STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

June 16, 2009

CERTIFIED MAIL **7003 1680 0007 1588 7395**

La Pianta LLC
P. O. Box 88028
Tukwila, WA 98138-2028

Re: Water Right Change Application No. G3-29381(A)

Dear Mr. Pawlicki:

Enclosed is a copy of the Department of Ecology's *Report of Examination for Change*. This report contains our decision regarding your application.

Your application has been approved.

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

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

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

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

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals & Application for Relief Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

Keith L. Stoffel
Department of Ecology
Eastern Regional Office
4601 North Monroe Street
Spokane, WA 99205

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 .

If you have any questions, please contact Kevin Brown at 509 329-3422.

Sincerely,

Keith L. Stoffel
Section Manager
Water Resources Program

KLS:KB:ka
Enclosures: Report of Examination for Change
Your Right To Be Heard
Focus on Water Right Relinquishment

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Application for Change
REPORT OF EXAMINATION
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☐ Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)

☒ Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
January 27, 1993	G3-29381	G3-29381(A)	

NAME
La Pianta LLC c/o Jacek Pawlicki

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
P.O. Box 88028	Tukwila	WA	98138-2028

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
Three Wells

TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE -FEET PER YEAR
	1,500	525

QUANTITY, TYPE OF USE, PERIOD OF USE

1,500 gallons per minute (gpm), 525 acre-feet per year, each year for seasonal irrigation of 150 acres

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL

Well No. 3 (AAP544): 100 feet North and 100 feet West from the E¼ of Section 20, within the SE¼ of the NE¼; Latitude 46° 57' 00", Longitude 119° 19' 27"
Well No. 4 (AHP796): 120 feet South and 450 feet West from N¼ of Section 20, within the NE¼ of the NW¼; Latitude 46° 57' 21", Longitude 119° 20' 07"
Well No. 6 (proposed): 35 feet South of the N¼ corner of Section 19, within the NE¼ of the NW¼ or the NW¼ of the NE¼; Latitude 46° 57' 22", Longitude 119° 21' 17"

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
(Well 3) SE¼NE¼	20	17 N.	28 E.	41	Grant
(Well 4) NE¼NW¼	20	17 N.	28 E.	41	Grant
Proposed well within NE¼NW¼ or NW¼NE¼	19	17 N.	28 E.	41	Grant

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
(Well 3) Parcel 170034000		
(Well 4) Parcel 170034000		
(Proposed) Parcel 17003300		

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

That portion of the following described lands lying northerly of Irrigation Block 80, Columbia Basin Project, according to the plat thereof filed October 26, 1959, records of Grant County, Washington:

Two pivots within that portion of the NW¼ of Section 21 lying northerly of county road; and NE¼ of Section 19, all within T. 17 N., R. 28 E.W.M.

DESCRIPTION OF PROPOSED WORKS

La Pianta LLC plans to use their existing Wells 3 and 4 and a new well to provide irrigation supply water to two pivots at an annual quantity of 525 acre-feet per year and an instantaneous capacity of 1,500 gpm.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE:
Not Started	December 1, 2010	December 1, 2015

REPORT

BACKGROUND

The examination of Change/Transfer Application CG3-29381P(A)@1 submitted by La Pianta LLC (La Pianta) on November 1, 2007, was led by consultants from GeoEngineers, Inc. contracted as part of the Washington State Department of Ecology's (Ecology's) cost-reimbursement program to facilitate the phased processing of the application. Karen Tusa of the Water Resources Program, Eastern Region, Ecology oversaw the examination and Kevin Brown of Ecology also provided review.

The original application G3-29381(A) was submitted by Vincent Edward Bryan, Junior for 2,000 gpm from a well for the seasonal irrigation of 200 acres in Section 31, T. 19 N., R. 23 E.W.M. Ground Water Permit G3-29381P was issued on July 13, 1994, for 2,000 gpm and 702 acre-feet per year, 700 acre-feet for seasonal irrigation and 2 acre-feet for domestic and recreation uses. An Application for Change submitted on January 17, 1996, to change the purpose of use was denied on January 16, 2003. On March 19, 1996, the Permit was assigned to Familigia LLC. A second Application of Change was submitted by Familigia LLC and Nick and Donna Tommer on January 27, 2004, requesting an additional point of withdrawal and a portion of the right to be transferred to the Tommers. This application was approved on July 21, 2004. The requested Familigia portion, assigned G3-29381P(B), was 500 gpm and 175 acre-feet for irrigation of 50 acres and 2 acre-feet for domestic and recreation uses. The Tommer portion, assigned G3-29381P(A), was 1,500 gpm and 525 acre-feet for seasonal irrigation of 150 acres. A Superseding Permit was issued on August 31, 2004. The Tommer Permit, G3-29381P(A), was assigned to La Pianta on January 18, 2005. La Pianta submitted an Application for Change on November 1, 2007, to change the location of the two points of withdrawal, to add a point of withdrawal and to change the place of use to a new project.

