SD PAR LI 225 FT TO N LI OF SD LOT 4 TH E ALG N LI OF SD LOT 4, 90 FT TO BEG LESS FOLL COM AT W 1/4 COR OF SEC TH S 88 DEG 36 MIN 06 SEC E 1800 FT ALG S LI OF NW TH N 820 FT TO POB TH S 20 DEG E 150 FT TH S 70 DEG W 150 FT TH N 20 DEG W 150 FT TH N 70 DEG E 150 FT TO POB TOG/W PARCEL "F" DBLR 95-06-15-0156 DESC AS NE OF NW OF 07-16-03E TOG/W THAT POR GOVT LOT 7 MORE PARTICULARLY DESC AS FOLL: BEG AT A 1 1/4 IN IRON PIPE AT NW COR OF SD GOVT LOT 7 TH S 00 DEG 32 MIN 08 SEC W ALG W LI OF SD GOVT L 7 12.00 FT TH N 89 DEG 09 MIN 19 SEC E 350 FT M/L TO SHORE OF HARTS LAKE TH NLY ALG SHORE OF HARTS LAKE TO A PT WHICH BEARS N 89 DEG 09 MIN 19 SEC E OF TRUE POB TH S 89 DEG 09 MIN 19 SEC W 350 FT M/L TO TRUE POB TOG/W & SUBJ TO EASE RESERV & RESTR OF REC |
| 316072000 | 51.75 | Section 7 Township 16 Range 3 Quarter 21 : L 1 & NE OF NW W OF RD |
| 316074000 | 71.25 | Section 7 Township 16 Range 3 Quarter 41 : LOT 9 & SE OF SE |
| 316074000 | 71.25 | Section 7 Township 16 Range 3 Quarter 41 : LOT 9 & SE OF SE |
| 316083006 | 19.78 | Section 8 Township 16 Range 3 Quarter 33 : TR 11 OF ROS 94-08-10-0551 DESC AS S 1/2 OF SW OF SW EASE OF RECORD OUT OF 3-001 SEG M-0501 JU 3/8/01JU |
| 316083007 | 19.82 | Section 8 Township 16 Range 3 Quarter 33 : TR 12 OF ROS 94-08-10-0551 DESC AS N 1/2 OF SW OF SW EASE OF RECORD OUT OF 3-001 SEG M-0501 JU 3/8/01JU |
| 316083008 | 19.86 | Section 8 Township 16 Range 3 Quarter 32 : TR 13 OF ROS 94-08-10-0551 DESC AS S 1/2 OF NW OF SW EASE OF RECORD OUT OF 3-001 SEG M-0501 JU 3/8/01JU |
| 316083009 | 19.91 | Section 8 Township 16 Range 3 Quarter 32 : TR 14 OF ROS 94-08-10-0551 DESC AS N 1/2 OF NW OF SW EASE OF RECORD OUT OF 3-001 SEG M-0501 JU 3/8/01JU |
| 316181000 | 318.58 | Section 18 Township 16 Range 3 Quarter 11 NE & E 1/2 OF NW EXC N 130 FT OF W 200 FT THEREOF & NE OF SW & NW OF SE |
| 316182003 | 39.17 | Section 18 Township 16 Range 3 Quarter 21 : L 1 EXC S 200 FT OF N 950 FT OF E 230 FT THEREOF EXC RD |

| Proposed Works |
| --- |
| Well 3: 95 feet deep X 10 inches<br>Well 8: 35 feet deep X 20 inches<br>Well 9: 124 feet deep X 8 inches<br>Well 10: 300 feet deep X 10 inches |

| Development Schedule | | |
| --- | --- | --- |
| BEGIN PROJECT | COMPLETE PROJECT | PUT WATER TO FULL USE |
| Started | Completed | November 1, 2020 |

| Measurement of Water Use | |
| --- | --- |
| How often must water use be measured? | Monthly |
| How often must water use data be reported to Ecology? | Annually |
| What volume should be reported? | Total Annual |
| What rate should be reported? | Peak Rate of Withdrawal (gpm) |

## Provisions

**Water Use Plan**
Wilcox Farms has agreed to submit an annual Water Use Plan to the Department of Ecology. The Plan will specifically describe how irrigation water will be used under this authorization for the upcoming irrigation year. The Plan will include a discussion of how appropriations authorized by all of Wilcox's water rights will be managed to ensure the water right limitations are not exceeded. The Plan will identify the acreage of the land to be irrigated under this authorization and all other water rights held by the applicant.

The Water Use Plan will be provided on an annual basis prior to any water use. If agreed to by Ecology the Plan may be provided less frequently. In addition to describing water use for the upcoming irrigation season, the Plan will also describe any changes in farming or conditions that were not part of the previous report submitted to 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.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Southwest Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Southwest Regional Office for forms to submit your water use data.

**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 superseding 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, 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 CG2-22107 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.

| Address and Location Information | |
|---|---|
| **Street Addresses** | **Mailing Addresses** |
| **Department of Ecology**<br>Attn: Appeals Processing Desk<br>300 Desmond Drive SE<br>Lacey, WA 98503<br><br>**Pollution Control Hearings Board**<br>111 Israel RD SW<br>STE 301<br>Tumwater, WA 98501 | **Department of Ecology**<br>Attn: Appeals Processing Desk<br>PO Box 47608<br>Olympia, WA 98504-7608<br><br>**Pollution Control Hearings Board**<br>PO Box 40903<br>Olympia, WA 98504-0903 |

Signed at Lacey, Washington, this _____ day of _____ 2015.

