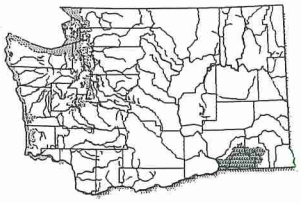
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

April 21, 2010



Your address is in the **Walla Walla** watershed

Mr. and Mrs. John Royse
105 Strawberry Lane
Walla Walla, WA 99362

Re: Water Right Change Application No. G3-29700(B)

Dear Mr. and Mrs. Royse:

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.

A permit will be issued consistent with the enclosed *Report of Examination for Change* after the appeal period has expired, if no appeals have been filed.

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 Dan Tolleson at 509 329-3526.

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

By CERTIFIED MAIL 7009 1410 0000 1369 0014

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
APPLICATION FOR CHANGE/TRANSFER
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
June 30, 1994	G3-29700	G3-29700(B)	

NAME
John and Tracy Royse

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
105 Strawberry Lane	Walla Walla	Washington	99362

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
A well

TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE FEET PER YEAR
	40	9.7

QUANTITY, TYPE OF USE, PERIOD OF USE

40 gallons per minute; 9.7 acre-feet per year, each year, for the seasonal irrigation and heat control/frost protection for 2.25 acres

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL

Well No. 2- SE¼NE¼ of Sec. 13, T. 7 N., R. 36 E.W.M.
450 feet North and 50 feet West from the E¼ corner of Sec. 13

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
ALL WITHIN	13	7	36 E.	32	Walla Walla

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

2.25 acres north of Titus Creek: Beginning at the E¼ corner of Sec. 13, T. 7 N., R. 36 E.W.M., and running thence S 0°01'23" E, along the East line of the SE¼ of said Section 13, 601.53 feet; thence S 89° 58'37" W, 330 feet; thence N 0°10'16" E, 1287.06 feet; thence N 78°54'38" E, 301.76 feet; thence S 0°39'18" W, along said East line 750.59 feet to the point of beginning.

DESCRIPTION OF PROPOSED WORKS

Well pump for irrigation

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE:
Started	May 1, 2011	May 1, 2014

REPORT

BACKGROUND

An application for change/transfer was submitted by Kraig Klicker of Walla Walla, Washington, to Ecology on May 2, 2002. Kraig Klicker proposes to add one point of withdrawal, as granted under Ground Water Permit No. G3-29700P.

Ground Water Permit No. G3-29700P:

Name on Permit:	Kraig D. and Charlotte E. Klicker
Priority Date:	June 30, 1994
Instantaneous Quantity – Qi:	70 gallons per minute
Annual Quantity – Qa:	45.3 acre-feet per year
Original Source:	A well
Point(s) of Withdrawal/Diversion:	See Table No. 1
Purpose of Use:	Irrigation, frost/heat control, domestic supply and stockwater
Period of Use:	Seasonal irrigation and continuous Domestic/Stockwater
Place of Use:	Approximation: A portion the E½E½E½ Sec. 13, T. 7 N., R. 36 E.W.M., south of Mill Creek Road

Proposed Change/Transfer:

Name of Applicant:	Kraig Klicker
Date of Application for Change/Transfer:	May 2, 2002
Point of Withdrawal/Diversion:	Add one well
Purpose of Use:	*No change*
Period of Use:	*No change*
Place of Use:	*No change*

Notice

A notice of application was duly published in accordance with RCW 90.03.280 in the Walla Walla Union Bulletin on November 17 and November 24, 2002, and no protests were received.

SEPA

This application is categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW, due to the fact that the water quantities proposed for change are less than five (5) cubic feet per second (2250 gallons per minute).

INVESTIGATION

In considering the proposed changes/transfers, the investigation included, but was not limited to, research and review of: (1) appropriate rules and statutes; (2) Ground Water Permit No. G3-29700P and other water rights/claims/applications in the vicinity; (3) water well reports for the applicant's wells, and other wells in the vicinity; (4) USGS topographic maps, aerial photographs, State of Washington Irrigation Guide (WA210-VI-WAIG, October 1985) and; (5) discussions with Department of Ecology regional program staff.

