



## State of Washington REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Changed Place of Use  
Changed Point of Withdrawal

<b>PRIORITY DATE</b>	<b>WATER RIGHT NUMBER</b>
December 29, 1949	959-A

<b>MAILING ADDRESS</b>	<b>SITE ADDRESS (IF DIFFERENT)</b>
Matt Stredwick Stredwick Land, LLC 6573 Hwy 283 N Ephrata WA 98823-9784	

Total Quantity Authorized for Withdrawal		
<b>WITHDRAWAL RATE</b>	<b>UNITS</b>	<b>ANNUAL QUANTITY (AF/YR)</b>
600	GPM	240

Purpose						
PURPOSE	WITHDRAWAL RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON- ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
irrigation of 60 acres	600		GPM	240		04/01 - 10/31

Source Location			
COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
GRANT	GROUNDWATER		41-LOWER CRAB

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
A well	150389000	BIO549	18 N.	23 E.	10	SE¼SE¼	47.05872	119.92396
Datum: NAD83/WGS84								

Place of Use (See Attached Map)
<b>PARCELS (NOT LISTED FOR SERVICE AREAS)</b>
150389000
<b>LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE</b>
S½SE¼ of Section 10, T. 18 N., R. 23 E.W.M.

## Proposed Works

A well and irrigation system

## Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
June 1, 2017	June 1, 2018	June 1, 2019

## Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Upon request
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

## Provisions

Ground Water Claim No 200570 is considered relinquished.

The property within the proposed place of use lies within the boundary of the Columbia Basin Project and potentially within delivery of the irrigation district and other rights administered by the USBR (PBS). Should contracts be issued by the district or rights under the PBS program that include lands developed under this authorization, these lands will be subject to RCW 90.44.510. If water from facilities of any legally formed irrigation district is used on any or all of the lands described and developed herein as the place of use, the quantities of water withdrawn under this authorization shall be proportionately reduced to correspond to the acreage for which district water is not available. RCW 90.44.510 confirms that should water be supplied to these lands (agricultural or non-agricultural) and replaced with Columbia Basin Project Water, the permit or certificate, or portion thereof shall be designated as a standby or reserve water right. The total number of acres irrigated must not exceed the quantity of water authorized by the Bureau of Reclamation and the authorized number of acres under the permit.

### Wells, Well Logs and Well Construction Standards

All wells constructed in the state must meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard must be decommissioned.

All wells must be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag must remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160-291(3) is required.

**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. Water use records shall be maintained during the development of this authorization and submitted with the Proof of Appropriation.

**Water Use Efficiency**

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

**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 water right. Elements of a proof inspection may include, contracting with a Certified Water Rights Examiner, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

The 60 acres subject to this authorization must be clearly identified in relationship to QB-1464(C). Although these two permits are proposed to be developed within the same legal description they must be clearly separated to avoid overlap. Should overlapping rights occur, one or the other of these two rights will be subject to cancellation. Total lands irrigated under these two rights is limited to 78 acres within the S½SE¼ of Section 10.

**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.

**Real Estate Excise Tax**

This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the state Department of Revenue to obtain specific requirements for your project. Phone: (360) 570-3265. The mailing address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia WA 98504-7477 Internet: <http://dor.wa.gov/>. E-mail: REETSP@DOR.WA.GOV.

**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 there is a water right eligible for change; 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 Application No.CG3-\*01324C, 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 Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. “Date of receipt” is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 29th day of December, 2015.

Keith L. Stoffel, Section Manager

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>.

## BACKGROUND

An application for change/transfer was submitted by Stredwick Land LLC on April 13, 2015. The applicant proposes to change the point of withdrawal and place of use to Ground Water Certificate 959-A. The proposed place of use, the S½SE¼ of Section 10, T. 18 N., R. 23 E.W.M. is owned by Wirth Properties. The landowner signed the Application for Change submitted by Stredwick Land LLC.

A notice of application was duly published in accordance with RCW 90.03.280 in the Columbia Basin Herald on June 4 and 11, 2015 and no protests were received.

This application is categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW.

### **Attributes of Ground Water Certificate 959-A**

Recorded Name:	Frank Strode
Priority Date (date of first use):	12-29-1949
Instantaneous Quantity – Q(i):	1200 gallons per minute
Annual Quantity – Q(a):	360 acre-feet per year
Source:	A well
Point(s) of withdrawal:	NW¼SW¼ of Sec. 6, T. 19 N., R. 28 E.W.M.
Purpose of Use:	irrigation of 90 acres

## INVESTIGATION

Certificate 959-A authorized the use of 1200 gallons per minute, 360 acre-feet per year for the irrigation of 90 acres. The well is located as described. The property was being rill irrigated at the time of the field investigation. The crops were primarily corn. Only 60 acres of the property has been historically irrigated.

The existing well is located near the west ¼ corner of Section 6. The original 40 horsepower turbine pump was still onsite. The well was constructed in 1949, being 12 inches in diameter drilled to a depth of 263 feet. Casing was installed to 124 feet into competent basalt.

The applicant has purchased this property along with adjacent lands. He proposes to transfer these ground water rights to other lands. He has obtained authorization from the Moses Lake Irrigation District to exercise surface water under their authority, to irrigate some of this property and is in the process of developing a new pump station, main lines and new pivots from the lake.

The applicant proposes to transfer this right approximately 30 miles west to property located in the S½SE¼ of Section 10, T. 18 N. R. 23 E.W.M. This land will continue to be irrigated under the Moses Lake Irrigation District (MLID). Irrigation districts have the authority to reallocate water within their irrigation district boundaries. The irrigation district and the land owner are responsible to ensure they are within the limits of the water right issued under Surface Water Certificate 4887 to MLID.