_____

Michael J. Gallagher, Section Manager
SWRO Water Resources

## INVESTIGATOR'S REPORT

### BACKGROUND

On December 17, 2013 Wilcox Farms Inc., filed *Applications for Change* to modify seven water right certificates associated with its Pierce County farming operations. The stated intent of the request was to change the place of use, manner of use, season of use, and point of diversion/withdrawal of any or all of the referenced water rights within the area described as the place of use, to the extent that it does not exceed the annual water duty of each of the individual water rights. Wilcox additionally requested the ability to temporarily place all or a portion of its water rights into the State's Trust Water program, using the submittal of an annual plan to notify Ecology.

The overall objective of these filings is to provide Wilcox the flexibility it needs to operate its right in an effective manner. *Applications for Change* were filed on the following water right certificates:

| Water Right Number | Original Owner | Date |
|---|---|---|
| SWC 3281 | Wilcox, T., et al. | 8/18/1944 |
| SWC 10042 | Wilcox Farms, | 5/25/1962 |
| G2-00117 | Waller, Clifford | 10/9/1970 |
| GWC 7428 | Wilcox Farms | 8/22/1967 |
| G2-20972 | Wilcox Farms | 4/25/1973 |
| **G2-22107** | **Wilcox Farms** | **4/1/1974** |
| G2-28175 | Wilcox Farms | 5/23/1991 |

This Report of Examination addresses proposed changes to Ground Water Certificate (GWC) G2-22107.

This application has been processed under Ecology's Cost Reimbursement Program. Pacific Groundwater Group (PGG) prepared this report under contract to Ecology. PGG reviewed all available documents pertaining to this and the other related *Applications for Change of Water Right*, including site conditions, hydrogeological and well-testing reports, historical water use, and the standing of existing rights. In consultation with the Department of Ecology PGG has evaluated the applicant's request in light of Ecology's policy and procedural guidance and has determined, as will be addressed in this Report of Examination (ROE), that the request can be partially accommodated.

**Table 1.** Attributes of Ground Water Right (GWC) G2-22107 and requested change.

| Attributes | Existing | Requested |
|---|---|---|
| **Name** | Wilcox Farms | Wilcox Farms Inc**.** |
| **Priority Date/ Change Application Date** | 4/1/1974<br>12/17/2013 | N/A |
| **Instantaneous Quantity** | 250 gallons per minute (gpm) | Same |
| **Annual Quantity** | 120 acre-feet per year (ac-ft/yr)(Additive)<br>6.5 ac-ft/yr (Non-additive)<br>246.5 ac-ft/yr (Non-additive)<br>78.5 ac-ft/yr (Non-additive) | Unspecified |
| **Purpose of Use** | Irrigation, Domestic use, Poultry, and Stockwater, | Irrigation and environmental benefit; Group domestic, poultry and other farm operations and environmental benefit |
| **Period of Use** | For irrigation May 1 to October 1, other uses are Continuously | No change proposed |
| **Place of Use** | Government Lot 1 of Sec. 18; and the south 70 feet of Government Lot 4 of Sec. 7, All in T. 16. N., R. 3 E.W.M., less roads | Wilcox Farm project as described on pages 2 and 3 |

**Table 2.** Recommend for approval.

| Attributes | Recommended for Superseding Certificate | | |
|---|---|---|---|
| **Name** | Wilcox Farms Inc. | | |
| **Priority Date** | 4/1/1974 | | |
| **Instantaneous Quantity** | 100 gpm | | |
| **Purpose of Use** | Irrigation (475 acres)<br>Industrial/Commercial<br>Multiple Domestic Supply | 128.7 ac-ft/yr<br>52.5 ac-ft/yr (Non-additive)<br>6.5 ac-ft/yr (non-additive) | 5/1 – 10/1<br>1/1 – 12/31<br>1/1 – 12/31 |
| **Place of Use** | Wilcox Farm project as described on pages 2 and 3 | | |
| **Point of Diversion** | Wells 3, 8, 9, and 10 | | |

**Legal Requirements for Proposed Change**

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

**Public Notice**

A public notice detailing this proposed change was published in the News Tribune on March 24th and 31st of 2014. No protests were received as a result of the statutory notice.

**State Environmental Policy Act (SEPA)**

A water right application or if applicable an *Application for Change of Water Rights* 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.

- It is a surface water right application for more than 1 cubic feet 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;
- It is a groundwater right application for more than 2,250 gpm
- It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- 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);
- 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.

None of these situations apply to this application. While this request involves the change of seven individual certificates, the combined instantaneous quantity does not exceed the threshold that triggers a SEPA determination for either surface water or groundwater.

**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, place of use, and purpose of use may be changed if it would not result in harm or injury to other water rights. Likewise, section 90.03.380(1) provides that "[a] change in the place of use…to enable irrigation of additional acreage…may be permitted if such change results in <u>no increase in the annual consumptive quantity of water</u>. Additionally, RCW 90.44.100(2)(d) requires that when making a change the place of use of a water right other existing water rights shall not be impaired.

Changes can be made to existing certificates to the extent the water right has been perfected and the change will not impair other water users. While changes to purpose of use can be allowed, adding additional purposes of use can only be allowed if the change will not increase the annual consumptive quantity of the water right. Water not beneficially used cannot be changed and is subject to relinquishment. Any amounts of water authorized for use under this right but not beneficially used in the most-recent five year period is not available for change and is subject to relinquishment for non-use.