A site visit of the project was conducted on June 1, 2005 by Dan Tolleson. The project is located approximately two miles east of Walla Walla, Washington. The water right permit is located in the Walla Walla Basin and is managed under Chapter 173-532 WAC Water Resources Program for the Walla Walla River Basin, WRIA 32.

The permit authorizes one well which has been constructed and is in use. A second well is proposed to be added, which has been constructed and is in use. Each well will remain as a separate system.

Table No. 1
Well Specifications

Well No.	Status	Diameter (in)	Depth (feet)	Meter Status	Pump Type	Pump HP
1	Online (original well)	6	310	required	submersible	3
2	Online	6	422	required	submersible	5

The place of use authorized under Ground Water Permit No. G3-29700P is described as being within portions of the E½E½E½ of Sec. 13, T. 7 N., R. 36 E.W.M. south of Mill Creek Road. The terrain of the project is primarily flat bottom land of Titus and Mill Creek. Titus Creek divides the parcel of land into two pieces. The portion of the place of use north of Titus Creek is owned by John and Tracy Royse. This parcel of land has one home and approximately 2.25 acres of irrigated lawn. The portion of the place of use south of Titus Creek is owned by Kraig and Charlotte Klicker. This parcel of land has one home and approximately 3.25 acres of irrigated lawn.

EVALUATION OF THE WATER RIGHT AND BENEFICIAL USE ANALYSIS

The Washington State Supreme Court, in Okanogan Wilderness vs. Town of Twisp and Department of Ecology, 133 Wn.2d 769, 947 P.2d 732 (1997), found that applications for change may be granted only to the extent the water has been historically put to beneficial use, as beneficial use determines the measure of a water right. They also found that the existence and quantification of a water right must be determined, including whether or not the water right has been lost for non-use before the Department can approve a change or transfer of the water right.

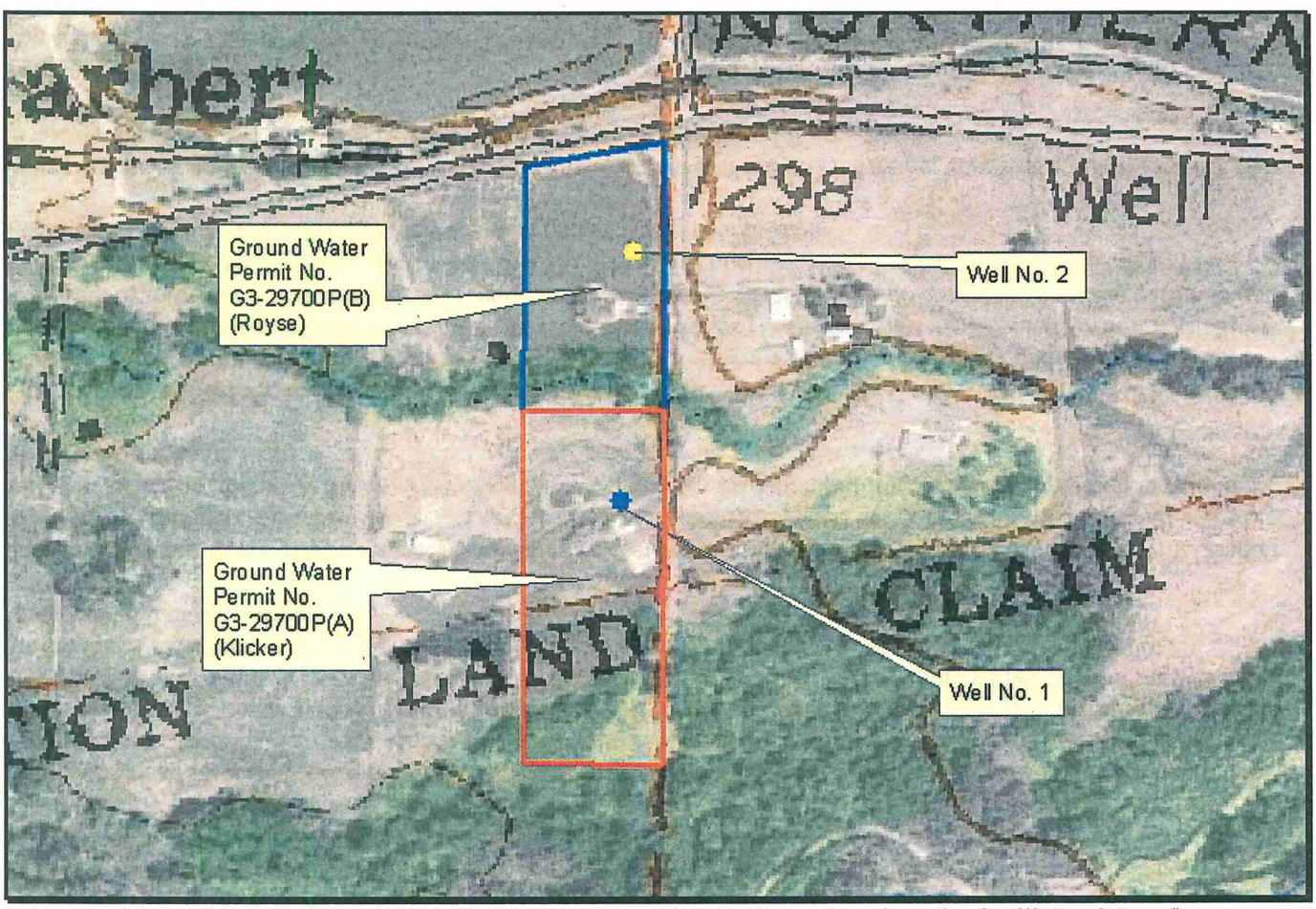
Ground Water Permit No. G3-29700P is currently in the development stage and in good standing with the proof of appropriation as its current phase.