La Pianta proposes to transfer the point of withdrawal from two wells in Section 27, T. 21 N., R. 24 E.W.M. to two existing wells in Section 20 and one proposed well in Section 19, all three in T. 17 N., R. 28 E.W.M. La Pianta also proposes to transfer the place of use from 150 acres northeast of Quincy to 150 acres south of Potholes Reservoir. A summary of the proposed changes to Water Right Permit G3-29381P(A) is presented in Table 1.

Table 1. Summary of Proposed Changes

Attributes	Existing	Proposed
Name	La Pianta LLC	Same
Priority Date/Date of Change Application	*Priority Date*: January 27, 1993	*Date of Change* Application: November 1, 2007
Instantaneous Quantity (Qi)	1,500 gpm	Same
Annual Quantity (Qa)	525 acre-feet per year	Same
Source	Two wells	Two existing wells (Wells 3 and 4) and one proposed well
Point of Withdrawal	Well: NE¼NW¼ Section 27; T.21 N., R. 24 E. W.M. Well: N½ Section 27; T. 21 N., R. 24 E.W.M.	Well 3: SE¼NE¼ Section 20; T. 17 N., R. 28 E.W.M. Well 4: NE¼NW¼ Section 20; T.17 N., R. 28 E. W.M. Proposed: NE¼NW¼ ***or*** NW¼NE¼ Section 19; T.17 N., R. 28 E. W.M.
Purpose of Use	Irrigation supply	Same
Period of Use	Seasonal	Same
Place of Use	150 acres As described in Superseding Permit G3-29381P(A), within SE¼ Section 28; and W½ and W½E½ Section 27, all within T. 21 N., R. 24 E. W.M.	150 acres As described herein, within NW¼ Section 21; and NE¼ Section 19; all within T.17 N., R. 28 E. W.M.

INVESTIGATION

The examination team of GeoEngineers reviewed La Pianta's change application and supporting documents contained in the Ecology file, communicated regularly with senior Ecology staff to discuss direction of the work and any issues that arose, met and communicated with the applicant to review the water rights examination process and obtain current information, obtained and reviewed reports and other documents relevant to the application, and conducted a field examination of the key features of the application (e.g., proposed point of withdrawal, pumping and conveyance systems, and place of use).

The investigation included, but was not limited to, the review of:

- the State Water Code, specifically WAC 173-124A, 173-134A and 508-14;
- United States Geological Survey (USGS) topographic maps;
- Ecology's water right files, water right database (WRTS), and on-line Washington State Well Log Viewer;
- Hansen, A. J., Jr., Vaccaro, J. J., and Bauer, H. H., 1994, Ground-water flow simulation of the Columbia Plateau Regional Aquifer System, Washington, Oregon, and Idaho: USGS Water-Resources Investigations (WRI) Report 91-4187;
- Bauer, H.H, and Hansen, A. J. Jr., 2000, Hydrology of the Columbia Plateau Regional Aquifer System, Washington, Oregon, and Idaho, USGS WRI 96-4106;
- Digital aerial photographs of Grant County from 1999 to 2007;
- Washington Irrigation Guide Appendix A, Climate Stations for Consumptive Use (USDA 1985);
- information submitted by and conversations and/or meetings with Mario Segale and Jacek Pawlicki representing the applicant; and
- a site visit on March 27, 2008.

SEPA

Environmental review under State Environmental Policy Act (SEPA) is required for many projects; however, some minor projects are categorically exempt from SEPA. Appropriations of one cfs or less of surface water, or of 2,250 gpm or less of ground water, for any purpose, and appropriations of 50 cfs or less for surface water used for irrigation are categorically exempt from SEPA. See WAC 197-11-305.

The combined project exceeds the threshold for compliance with SEPA. La Pianta has completed a SEPA checklist for the project. Ecology is the lead agency for the SEPA determination. A Determination of Nonsignificance was issued by Ecology on May 1, 2009.