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 water right. This is necessary to establish whether the right is eligible for change. *R.D. Merrill v. PCHB and Okanogan Wilderness League v. Town of Twisp.*

RCW 90.03.265(2) provides that, in pursuing a cost-reimbursement project, the Department must determine the source of water from which the water is proposed to be diverted or withdrawn, including the boundaries of the area that delimit the source. The Department must determine if any other water-right applications are pending from the same source. A water source may include surface water only, groundwater only, or surface and groundwater together, if the Department finds they are hydraulically connected. The Department shall consider technical information submitted by the applicant in making its determinations under this subsection.

RCW 90.03.265(1)(b) provides that the requirement for an applicant to pay for the processing of senior applications does not apply in situations where it can be determined that the water allocated to one party will <u>not diminish</u> the water available to a senior applicant from the same source of supply. Because this request is an *Application for Change* and no water beyond that with has been historically used will be appropriated this request will be neutral to other potential users and not diminish the amount of water available to them, accordingly it can be processed prior to other pending applications.

**INVESTIGATION**

Evaluation of this application included, but was not limited to, research and/or review of the following:

- Department of Ecology records of surface and groundwater rights and claims, and of well construction reports within the vicinity of the subject production wells.
- *Water Well Reports* from the Department of Ecology well log database (various dates).
- Ecology's Water Resources Program's policies, procedures, and guidance.
- Records of water rights (and related information) in the vicinity of the subject property.
- Keta Waters (2013) Information, Data, and Analysis to Support Change Applications for Wilcox Family Farms Water Rights, December 3, 2013.
- Keta Waters (2015a) Updated Water Use Estimates Wilcox Family Farms, March 31, 2015.
- Keta Waters (2015b) email communication from Joel Massmann to Jill VanHulle (PGG) dated April 24, 2015.
- Keta Waters (2015c) email communication from Joel Massmann to Tammy Hall (Dept of Ecology), dated October 9, 2015.

## Setting

Wilcox Farms (Wilcox) is a 1,800 acre facility located along the north and east bank of the Nisqually River in Pierce County. Water features in the vicinity of the Wilcox Farm include Harts Lake and Little Harts Lake to the east, Horn Creek to the north, and the Nisqually River to the south and west. The Centralia Dam which diverts water into a channel for hydropower production near Yelm, is located on the Nisqually River on the downstream end of the farm. A small un-named stream (Harts Creek) flows through the site from Harts Lake into the Nisqually River. The stream enters the Nisqually River upstream of the Centralia Dam's intake.

*See Attachment #1*

**Project Description**

The farm was originally established in 1909 and operations at the facility have included dairy operations, poultry operations, livestock services, milk processing, whole eggs and liquid eggs processing, gathering forest products, and growing crops. The facilities have included chicken and egg production buildings, a milk processing plant, egg processing plants, a composting facility, a vehicle repair and maintenance facility, an office complex, and residential units.

The farm obtains water from groundwater wells and from surface water diversions located on Harts Creek. The existing water rights include two surface water rights located on a tributary of the Nisqually River originating in Harts Lake, and five ground water rights withdrawing water from 11 wells that are hydraulically connected with the Nisqually River. A total of 475[1] acres of land have historically been irrigated under Wilcox's existing water right certificates (Keta Waters, 2013).

One purpose of the applications is to allow any farm field to be irrigated from any water source within the proposed expanded place of use. All of the diversion and withdrawal points providing water are conveyed through a common distribution system allowing water from any water source to be applied to any field on the farm. However, the water rights currently only allow specific sources to be used on specific fields. The intent of this filing is to make the water use consistent with actual irrigation practices.

Wilcox Farm water use has evolved to include agriculture and other purposes not anticipated when the farm was established. These proposed changes to Wilcox's water rights portfolio are required to bring Wilcox's water rights into compliance with what is currently being practiced.

**Original intent of filing Applications for Change**

Wilcox's intent when they filed the *Applications for Change* was to change the following attributes of their water rights:

- Change purpose of use from irrigation to irrigation and environmental purposes.
- Change the place of use to the entire Wilcox Farm property to enable the water supply sources to be used throughout the property.
- Irrigate additional acreage beyond what their currently authorize water rights by spreading to irrigate an undisclosed number of additional acreage.
- Change portions of stockwater rights used for dairy purposes to irrigation.
- Change water rights identified for domestic purposes to multiple domestic purposes.
- Preserve unperfected inchoate water for environmental purposes, specifically to preserve instream flows.
- Add environmental purposes as an authorized purpose of use to all water rights to allow for water to be used in unknown amounts for non-specific environmental purposes

**Ecology's Determination**

[1] As currently issued water right allow for irrigation of 420 acres, the additional 55 acres of irrigation have occurred as a defacto changes to the stockwater portions of Groundwater Certificates G2- 20972, and G2-28175 when they were converted from dairy use to irrigation.

In evaluating Wilcox's requests, Ecology will agree to approve the place of use change. However, expansion of acreage beyond what the water rights authorize (*Spreading*) will not be approved. These rights once approved will remain limited to the irrigation of 475 acres.

*Addition of Acres to Currently Authorized Water Rights*

The process for adding purposes of use or expanding the number of acres is described in Chapter 90.03.380(1) RCW and PRO-1210. The intent of this regulation is to allow applicants the ability to increase the number of acres they can irrigation in specific situations where they 1) have adequate data that documents water use for 5 continuous years, and 2) they can demonstrate that a new irrigation technique will result in a significant water savings.