Ground Water Permit G3-29700P is divided as outlined in the table below. The permit is owned by Mr. Klicker but the place of use is owned by Mr. Klicker and Mr. Royse. The applicant proposes to divide the water between the current owners. The "*A portion*" will be that part of the permit that describes the place of use owned by Mr. and Mrs. Klicker and the "*B portion*" will be that part of the permit that describes the place of use owned by Mr. and Mrs. Royse. The "Remainder of the Permit" that is not irrigable or not intended to be put to use will be removed from the permit.

Portion of Permit	Qi gallons per minute	Qa acre-feet per year	Acres of Irrigation
Portion A (Klicker)	30	[1]22	4.8
Portion B (Royse)	40	9.7	2.25
[2]Remainder of the Permit	0	13.6	2.95
Total	70	45.3	10

[1](One acre foot is for domestic supply and the remaining 21 acre-feet are for irrigation.)
[2](This portion will be removed from the permit.)

Map of Project



(E½E½E½ of Sec. 13, T. 7 N., R. 36 E.W.M., north of Mill Creek and south of Mill Creek Road)

Aerial photographs were used to help verify the extent of development, historical use and beneficial use of Ground Water Permit No. G3-29700P. It appears that although the parcel of land described as the place of use is

approximately 10 acres, only about 5.5 acres have been developed for irrigation at this time. Within Portion A (Klicker) approximately, 3.25 acres are currently irrigated and an additional 1.55 acres are intended to be put into production. Within Portion B (Royse) approximately 2.25 acres are currently irrigated and no more land is intended to be put into production. The remainder of the permit is either not intended for irrigation or is not irrigable due to the following development and natural features: two houses, roads, Titus creek, riparian vegetation of Titus Creek and non-irrigated native trees. Stock water was also authorized under this permit but is not intended to be developed. Therefore, 2.95 acres of irrigation and stockwater will be removed from the permit.

The maximum authorized water duty of this permit is approximately 4.33 acre-feet per year, per acre. It appears that the crops proposed (Christmas trees with cover and pasture land) for this water right are of a similar water duty. The State of Washington Irrigation Guide (WA210-VI-WAIG) states that 2.9 acre-feet, per acre, for pasture is required in the Walla Walla area. At a 70% efficiency rate of application, the approximate maximum water duty, for the crops listed above, is 4.3 acre-feet per year, per acre. This appears to be consistent the water duty authorized under this permit.