A notice of application was duly published in accordance with RCW 90.03.280 in the Quincy Valley Post Register on November 29 and December 6, 2007 and no protests were received.

State Water Code

Chapters 90.03 and 90.44 RCW authorize the appropriation of public water for beneficial use and describe the process for obtaining water rights including the process to amend or change existing rights. Laws specifically governing the water right permitting process are RCW 90.03.250 through 90.03.340 and RCW 90.44.060.

The Sections 19 and 20 of the proposed project lies within the boundaries of the Quincy Ground Water Management Subarea as defined in Chapter 173-124 WAC. The Quincy ground water subarea management policy is provided in WAC 173-134A. Section 21 lies within the Columbia Basin Project as defined in Chapter 508-14 WAC.

Source Area

The existing and proposed points of withdrawal are all within the Quincy ground water subarea as established pursuant to RCW 90.44.130 and set forth in Chapter 173-134 WAC. The source aquifer for both the existing and changed permit is/will be the Grande Ronde aquifer of Tertiary age within the Quincy "basalt zone" of rock units in the Quincy ground water subarea (WAC 173-124-050). The horizontal boundaries of the extent of the Quincy ground water subarea are provided in WAC 173-124-060. Ground water permit changes are permitted under WAC 173-134A-070. The Quincy ground water subarea was used to define the source of water for identifying water rights and applications that may be impacted by the requested change application.

Site Visit

Chad Opatz, a staff hydrogeologist with GeoEngineers, conducted a site visit on March 27, 2008. Mario Segale of La Pianta and La Terra, a related but separate entity from the applicant under his control, gave a tour of the facilities and property. The tour included the inspection of the existing well sites in Sections 19 and 20 T. 17 N., R. 28 E. W.M. Locations of the well sites were recorded using a hand-held GPS unit. Well 3 has a 400-horsepower turbine pump with a reported peak production flow rate of 1,400 gpm. The conveyance system for Well 3 includes a 100-horsepower booster pump and a 12-inch-diameter discharge pipe. Well 4 has a 350-horsepower turbine pump with a reported peak production flow rate of 1,600 gpm. The conveyance system for Well 4 includes a 200-horsepower booster pump and a 12-inch diameter discharge pipe. Wells 3 and 4 have water-use flow meters that are read weekly. The position of the proposed well site was also visited and its GPS coordinates recorded. The location is almost directly south of the N¼ stake for Section 19. Only when the well is actually constructed will the ¼ ¼ of the section be known. The applicant is irrigating 154 acres of grapes with cover crop and 86 acres of orchard grass hay with a combination of center pivot (without end gun) and drip irrigation.

The "Tommer" project site in T. 21 N., R. 24 E. W.M. near Quincy, from which the subject right is to be transferred, was not visited. According to the Report of Examination for G3-29381P(A) dated July 21, 2004, a total of three wells were planned to supply a proposed housing development. Roads and home sites were prepared for the project. However, the project plans appear to be abandoned and only Well 1 was constructed. The Report of Examination states that Well 1 was drilled to 320 feet and was capped and unused. Review of historical aerial photos confirms that there appears to be no water use at the site.

Hydrogeology in the Vicinity
The project site is in the Columbia River drainage basin within the Lower Crab Water Resource Inventory Area (WRIA) 41. The hydrogeologic setting described below is applicable to the area in the vicinity of the La Pianta wells.

Wells in this area rely on basalt aquifers that collectively form a large ground water reservoir occurring in a thick sequence of basalt flows known as the Columbia River Basalt (CRB) Group from the Tertiary Period. The overall thickness of these basalts varies from a few hundred feet to over 10,000 feet in eastern Washington. The basalt flows include the Saddle Mountain, Wanapum and Grande Ronde aquifers. The two main aquifers in the vicinity are the relatively shallow Wanapum and the deep Grande Ronde. The most productive zones within the CRB occur principally in tabular zones at the contact between basalt flows. These zones generally form confined aquifers that are composed of scoriaceous basalts, cinder beds, sediments, or volcanic ash. In the area around the Potholes Reservoir, the basalts are overlain by Quaternary deposits forming an unconsolidated near-surface zone that in places hosts an unconfined aquifer.