Under PRO-1210, Ecology is required to determine the water right's Annual Consumptive Quantity (ACQ). An ACQ analysis serves to reduce the water right's annual quantity by subtracting the non-consumptive portion of the water right. In the case of an irrigation water right, this means subtracting return flows from the annual water use. An ACQ "baseline" selects the two highest use years over the most-recent five year period of continuous water use, computes the consumptive portion for each year, and then averages the two values. The average value becomes quantity of water that can be used to spread over additional acreage.

One intent of this *Application for Change* was to provide Wilcox Farms with the ability to spread water – or increase the number of acres being irrigated beyond what their water rights authorize. However, Ecology has determined this request cannot be accommodated for the following reasons:

- Wilcox is already irrigating more acreage than their water rights authorize. In order to spread water, water use has to be perfected *as authorized*. Using the annual quantity *within the limits* of the water right, ACQ is calculated to arrive at a consumptive portion. This consumptive portion is available to spread. ACQ cannot be applied to spreading that has already happened.
- Spreading water requires an evaluation of water use data over the most-recent five-year period of continuous water use for *each* water right. Wilcox does not meter all of their irrigation water use and co-mingles their sources, so it is not possible to evaluate each water right separately. Further, they use several different sources to irrigate overlapping places of use. Some of the irrigation is also occurring outside of authorized place of use for each individual water right.
- Wilcox's data submittal did not include water use data for 2013 or 2014, because irrigation did not occur during those years. The first year included in the evaluation period is generally the first full irrigation season or year immediately preceding the decision date of the application for change.
- Wilcox did not indicate how many additional acres they wanted to irrigate, or provide specific details regarding a new crop type which could be used to assess a different water duty.
- Wilcox did not demonstrate how they intended to change their irrigation practices so that additional acres could be added without exceeding the consumptive portion of the water right. Ecology finds the request speculative in nature in that the request lacks enough specificity to allow an evaluation of current and future water use patterns.

Although Ecology is unable to approve Wilcox's request in its entirety, Ecology has agreed to allow Wilcox to manage its irrigation on a split-season basis. Ecology recognizes the need for flexibility and

agrees to allow split season irrigation to be used on the farm to the extent it is addressed in the Farm Planning documents, which are required as a condition of approval. The authorization to allow split season irrigation is specific to the water rights involved in these proposed changes. Further, use under split season irrigation is contingent on Wilcox being able to meter and document their water use so that the total amount of acres and total annual quantity authorized for irrigation is at no time exceeded.

Split season irrigation would allow cultivation of cool season row crops irrigated early in the season (i.e. peas) in one place followed by irrigation of a later season crop (i.e. squash) in a different place once the cool season crop has been harvested and no longer is being irrigated.

*Environmental Purposes*

Environmental purposes will not be added as an authorized purpose of use. Wilcox's request to preserve unperfected water for environmental benefit will not be allowed. RCW 90.03.380(1) states that a water right that has been put to beneficial use may be changed, *to the extent it has been perfected.* Because this water has not been perfected through beneficial use, it is not eligible to be changed to a different purpose.

Likewise Wilcox's request to add environmental purposes as a designated purpose of use will not be authorized by this change. Wilcox has not demonstrated a demand for water for environmental purposes, and without specific information regarding the type of project, nature of water use and duration of water use Ecology finds the request speculative. Ecology does not consider non-use of water an environmental purpose unless it is a Trust Water donation. If Wilcox needs water for reasons different than irrigation or industrial, Wilcox can request temporary permits from Ecology. *If Wilcox anticipates not fully utilizing their water rights for more than five years, Ecology recommends placing the unused portion in Ecology's Trust Water Program as temporary donations to prevent relinquishment.*

Wilcox's other requests, including the disposition of two defacto changes will be approved and are addressed in this report.

**General Hydrogeological Setting**

The general hydrogeological setting of Wilcox Farms was describe by Keta Waters (2013), in the supporting documentation provided by the applicant in support of this application.

The groundwater flow system in the vicinity of the Wilcox Farms consists of a relatively shallow aquifer system comprised of recent alluvial and Pleistocene glacial deposits. These deposits overlie a sequence of deposits of Miocene age that have been termed the Mashel Formation (Walters and Kimmel, 1968). The recent alluvial deposits (Qa) at the site are relatively thin and are in direct contact with the glacial deposits. These glacial deposits include sands and gravels deposited as the Vashon glacier advanced (Qva), as well as till (Qvt) and recessional outwash materials that were deposited as the glacier retreated (Qvr). All of the wells at the site appear to be completed in the Vashon advance outwash materials (Qva). This advance outwash underlies the Qvt, Qvr, and Qa deposits (Keta Waters, 2013).

Groundwater flows in the shallow aquifer system to the north and west and discharges into the Nisqually River (Keta Waters, 2013).

Groundwater in alluvial and glacial deposits is hydraulically connected to Harts Creek and the Nisqually River. Water pumped from groundwater wells or diverted from Harts Creek would otherwise have discharged into the Nisqually River. Because of this relationship, groundwater and surface water diversions on Wilcox Farms can be considered to be the same source of water (Keta Waters, 2013).

**Site Visit**

A site visit to the project site was not conducted specifically as part of processing these proposed water right changes. However, the investigator has previously visited the Wilcox property and is familiar with the farm project and reviewed other records that documents onsite conditions.