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 definition of Family Farm. This means, in part, that the irrigation portion of this authorization is valid only for agricultural lands.

Currently this project is out of compliance with the Family Farm Water Act, per Chapter 90.66 RCW. The primary reason that this permit is out of compliance is that all of the irrigation currently taking place under this permit is lawn/yard and is not agricultural irrigation. Therefore, the Klickers (Portion A) and the Royses (Portion B) shall have two years from the date of this Report of Examination to bring the permit back into compliance. If the permit is not brought into compliance within the allotted time, the permit shall be canceled. Portion A and Portion B will be evaluated separately and a decision will be made on the facts of each case.

Water rights are appurtenant to a specific parcel of land or place of use on an acre per acre basis. Therefore, the place of use of this permit will be narrowed down to the smallest legal description possible.

Portion A (Klicker):
The actual place of use is 4.8 acres south of Titus Creek: Beginning at the E¼ corner of Sec. 13, T. 7 N., R. 36 E.W.M., and running thence S 0°01'23" E, along the East line of the SE¼ of said Section 13, 601.53 feet; thence S 89° 58'37" W, 330 feet; thence N 0°10'16" E, 1287.06 feet; thence N 78°54'38" E, 301.76 feet; thence S 0°39'18" W, along said East line 750.59 feet to the point of beginning.

Portion B (Royse):
The actual place of use is 2.25 acres north of Titus Creek: Beginning at the E¼ corner of Sec. 13, T. 7 N., R. 36 E.W.M., and running thence S 0°01'23" E, along the East line of the SE¼ of said Section 13, 601.53 feet; thence S 89° 58'37" W, 330 feet; thence N 0°10'16" E, 1287.06 feet; thence N 78°54'38" E, 301.76 feet; thence S 0°39'18" W, along said East line 750.59 feet to the point of beginning.

HYDROGEOLOGIC ANALYSIS

The Hydrogeologic Analysis has been provided by John Covert. Applications for change of water right permits and certificates are governed by RCW 90.44.100, which states in part that the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Any amendment shall be issued by the Department of Ecology (Ecology) only under the conditions that: (1) an additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) all existing water rights shall not be impaired. Ecology may specify an approved manner of well construction and shall require a showing of compliance with the provisions of the amendment.

The point of withdrawal for this change application is located within the Walla Walla Basin, a hydrologic sub basin of the Columbia Plateau. This basin developed as a structural trough within the Columbia River Basalt Group that was later overlain by unconsolidated sediments. The lowermost sediment unit is referred to as the "blue clay" which rests directly on the basalt basement rock. Directly overlying the "blue clay" and interfingered with it, is the gravel unit. The various unconsolidated gravels serve as the aquifer material which forms the uppermost, unconfined, water table aquifer. Aquifers are also present within the consolidated, Tertiary-aged, Columbia River Basalt Group. These predominately confined basalt aquifers are separated from the gravel aquifer by the "blue clay" unit.

The basalt aquifer system is comprised of a series of zones, some of which easily conduct water. These high-conductivity zones alternate with zones of dense basalt, which impede the flow of water, and are considered to have low hydraulic conductivity. The highly permeable basalt zones range in thickness from a few feet to 25 feet or more. It is the composite of these permeable, water conducting zones that constitutes the "basalt aquifer" within the sub basin.

Proposed and Authorized Wells:

Authorized - Well No. 1 is identified as 6" x 310 feet deep. The well was constructed in 1995. The static water level was described as 204 feet below land surface and the land surface elevation is approximately 1,300 feet above mean sea level. The well is described as being cased with bentonite slurry to a depth of 53 feet. As constructed this well appears to be developed into the Columbia River Basalt Group.

Proposed - Well No. 2 is identified as 6" x 422 feet deep. The well was constructed in 2002. The static water level was described as 183 feet below land surface and the land surface elevation is approximately 1,300 feet above mean sea level. The well is described as being cased to 50.5 feet with an 18 foot surface seal. As constructed this well appears to be developed into the Columbia River Basalt Group.

Any new constructions, reconstruction or replacement of Wells No. 1, and 2 shall require the following: The well must be cased and sealed at least five (5) feet into the first solid, unfractured, nonporous nonvesicular basalt flow.