The La Pianta project is located on the eastern end of Frenchman Hills within the Yakima Fold Belt Subprovince of the Columbia Plateau. Frenchman Hills is an anticlinal ridge that trends generally east-west. The USGS (Bauer and Hansen 2000) has mapped an associated syncline to the north and high-angle faults to the south. The anticline of the parallel-trending Saddle Mountains is mapped further south.

The vertical groundwater movement component is generally downward except near discharge areas. Lateral groundwater movement is generally toward surface-drainage features where groundwater discharges, although geologic structures may cause local anomalies to groundwater movement (Bauer and Hansen 2000). The lateral groundwater movement in the shallow Wanapum unit is toward Moses Lake and Potholes Reservoir, whereas the groundwater in the deeper Grande Ronde unit is to the south and west toward the Columbia River (Hansen and others 1994). Bauer and Hansen (2000) suggest that the Wanapum units of the Frenchman Hills and the anticlinal ridge to the south are hydraulically separate and groundwater flow in the Wanapum unit north of Frenchman Hills is to the east toward the Potholes Reservoir; whereas, just south of Frenchman Hills the flow is to the south.

There have been reports of water level declines in the Frenchman Hills area west of La Pianta. These reports have not been formally verified by Ecology (Kevin Brown, 2008). To the north of La Pianta are several small community and transient non-community systems that generally obtain their groundwater from shallow (100 to 200 feet deep) or intermediate depth (300 to 500 feet deep) wells. These are most likely completed in the Wanapum aquifer. To provide protection to these users and to provide separation of the La Pianta withdrawal from the Wanapum formation and, potentially, the shallow "artificially stored" groundwaters claimed by the Bureau of Reclamation, casing and sealing requirements are needed to isolate the La Pianta wells in the deeper Grande Ronde formation and aquifer. Limited information from Well 4 indicates that the estimated interference drawdown is predicted to be less than 10 feet at a distance of 1 mile.

Administrative Status of Water Bodies
The project lies within the boundaries of the Quincy Ground Water Management Subarea as defined in Chapter 173-124 WAC. This Subarea covers the northern portion of the Columbia Basin Project (developed by the U.S. Department of Interior, Bureau of Reclamation), and lies mostly within Grant County. The Quincy Subarea is divided into two major ground water management units, deep and shallow, as defined by rule (Chapter 173-134A WAC).

The shallow water management unit is defined as the ground water hydraulically continuous between land surface and a depth of 200 feet into the Quincy basalt zone and includes all of the Quincy unconsolidated zone (WAC 173-134-040[9]). This area is subject to artificial recharge of ground water. This recharge results from leakage associated with the Bureau of Reclamation's Columbia Basin Irrigation Project that is composed of a series of canals used for irrigation. Most of the canal system is unlined, and significant leakage from the canals recharges the shallow ground water table. Deep percolation of applied irrigation water (return flow) also contributes to ground water recharge in the Subarea.

The deep management unit is defined as all ground waters underlying the shallow management unit (WAC 173-134A-040(4)). The deeper basalt flows include several identified geologic formations, or groups of basalt flows, know as the Saddle Mountains, Wanapum and Grande Ronde Basalt Formations. Many of these basalt flows, and the aquifers they contain, extend well beyond the administrative boundaries of the Quincy basin and are laterally continuous across much of the Columbia Basin in eastern Washington.

Existing and Proposed Points of Withdrawal
The points of withdrawal associated with Permit G3-29381P(A), and from which the subject rights are to be transferred, are located in Section 27 of T. 21 N., R. 24 E.W.M., approximately 35 miles northwest of La Pianta property and are sourced in the deeper basalt flows of the Quincy Basin deep management unit.

According to the Report of Examination of July 21, 2004, there are two points of withdrawal associated with the Tommer portion (G3-29381P(A). The log for Well 1 indicates it was drilled in 1991 to 320 feet, has a 12-inch casing to 180 feet, and is screened from 270 to 320 feet. Well 1 is not in use. Well 2 has not been drilled.

The existing La Pianta Wells 3 and 4 in Section 20 of T. 17 N., R. 28 E. W.M., associated with the subject change application also produces water from the Grande Ronde formation of the deep management unit. The proposed new well will also be required to be constructed into the Grande Ronde aquifer of the deep water management unit to avoid impairing the shallower wells and domestic wells in the vicinity.