**History of Water Use**

The farm was founded by Judson and Elizabeth Wilcox in 1909. At that time, the land was covered in timber, and the only actual land suitable for farming was the area adjacent to Harts Lake, as authorized by the subject water-right certificate. In the earliest days of the farm, the family milked a few cows and raised chickens and vegetables, which were sold to the local logging camps. In 1920, a commercial-scale poultry operation was started.

In 1931, Judson's son, Truman, joined into a partnership and production of farm products increased. By 1940, the poultry operation had expanded to 5,000 birds, and beef cattle were raised, as well. Over the next several decades, Wilcox Farms greatly expanded its operations and brought additional property into cultivation. Crops that have been raised on the farm include grass, alfalfa, corn, and berries.

A central water distribution system extends across much of the Wilcox property and provides potable water for both irrigation and non-irrigation uses. All of Wilcox's water sources, are connected to this system. This distribution system results in comingling of waters from different sources authorized under different water rights. All of Wilcox's water sources, except surface water, are connected to this system.

GWC G2-22107 authorizes the withdrawal of 250 gpm and 120 ac-ft/yr. The point of withdrawal specified on the water right certificate is Well 1, however, the location of the well being used matches that of Well 8, rather than Well 1. It is unclear if the numbering scheme of their wells changed or the location of the well on the certificate is a ministerial error.

The purpose of use is irrigation of 60 acres as a primary water right (additive) and stand-by supplemental (non-additive) to G2-20972 for domestic, livestock dairy, and poultry operations (commercial/industrial).

Keta Waters (2015a) reported the highest water use from Well 8 under GWC G2-22107 in the past five years occurred in 2010 when 75.8 ac-ft were pumped for irrigation. Well 8 is equipped to produce 100 gpm.

*Well 3 as a defacto additional point of withdrawal*

Wilcox Farms is a working operation that uses water for a variety of purposes, the primary purpose of use is irrigation. For the most part, Wilcox combines and co-mingles sources to use throughout the property.

In some situations, changes to historic uses associated with water rights have been made without first obtaining authorization for the changes pursuant to chapters 90.03 and 90.44 RCW. Such unauthorized changes to existing water rights are commonly referred to as *defacto*, or *after-the-fact changes*.

Wilcox is contending that use of Well 3 can be seen as a defacto additional point of withdrawal under G2-22107. Both Well 3 and Well 8 are completed in the same body of public groundwater and historical and current water use is consistent with the intent of the original water right. All other attributes of the right have remained constant and do not constitute enlargement.

Keta Waters (2015a and 2015b) reports highest use from Well 3 in the past five years occurred in 2010 when a total of 99.6 ac-ft were pumped from the well. Withdrawals from Well 3 are also authorized by G2-00117 in the amount of 68 ac-ft/yr (67 ac-ft for irrigation and 1 ac-ft for domestic supply). Therefore the annual quantity from Well 3 that would be considered defacto is 31.6 ac-ft.

*Relationship of G2-22107 to other Wilcox water rights*

GWC G2-28175 was issued as a supplemental (non-additive) water right to G2-20972, G2-22107 and GWC7428 which allows Well 9 to be used instead of sources specified by each certificate. Wilcox Farms also states that Well 10 has been used as an additional point of withdrawal under G2-28175.[2] Because of this relationship, production from Wells 9 and 10 is being divided among CG2-20972, CG2-22107, and CG2-GWC7428. In addition, both wells are being added to each CG2-20972, CG2-22107, and CG2-GWC7428 as additional points of withdrawal although not specifically requested by the applicant.

Keta Waters (2015a, 2015b) reported the highest production from Wells 9 and 10 combined occurred in 2010 when 64 ac-ft were used for irrigation. As such, each the annual quantity exercised under CG2-20972, CG2-22107, and CG2-GWC7428 will be increased each by 21.3 ac-ft. Because GWC G2-22107 is non-additive to G2-20972 for all uses except irrigation, both the domestic supply and commercial/industrial portions will be equally divided between CG2-GWC7428 and CG2-20972.

The domestic supply and commercial/industrial portions of GWC G2-22107 will remain non-additive to G2-20972.

**Water Use Calculations/Tentative Determination**

*Irrigation water duty calculations*

Assessing historical water use for Wilcox Farms is problematic because water is co-mingled between sources and applied to areas outside the authorized place of use by the original individual water rights. Because the number of acres irrigated and the amount of water used from each source has fluctuated over the years, Ecology is taking a portfolio approach to assess the Wilcox water rights, provided the total number of acres irrigated has not exceeded 475 acres. Using this approach, each right can be quantified based on the maximum extent of beneficial use.

[2] Well 10 is connected to the farm's water distribution system downstream of Well 9 and upstream of any irrigation or non-irrigation water uses. For that reason, totals reported from Well 9 include water pumped from Well 10 (Keta Waters, 2015c).

Only some water use at Wilcox Farms is metered. Water metering data is available from all of the groundwater wells but the data is not complete. Meter data covers primarily only the non-irrigation use portion. Surface water use was not metered.

The amount of water used for irrigation was calculated, in part, by Keta Waters (2013) using metering data when available and information in a database maintained by Wilcox Farms. The database specifies the duration of each irrigation event in hours, the type of nozzle used with the irrigation equipment, and the water pressure associated with the irrigation system. The volume of irrigation water used in an irrigation event is calculated using an empirical relationship between flow rate and the water pressure in the irrigation line.