- In construction or reconstruction, any cascading water or other interaquifer transfer of water encountered shall be cased and sealed. Sealing material shall be placed from the bottom of the well to the top until undiluted seal material returns to the surface through the annular space. After the casing is sealed in place, the well may be completed by drilling out the casing until sufficient water is obtained.
- After completion of the construction, the well shall be video scanned (providing a visually clear and recognizable picture that is continuous from land surface to the terminus of the well) and the video tape reviewed by the Eastern Regional Office, well construction coordinator of the Washington State Department of Ecology prior to installation of the production pump.
- 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 may 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.
- 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).

EXISTING RIGHTS

A review of Ecology records was conducted for existing water rights, permits, and claims in the surrounding area of the Klicker Project. The search focused primarily on Section 18, T. 7 N., R. 37 E.W.M. and Section 13, T. 7 N., R. 36 E.W.M. Three (3) Ground Water Certificates, eight (8) Walla Walla Adjudicated Surface Water Certificates, one (1) Ground Water Permit and four (4) Water Right Claims were found recorded in this search area in addition to the water right evaluated under this change. The review of Ecology records shows two water rights appurtenant to the proposed place of use, which are as follows:

Walla Walla Adjudicated Surface Water Certificate No. 116 w/chg. Vol. 1 page 486: This water right certificate authorizes 8 acres of irrigation within a large place of use which appears to be over 135 acres. It appears that this right was never used on Mr. Klicker's portion of the place of use. Therefore, Walla Walla Adjudicated Surface Water Certificate No. 116 w/chg. Vol. 1 page 486 is not appurtenant to Ground Water Permit G3-29700P.

Walla Walla Adjudicated Surface Water Certificate No. 13: This water right certificate authorizes 5 acres of irrigation within a large place of use which appears to be over 100 acres. It appears that 2.5 acres of this right have been historically used on Mr. Klicker's portion of the place of use. Therefore, Walla Walla Adjudicated Surface Water Certificate No. 13 is appurtenant and Ground Water Permit G3-29700P is partially supplemental to Walla Walla Adjudicated Surface Water Certificate No. 13. It should be noted that Certificate No. 13 does not use the authorized point of diversion and a change application should be filed with Ecology. Furthermore, it is suggested that a meter be installed at this point of diversion to maintain an accurate water total for the whole project.

(The validity and extent of above listed water rights and claims are not determined in this report.)

IMPAIRMENT ANALYSIS

"Impair" or "impairment" means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection, and/or 2) to prevent the beneficial use of the water to which one is entitled, and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below instream flow levels established by rule (POL-1200); and/or 4) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

It appears that this permit is in good standing and the next step is Proof of Appropriation; therefore, this permit is eligible for change. This proposed change to add one point of withdrawal, shall not increase the amount of water authorized to be withdrawn from the aquifer nor will it increase the land authorized for irrigation or expand the right.

FINDINGS

There is a water right permit available for change/transfer under Ground Water Permit No. G3-29700P.

When considering an application for change to a water right permit, Ecology must determine that the proposed change can be made without detriment or injury to existing water rights. Factors considered when determining potential impact include the following:

No Impairment to Existing Rights:
There has been no documented history of pumping interference between existing wells in this area, and it is not anticipated that the proposed change/transfer would cause impairment to existing water rights.

No Detriment to the Public Welfare:
There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed change.

No Enhancement of the Original Right:
No withdrawal of water over and above what has been authorized for beneficial use would be authorized through approval of this change.

Same Source of Water:
The ground water to be withdrawn is supplied by the same body of public water.

CONCLUSION

It is the conclusion of this examiner that, in accordance with Chapters 90.03 and 90.44, this application for change (to add one point of withdrawal, as granted under Ground Water Permit No. G3-29700P) will not enlarge the quantity of water historically authorized, nor will it impair existing rights or be detrimental to the public welfare provided the terms and conditions below are followed.