Well 3 was drilled in 1997 to a total depth of 1,005 feet below ground surface (bgs) from approximately Elevation 1,475 feet above mean sea level (MSL). The well has a surface seal to 18 feet. The 16-inch-diameter well is open to the basalt formation from 653 to 1,005 feet bgs (approximately Elevation 822 to 470 feet above MSL). The static water level was recorded at a depth of 502 bgs feet on June 25, 1997. This non-pumping water level is approximately 973 feet above MSL. Well 3 is equipped with a 400-horsepower pump capable of 1,400 gpm. Because of the apparent interconnection between the Wanapum and Grande Ronde aquifers that may be occurring within Well 3, sealing and casing requirements for replacing or repairing Well 3 are included herein as provisions.

Well 4 was drilled for La Terra in 2003 to a total depth of 1,713 feet below ground surface (bgs) from approximately Elevation 1,471 feet above MSL. The well is sealed to 954 feet bgs in the annulus outside the 14-inch-diameter casing. The 14-inch well is open to the basalt formation as a 13-inch-diameter uncased hole from 954 to 1,012 feet bgs and an approximately 10-inch-diameter uncased hole from 1,012 to 1,713 feet bgs (approximately Elevation 517 to -242 feet MSL). The well was originally pumped at rates of 2,500 gpm with the air stem set at 1,700 feet bgs. The static water level was recorded at a depth of 515 feet bgs in August 2003. This non-pumping water level is approximately 956 feet above MSL. Well 4 is equipped with a 350-horsepower pump capable of 1,600 gpm. The source for Well 4 is the Grande Ronde aquifer.

Though the location of the proposed new well has been staked in the field, its exact location is yet to be determined. The new well will be of similar depth, open to the same target formations (deeper Grande Ronde aquifer) as the existing wells, and is expected to have a yield in excess of 1,500 gpm. To prevent interconnection between the shallow Wanapum and deep Grande Ronde aquifers, sealing and casing requirements for the new well are included herein as provisions.

Water Rights

A search area to identify adjacent water rights was defined using a nominal 1-mile radius to include all adjacent sections surrounding the La Pianta wells. The resulting area of approximately 9 square miles was conservatively chosen because impairment of groundwater rights beyond this distance is unlikely based on predicted drawdown interference. There are 10 ground water permits and certificated rights located within the search area based on the search of Ecology's WRTS database conducted on April 16, 2008.

There are eight ground water claims that potentially could be within the search area based on the WRTS database. Only the sections are recorded for the claim locations. The claims process allowed users of water developed before 1917 for surface water and 1945 for ground water to register withdrawals. The state required users to register withdrawals during a "claims period" between 1969 and 1974, in 1985 and again in 1998. A claim is not authorization to use the water, but a statement of claim. The validity of existing claims has not been determined in most cases and can only determined by the Superior Court through adjudication.

GeoEngineers conducted a search of Ecology's well log files on May 7, 2008. There are 59 records of wells located within the search area of the La Pianta irrigation supply wells. It is unknown how many of these are exempt domestic supply wells.

Evaluation of the Permit

The original points of withdrawal in T. 21 N., R. 24 E. W.M. were intended to draw water from the deep management unit of the Quincy Ground Water Management Subarea. The La Pianta wells in T. 17 N., R. 28 E. W.M. must also draw water from the deeper Columbia River Basalts to remain within the same body of ground water.

The La Pianta ground water right is in permit status and is undeveloped within the development schedule as established by the Superseding Permit issued on August 31, 2004. The full quantities of the permit are valid and suitable for transfer. The original intent was apparently to irrigate alfalfa at an application rate of 3.5 acre-feet per acre on 150 acres. The current proposal is to irrigate two circles with double crops of peas and corn (with the possibility of double-cropping with onions, Sudan grass or triticale). The crop irrigation requirement for this intent is estimated to be 3.5 acre-feet per acre on 150 acres.

Existing Water Right Documents

In addition to the subject change application, La Terra, a related but separate entity from La Pianta under common control of Mario A. Segale, has submitted two other change applications that are related and are being processed concurrently. The change applications request that the source for all three allocations be the existing Wells 3 and 4 and one proposed new well.

- La Terra's change application, CG3-25081C@2, is proposed to be approved to transfer 900 gpm (Qi) and 280 acre-feet (Qa) withdrawn from the three wells. Change application CG3-25081C@2 also requests a place-of-use increase from 80 to 190 acres. La Terra's certified ground water right, G3-25081C, has a priority date of October 8, 1976.