Irrigation water use estimates for 2008 through 2012 is summarized in Table 3. Based on the data, 2010 was the year with the highest use when a total of 693.2 acre-feet were used for irrigation purposes. **For this specific water right certificate (G2-22107) Wilcox pumped 75.8 ac-ft from Well 8 for irrigation.**

**Table 3.** Irrigation water use as reported by Wilcox Farms.

| | Well 1 ac-ft | Well 2 ac-ft | Well 3 ac-ft | Creek ac-ft | Well 8 ac-ft | Well 9 ac-ft | Well 11 ac-ft | Total |
|---|---|---|---|---|---|---|---|---|
| 2012 | 0.3 | 0.0 | 0.0 | 96.4 | n.a. | 33.3 | 16.6 | 146.5 |
| 2011 | 0.0 | 0.0 | 0.0 | 56.1 | n.a. | n.a. | n.a. | 56.1 |
| **2010** | **114.3** | **29.9** | **99.6[3]** | **294.9** | **75.8** | **64.0** | **14.8** | **693.2** |
| 2009 | 111.7 | 25.9 | 84.6 | 210.2 | 68.3 | 38.8 | 0.2 | 539.5 |
| 2008 | 33.7 | 26.3 | 34.9 | 359.2 | n.a. | 28.9 | 30.6 | 513.6 |
| | | | | | | | | |
| WR# | GWC-7428 | GWC 7428 | G2-00117 | SWC 3281<br>SWC 10042 | G2-22107 | G2-28175 | G2-20972 | |

Keta Waters, 2015b

Based on total use of 693.2 ac-ft/yr, the resulting Total Irrigation Requirement (TIR) at the Wilcox farm for a mixed crop is 1.46 ac-ft /ac (17.5 inches per acre). If we assume the consistent use of a big gun style irrigation system, which is typical of the irrigation method used at the Wilcox farm, the **Crop Irrigation (CIR) Requirement** is 1.02 ac-ft /ac (12.25 inches).

While the originally issued water rights only allowed for 420 acres of irrigation Wilcox has provided additional information to support the irrigation of an additional 55 acres resulting from a documented defacto change (CG2-28175) that occurred in 2008 when Wilcox shifted from dairy to additional irrigation. Assuming this defacto change, it appears the maximum extent of Wilcox's authorized irrigation totals 475 acres.

**Table 4** summaries the irrigation water duty on Wilcox Farms. These calculations assume irrigation of 475 acres using the highest amount of water use reported using a big gun style traveling sprinkler. We have accounted for the possibility that more efficient irrigation techniques may have been used on parts

[3] Water use under GWC G2-00117 exceeding the authorized quantity is considered a defacto change adding Well 3 as a point of withdrawal to G2-22107.

of the farm by using a higher calculation for the overall efficiency of the system (65% is the average efficient rate for big guns).

We note this calculation is lower than expected based on the Washington Irrigation Guide because much of the Wilcox property is naturally wet. In addition their irrigation sources, Wilcox also land applies industrial process water, using it to irrigate additional acreage beyond the 475 acres authorized by their water rights.

**Table 4.** Irrigation water duty for 475 acres.

| Crop requirement in inches | Crop Irrigation Requirement | Total Irrigation Requirement | App. Efficiency (%) | % Total Evaporated | Total Consumed ac-ft | Return Flow ac-ft |
|---|---|---|---|---|---|---|
| 12.25 | 485 | 693 | 70 | 5 | 520 | 173 |

*Water Use Plan*

In exchange for the increased flexibility in managing their water rights, Wilcox has agreed to provide a Water Use Plan. This plan must accurately identify property they intend to irrigate and how much water they anticipate using for other uses (stock watering, multiple domestic, environmental enhancement or other permitted water uses). Wilcox must identify the source of water to be used for each purpose and the instantaneous quantities of water that will be used.

If conditions are not expected to change, the Water Use Plan may be prepared for multiple years, and if agreed to by Ecology may be provided less frequently.

Ecology notes that while the Water Use Plan is a useful tool for monitoring compliance with the terms of this recommended change, that it holds no legal standing in the actual authorization of water use. The total number of acres to be irrigated may not be increased unless Ecology makes a determination on a specific request.

**Other Water Rights Appurtenant to the Proposed Place of Use**

Wilcox Family Farms holds seven water-right certificates, including two surface water and five groundwater certificates, plus a pending groundwater application. The purposes of use for the Wilcox water rights include irrigation, stock watering, dairy and poultry operations, and domestic uses. The attributes of these water rights are summarized in Table 5.

The certificates together authorize up to:

737 ac-ft for irrigation of 420 acres,
89.5 ac-ft for poultry facilities,
246.5 ac-ft for dairy facilities,
1 ac-ft for stockwater and
8.5 ac-ft for group domestic purposes, for a combined allocation of 1,082.5 ac-ft/yr.