RECOMMENDATIONS

It is recommended that the applicant's request to change/transfer Ground Water Permit No. G3-29700P (to add one point of withdrawal, as granted under Ground Water Permit No. G3-29700P) be **approved**, subject to the following:

Portion A:

- 30 gallons per minute; 22 acre-feet per year, each year; 21 acre-feet per year as an alternate source for seasonal irrigation and heat control/frost protection of 4.8 acres*; 1 acre foot per year, continuously, for single domestic supply. *(10.8 acre-feet per year for the seasonal irrigation of 2.5 acres is an alternate source to Walla Walla Adjudicated Certificate No. 13.)

The authorized point of withdrawal is as follows:

- **Well No. 1- NE¼SE¼, of Sec. 13, T. 7 N., R. 36 E.W.M.**
  20 feet South and 200 feet West from the E¼ corner of Sec. 13

The authorized place of use will be as follows:

- 4.8 acres lying south of Titus Creek, being a portion of the following: Beginning at the E¼ corner of Sec. 13, T. 7 N., R. 36 E.W.M., and running thence S 0°01'23" E, along the East line of the SE¼ of said Section 13, 601.53 feet; thence S 89° 58'37" W, 330 feet; thence N 0°10'16" E, 1287.06 feet; thence N 78°54'38" E, 301.76 feet; thence S 0°39'18" W, along said East line 750.59 feet to the point of beginning.

Portion B:

- 40 gallons per minute; 9.7 acre-feet per year, each year, for the seasonal irrigation and heat control/frost protection for 2.25 acres.

The authorized point of withdrawal is as follows:

- **Well No. 2- SE¼NE¼ of Sec. 13, T. 7 N., R. 36 E.W.M.**
  450 feet North and 50 feet West from the E¼ corner of Sec. 13

The authorized place of use will be as follows:

- 2.25 acres lying north of Titus Creek, being a portion of the following: Beginning at the E¼ corner of Sec. 13, T. 7 N., R. 36 E.W.M., and running thence S 0°01'23" E, along the East line of the SE¼ of said Section

13, 601.53 feet; thence S 89° 58'37" W, 330 feet; thence N 0°10'16" E, 1287.06 feet; thence N 78°54'38" E, 301.76 feet; thence S 0°39'18" W, along said East line 750.59 feet to the point of beginning.

Provisions:

"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."

"Currently this project is out of compliance with the Family Farm Water Act per Chapter 90.66 RCW. The permittee will have two years from the date of the Report of Examination to bring the permit back into compliance. Compliance in this case is defined as using the permit for agricultural irrigation. If this is not accomplished within the allotted time the permit shall be canceled."

"This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise."

"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 within 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."

"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."

"Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities."

"A certificate of water right will not be issued until a final examination is made."

"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 submitted to the Department of Ecology during construction development of this permit each year and after issuance of a certificate the data will be maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

The rule above 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."

"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)."

"Any new constructions, reconstruction or replacement of Wells No. 1, and 2 shall require the following: The well must be cased and sealed at least five (5) feet into the first solid, unfractured, nonporous nonvesicular basalt flow. In construction or reconstruction, any cascading water or other interaquifer transfer of water encountered shall be cased and sealed. Sealing material shall be placed from the bottom of the well to the top until undiluted seal material returns to the surface through the annular space. After the casing is sealed in place, the well may be completed by drilling out the casing until sufficient water is obtained."

"After completion of the construction, the well shall be video scanned (providing a visually clear and recognizable picture that is continuous from land surface to the terminus of the well) and the video tape reviewed by the Eastern Regional Office, well construction coordinator of the Washington State Department of Ecology prior to installation of the production pump."

"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."

"Any future pump test data for the wells shall be submitted as it is obtained to the Department of Ecology."

"Flowing wells shall be so constructed and equipped with valves to ensure that the flow of water can be completely stopped when not being used. Likewise, the well shall be so maintained as to prevent the waste of water through leaky casings, pipes, fittings, valves, or pumps either above or below land surface."

Signed at Spokane, Washington
this 21st day of April, 2010.

Dan Tolleson

DAN TOLLESON
Water Resources Program
Department of Ecology

DT:md:ka
Y/Final docs/Final ROEs/Tolleson/2010/G3-29700(B) Royse