- La Terra's change application CG3-25083C@2, is proposed to be approved for 1,700 gpm (Qi) and 510.9 acre-feet per year (Qa) withdrawn from the three wells. Change application CG3-25083C@2 also requests a place-of-use increase from 160 to 370 acres. La Terra's certified ground water right, G3-25083C, has a priority date of October 8, 1976.

In total, if approved, the three change applications request the withdrawal of 4,100 gpm (Qi) and 1,315.9 acre-feet (Qa) from three wells. Two change applications, CG3-25081C@2 and CG-25083C@2, total 2,600 gpm for the irrigation of 560 acres at 1.4 acre-feet per acre, and the third change application, CG3-29381P(A)@1, is 1,500 gpm for the irrigation of 150 acres at 3.5 acre-feet per acre. All three wells will provide the combined quantities of appropriated water for the transferred rights requested under CG3-25081C@2, CG3-25083C@2 and CG3-29381P(A)@1. Since these rights will have significant differences in annual quantities, the two pivots proposed for the inchoate permit shall be individually metered in addition to source meters.

FINDINGS

Extent and Validity of G3-29381P(A)

The La Pianta ground water right is inchoate and in permit status and is within the development schedule as established by the construction extension granted by Ecology on October 10, 2008. The full quantities of the permit are valid and available for transfer, because the permit is still within its development schedule. The proposed source wells are within the same body of public ground water. The change application changes the place of use but does not change the instantaneous or annual quantities for appropriation, or the irrigated acres. Thus, the water right changes will not result in an expansion of the water right, provided appropriate measures are taken to meter water for these lands within the larger project.

Impairment to Existing Rights

WAC 173-150-060 describes how to determine whether a ground water right has been impaired. Specifically: "A ground water right which pertains to qualifying withdrawal facilities, shall be deemed to be impaired whenever: (1) there is an interruption or an interference in the availability of water to said facilities, or a contamination of such water, caused by the withdrawal of ground water by a junior water right holder or holders; and (2) significant modification is required to be made to said facilities in order to allow the senior ground water right to be exercised."

Well interference may occur when multiple wells penetrate and withdraw ground water from the same aquifer. Each pumping well creates a drawdown cone. When drawdown cones intersect other wells, interference drawdown occurs. Drawdown interference from the pumping wells is likely to be less than 10 feet at 1 mile. There are 10 certified ground water rights and 59 documented wells within a 1-mile radius of the La Pianta water supply wells. Most of these wells are within the Wanapum Aquifer. The proposed well construction will require casing and sealing into the Grande Ronde Formation to protect domestic water uses and wells. The requested transfer to the existing Wells 3 and 4 and a proposed well will therefore not create sufficient interference drawdown to impair ground water right holders provided the wells are properly constructed into the Grande Ronde aquifer.

Beneficial Use

Water used for irrigation supply is considered a beneficial use under RCW 90.54.020(1).

Public Interest

The 1971 Water Resources Act provides the most comprehensive list of legislative policies that guide the consideration of public interest in the allocation of water. These policies generally require a balancing of the state's natural resources and values with the state's economic well-being. Specifically, the policies require allocation of water in a manner that preserves instream resources, protects the quality of the water, provides adequate and safe supplies of water to serve public need, and makes water available to support the economic well-being of the state and its citizens.

The permitted irrigation use of 525 acre-feet per year should support the economic well-being of the state and its citizens. No other detriment to public interest could be identified during the examination of the subject application. Use of La Pianta's wells is not expected to impair existing senior water right holders.

CONCLUSIONS

The examiner concludes that, in accordance with Chapters 90.03 and 90.44 RCW, this application to change the point of withdrawal and add one point of withdrawal and change the place of use under Ground Water Permit G3-25081P(A) are within the same body of public ground water, will not enlarge the quantity of water authorized, nor will it impair existing rights or be detrimental to the public interest provided the provisions below are followed.

PROVISIONS

The total amount authorized for withdrawal from three wells under Ground Water Permit Number G3-29381P(A) shall be limited to 1,500 gallons per minute; 525 acre-feet per year for irrigation of 150 acres.

Upon filing of the Completion of Construction, the applicant shall identify the 150 acres irrigated under this authorization.

This authorization is subject to the following conditions:

In total, withdrawal under Certificates G3-25081C and G3-25083C and Permit G3-29381P(A) shall not exceed 4,100 gallons per minute and 1,315.9 acre-feet per year for the irrigation of 710 acres.