**Table 5.** Summary of recorded water rights at Wilcox Family Farms**.**

| Control Number | Original Owner | Doc | Date | Purpose [1] | Qi | Units | Qa | Acres |
|---|---|---|---|---|---|---|---|---|
| **Surface Water** | | | | | | | | |
| SWC 3281 | Wilcox, T., et al. | Certificate | 8/18/1944 | IR | 0.5 | CFS | | 50 |
| SWC 10042 | Wilcox Farms, Inc. | Certificate | 5/25/1962 | IR | 1.5 | CFS | 3000 | 150 |
| **Ground Water** | | | | | | | | |
| G2-00117 | Waller, Clifford | Certificate | 10/9/1970 | IR, DS, ST | 225 | GPM | 69 | 35 |
| GWC 7428 | Wilcox Farms Inc. | Certificate | 8/22/1967 | ST, IR | 400 | GPM | 262 | 125 |
| G2-20972 | Wilcox Farms Inc. | Certificate | 4/25/1973 | ST, DM | 500 | GPM | 331.5 | |
| G2-22107 | Wilcox Farms Inc. | Certificate | 4/1/1974 | ST, IR | 250 | GPM | 120 | 60 |
| G2-28175 | Wilcox Farms Inc. | Certificate | 5/23/1991 | ST, DM | 200 | GPM | 0 | |
| G2-078925CL | Wilcox Farms Inc. | Claim - Long Form | Pre 1945 | DG | na | GPM | na | na |
| G2-28788 | Wilcox Farms Inc. | Application | 3/19/1993 | ST, DM | 200 | GPM | na | na |

[1] IR = irrigation, DS = domestic single, ST = stock, DG = Domestic General, DM = domestic Multiple

### Other Water Supply Sources

Wilcox Farms also has a separate distribution system that is used to convey treated wastewater from a 33-million gallon holding lagoon. This treated wastewater is used to irrigate approximately 350 acres divided among ten separate spray fields.

This reuse of treated wastewater is allowed under the terms of Wilcox's discharge permits. It can be used to irrigate additional acreage beyond what is authorized under Wilcox's irrigation water rights. Wilcox may should identify where they plan to use treated wastewater in the Water Use Plan and differentiate it from irrigation water rights.

### Impairment Considerations

Wilcox requested to change the place of use of this water right so water from Well 8 can be used throughout Wilcox's farm provided the use of this water source is not increased. Because no other changes being proposed, other water users will not be impacted.

Existing water rights within a two mile radius of Wilcox Farms are listed in Table 6.

**Table 6.** Water rights within a two mile radius of Wilcox Farms.

| Certificate Number | Qi | Qa | Use | Source |
|---|---|---|---|---|
| **Rights within a one mile radius** | | | | |
| G2-00758CWRIS | 100 gpm | 23 | domestic multiple | Well |
| G2-*09275CWRIS | 20 gpm | 1.5 | domestic single and stock watering | Well |
| | | | | |
| **Rights greater than one mile and less than two mile radius** | | | | |
| S2-27488CWRIS | 80 cfs | 58,000 | power | Nisqually River |
| G2-*01658CWRIS | 150 gpm | 80 | irrigation | Infiltration trench |
| S2-01086AWCWRIS | 0.27 cfs | 40 | irrigation | Toboton Creek |
| S2-25136GWRIS | 0.12 cfs | 16 | irrigation | Un-named slough |
| S2-21602CWRIS | 0.02 cfs | 1 | domestic single | Un-named spring |
| S2-24559ALCWRIS | 0.02 cfs | 1 | domestic single | Un-named spring |
| S2-*08140CWRIS | 0.2 cfs | 35 | irrigation and stockwatering | Powell Creek |

## QUANTITIES RECCOMMENDED FOR APPROVAL

Water use at Wilcox Family Farms falls into four purposes of use: irrigation, dairy operations or stockwater, poultry operations, and domestic supply. In the interest in giving the applicant more flexibility as to how water is used Ecology has agreed to reallocate these rights into three categories – Irrigation, Domestic and Industrial/commercial. Industrial/commercial is a general category that includes water used by poultry – for drinking, cooling, cleaning AND in the processing of egg products. Industrial/commercial will replace stockwatering as a purpose and include water rights originally allocated as Poultry Operations. Other future uses of industrial/commercial water can occur without further changes provided they do not increase the consumptive nature of the water use.

Table 7 outlines the recommendations for the reissuance of superseding certificates as a result of the *Applications for Change* filed by Wilcox Farms. It reflects favorable approval of the requested defacto changes, adjustments for use of water allocated under non-additive water rights, and is based on Wilcox's highest reported water usage.

**Table 7.** Recommendations for issuance of superseding certificates.

| Water Right Certificate | Purpose | Qi | Qa | Comment |
|---|---|---|---|---|
| SWC 3281 | Irrigation | 0.5 CFS | 73.7 | Based on 2010 use. |
| SWC 10042 | Irrigation | 0.17 CFS | 221.1 | Based on 2010 use. |
| GWC 7428 | Irrigation | 400 gpm | 165.5 | Total Qa based on 2010 water use. Annual quantity for all purposes of use have been increased to reflect the portion of G2-28175 converted from non-additive to additive. |
| | Industrial/Comm. | | 36.5 | |
| | Multiple Domestic | | 1.5 | |
| G2-00117 | Irrigation | 150 gpm | 67 | Total Qa based on 2010 water use. Total of 99.6 ac-ft pumped, balanced of 31.6 ac-ft assigned to G2-22107. |
| | Single Domestic | | 0.5 | |
| G2-20972 | Irrigation | 100 gpm | 37.9 | Total Qa based on 2012 water use. Annual quantity for all purposes of use have been increased to reflect the portion of G2-28175 converted from non-additive to additive. |
| | Industrial/Comm. | | 53.4 | |
| | Multiple Domestic | | 6 | |
| G2-22107 | Irrigation | 100 gpm | 128.7 | Total Qa based on 2010 water use. Annual quantity for all purposes of use have been increased to reflect the portion of G2-28175 converted from non-additive to additive. Also included is 32.1 ac-ft as a defacto change adding Well 3 as an additional point of withdrawal to G2-22107. |
| | Industrial/Comm. | | 52.5 (non-additive) | |
| | Multiple Domestic | | 6 (non-additive) | |
| G2-28175 | Irrigation | 200 gpm | 64 (non-additive | Total Qa based on 2010 use. Qa divided among CG2-GWC7428, CG2-20972, and CG2-22107. |
| | Industrial/Comm. | | 51 (non-additive) | |
| | Multiple Domestic | | 1 (non-additive) | |

**Public Interest Considerations**

This request is consistent with the recommendations of the Nisqually Watershed Planning process which recommends that existing water rights be used to supply new development, to the extent possible. This right as originally issued and as modified under this request is not detrimental to the public interest.