For the project, the total withdrawal is 2,600 gpm (Qi) and 790.9 acre-feet (Qa) from three wells for the irrigation of 560 acres at 1.4 acre-feet per acre and 1,500 gallons per minute (Qi) and 3.5 acre-feet per acre (Qa of 525 acre-feet) for irrigation of 150 acres. All three wells will provide the combined quantities of appropriated water for the transferred rights requested under CG3-25081C@2, CG3-25083C@2 and CG3-29381P(A)@1. Since these rights will have

significant differences in annual quantities, the two pivots proposed for the inchoate permit (150 acres) shall be individually metered in addition to source meters subject to the metering requirements below.

An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use," Chapter 173-173 WAC. Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years, and the data shall be promptly submitted to Ecology annually during development of the project. The amount of ground water applied to the 150 acres specific to this permit will be metered separately from other irrigated lands related to this project.

The following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, Permit/Certificate No., source name, annual quantity used including units, maximum rate of withdrawal including units, weekly meter readings including units, peak weekly flow including units, Source number(s), purpose of use, well tag number, and period of use. In the future, Ecology may require additional parameters to be reported or more frequent reporting. Ecology prefers web-based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.

Chapter 173-173 WAC 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 entitled "Water Measurement Device Installation and Operation Requirements."

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water with the specified limit that is beneficially used and required for the actual crop grown on the number of acres and the place of use specified.

This authorization shall in no way excuse the permittee from compliance with any applicable federal, state or local statutes, ordinances or regulations, including those administered by other programs of the Department of Ecology.

The water quantities and uses recommended and/or the number of acres to be irrigated may be reduced at the time of issuance of a final water right commensurate with the capacity of the installed system and the uses and/or the number of acres actually irrigated. Submittal of the Proof of Appropriation shall specifically identify the 150 acres developed under this authorization.

If water from facilities of any legally formed irrigation district is used on any or all of the lands described herein as the place of use, the quantities of water withdrawn under this authorization shall be proportionately reduced to correspond to the acreage for which district water is not available.

The installation of an access port, described in Ground Water Bulletin #1, shall be required prior to issuance of a final certificate of water right. In addition, an airline and pressure gauge shall be installed and maintained in operating condition. The pressure gauge shall be equipped with a standard tire valve and placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Department of Ecology upon completion of the pump system.

A well log of the completed well shall be submitted by the driller to the Department of Ecology within thirty (30) days of completion of this well. This well log shall be complete and all information concerning the static water level in the completed well in addition to any pump test data shall be submitted as it is obtained.

All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

The wells shall be constructed or reconstructed to meet the following minimum casing and sealing provisions:

1. The minimum annular space for these wells shall be four (4) inches larger than the permanent casing.
2. Sealing shall be placed from the bottom of the well to the top until undiluted sealing material returns to the surface.
3. The casing requirement in these wells may be deepened if an interchange still occurs after casing and sealing is set.
4. The owner shall contact the Eastern Regional Well Construction Coordinator a minimum of 14 working days prior to any well construction or reconstruction associated with these wells.
5. Well number 3, if replaced or repaired, shall be sealed a minimum of 800 feet below ground surface.
6. Well number 4 if replaced or repaired, shall be sealed a minimum of 800 feet below ground surface.
7. Well number 6 shall be cased and sealed a minimum of 800 feet below ground surface.

This authorization to use public waters of the State is classified as a Family Farm Permit in accordance with Chapter 90.66 RCW (Initiative Measure No. 59). 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.

REPORT BY: _____ Date: 6/8/09
Joel W. Purdy, LG, LHG

State of Washington
Hydrogeologist
588
Licensed Geologist

JOEL W. PURDY

REVIEWED BY: _____ Date: 6/11/09
Kevin Brown

FINDINGS OF FACT AND DECISION

Upon reviewing the above report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I find water is available for appropriation and the appropriation as recommended is a beneficial use and will not be detrimental to existing rights or the public welfare.

Therefore, I ORDER a change be issued under Ground Water Change/Transfer Application Number CG3-29381P(A)@1, subject to existing rights and indicated provisions, to allow appropriation of public ground water for the amount and uses specified in the foregoing report.

Signed at Spokane, Washington, this 16th day of June, 2009.

_____
Keith L. Stoffel
Water Resources Section Manager
Eastern Regional Office

Y/Final docs/ROEs/Brown 2009/G3-29381(A) La Pianta