**CONCLUSIONS**

The proposed change does not affect the original findings of water right certificate G2-22107. This conclusion is based on the above investigation and is summarized as follows:

1. This water right is for a combination of irrigation and domestic supply, which is a beneficial use of water;

2. The requested change will not affect the availability of water for appropriation, because there will be no increase in water use;
3. The request will not impair senior water rights or instream flows; and
4. The request is not detrimental to the public interest.

**RECOMMENDATIONS**

Based on the information presented above, the author recommends that that Application for Change of CG2-22107 be approved in the amounts of 100 gpm, 128.7 ac-ft/yr for irrigation of 475 acres, 52.5 ac-ft/yr for industrial/commercial purposes (non-additive), and 6 ac-ft/yr (non-additive) for multiple domestic supply. The Points of Withdrawal are Wells 8, 9, and 10.

Report by: _____ _____
Date

Reviewed by: _____ _____
Date

## *References*

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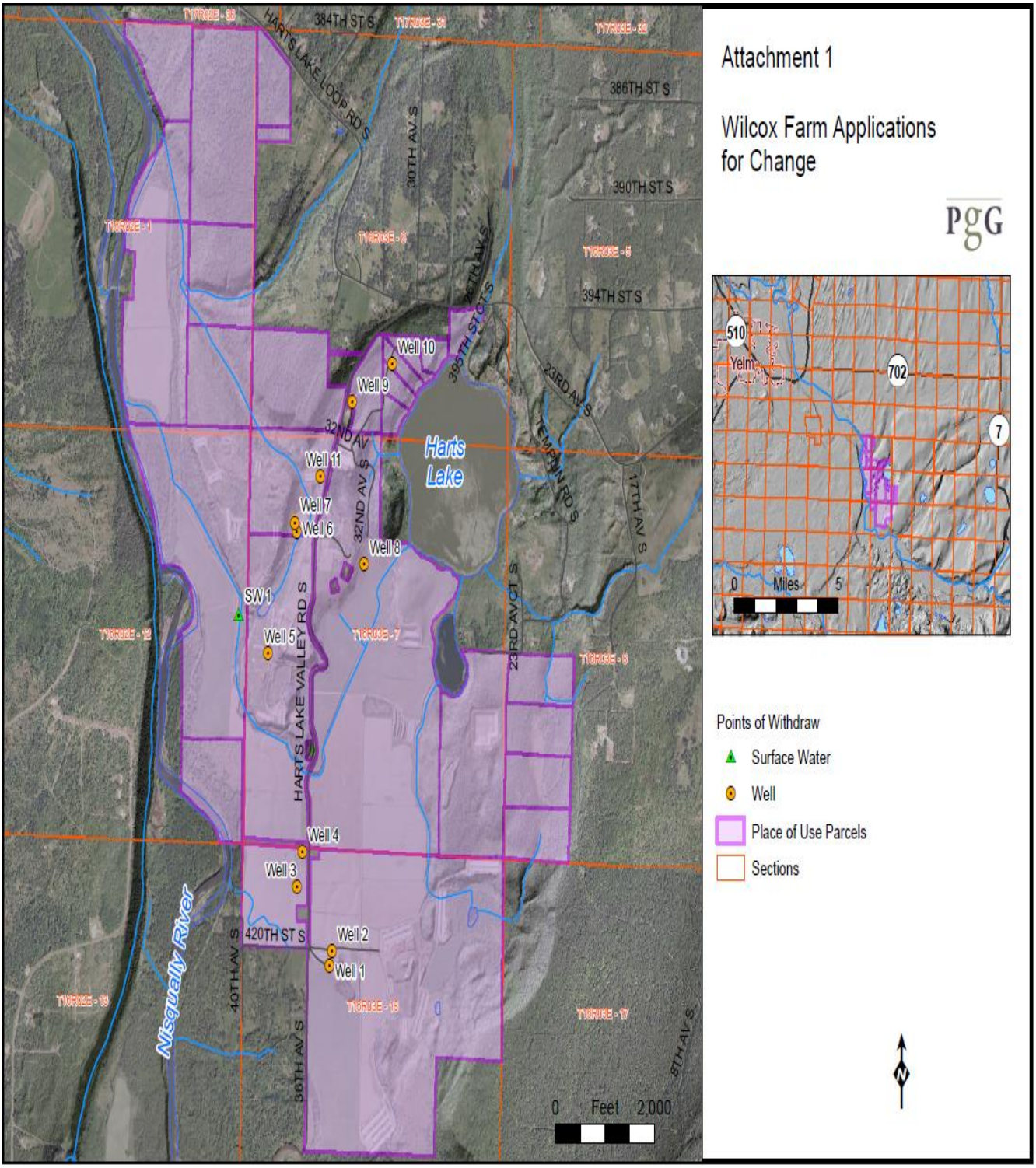
ATTACHMENT 1