## **Rights Appurtenant to the current Place of Use**

Short Form Ground Water Claim 145487 was filed by George Schiffner during the claim registration period ending in 1974. The document claims a use for domestic, stock and lawn and garden irrigation. The claimed place of use is the same as Certificate 959-A, but indicated a second well south of the irrigation well providing water for the residence in the NW¼ of SW¼ of Section 6.

Water Right Claim 200570 was filed during the claim registration act ending in 1974 although the fees were not paid to accept the claim. It was put into the claims data base for the record. The claimed well appears to be that which was certificated under 959-A. The claimed place of use describes Lots 5, 8, and 9 of Section 6, the same as Certificate 959-A. The claimed date of first use is 1961. This claim does not appear to represent a valid right as the date of first use is claimed as 1961. Certificate 959-A issued for a water right for this property with a priority date on 1949. This claim does not appear to represent a use that predates 1945 and appears to duplicate the right established under Certificate 959-A. The applicant agrees that this is not valid and will be considered relinquished.

Surface Water Certificate 265 of the Crab Creek Adjudication was issued in September of 1925. This riparian right was confirmed a priority date of 1910. The certificate issued as an inchoate right in 1925. The certificate authorized multiple points of diversion from Moses Lake for large tracts of land. One of the authorized diversions was described as located near the section line of Section 36 and 31, approximately one mile north of the applicant's property. It does not appear that the diversion was ever constructed or lands were irrigated from this proposed source. The aerial photo from 1949 indicates that the lands irrigated are all referenced in ground water rights. There does not appear to be any development from surface water in 1949. Development of the diversion and beneficial use for these lands would have to have been completed by 1932. Diversionary rights not initially exercised within 15 years of the enactment of the Water Code of 1917 are lost. *Ecology v. Abbott*, 103 Wn2d 686, 694 P.2d 1071 (1985).

Water Right Claim 057368 claims the use of 1200 gallons per minute from Moses Lake near the SW corner of Section 31 north of the applicant's property. The claimed place of use includes portions of the applicant's property. The claimed date of first use is 1940. The waters of Crab Creek and Moses Lake were adjudicated in Superior Court in the early twenties. Any person claiming an interest in the waters of Moses Lake or Crab Creek were required to appear and provide evidence during the adjudication. These lands were included in the Decree under Certificate 265 described above. This claim does not appear to represent a valid water right as all parties were required to appear before the Superior Court and be recognized in the decree in 1920's.

### **Evaluation of the Water Right and Beneficial Use Analysis:**

The Washington State Supreme Court, in *Okanogan Wilderness v. 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 Certificate 959-A authorized a use of 1200 gallons per minute, 360 acre-feet per year for the irrigation of 90 acres. Aerial photo review of the property confirmed that approximately 60 acres has historically and continually been irrigated. The remaining 30 acres appears to have been relinquished.

There is no information to quantify the amount of water actually used. A reasonable quantity for irrigation in this area is 3.5 acre-feet per year. This is consistent with the standard allotment in the Columbia Basin Project.

The land has been primarily rill irrigated corn. The Washington State Irrigation Guide confirms a crop consumption requirement for field corn at 2.5 acre-feet per year (29.38 inches per year). Sweet corn requires 1.82 acre-feet per year (21.88). The irrigation systems has primarily been rill irrigation. For field corn, if water is applied at 60% efficiency the applied water duty is approximately 4.0 acre-feet per acre.

A typical rate for irrigation is 10 gallons per minute per acre and based on the crop analysis, 4 acre-feet per acre is reasonable.

Based on this analysis, 600 gallons per minute, 240 acre-feet per year for the irrigation of 60 acres appears to be valid for the purposes of this change request.

### **Hydrologic/Hydrogeologic Evaluation**

Applications for change/transfer 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. Such amendment shall be issued by the Department only on the conditions that: (1) the 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) other existing rights shall not be impaired. The Department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment.

The proposed 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 US Department of Interior, Bureau of Reclamation), and lies mostly within Grant County.

As the application for change requests a change in well location, a determination of the same body of ground water is required.

The original well is located in Section 6, T. 19 N., R. 28 E.W.M. The well log indicates the well was constructed in 1950. The well log has described the well as a 12 inch well, cased into basalt at 124 feet below ground surface, and ultimately drilled to a depth of 260 feet below ground surface. The log reports a static water level of 40 feet below ground surface, and a yield of 900 gallons per minute with a drawdown of 92 feet at time of construction.

The proposed well exists, and is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, T. 18 N., R. 23 E.W.M., No well log is available for this well. It is believed to be constructed into the basalt unit. Multiple wells are constructed in the vicinity of the proposed location. Some of the wells are productive from the unconsolidated sands and gravels and shallow basalt. The wells in the vicinity are primarily domestic exempt wells at residences; most agricultural permits near this location take delivery of irrigation water from the canal system.

This well, or a replacement well, must produce water from basalt formations to remain within the same body of public ground water.

The original well, if it is not to be used, is to be decommissioned in accordance with the well construction rules, Ch. 173-160 WAC.

### **Existing Rights**

The proposed well and place of use are authorized for development of QB 1464(C) in the amount of 180 gallons per minute, 63 acre-feet per year for irrigation of 18 acres. QB 1464(C) requires complete development and beneficial use by June 24, 2018. The proposed place of use of both rights is 80 acres being the S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 10. Both rights could be developed on this property without overlap.

### **Impairment Considerations**

“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.

QB-1563P issued for lands  $\frac{1}{2}$  mile south of the proposed well location. This permit authorized the development of two wells for irrigation of 90 acres. Review of the well log data base confirms one well has been constructed in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 15. This well was constructed to a depth of 130 feet. Basalt was first encountered at three feet below ground surface.

There may be seasonal fluctuation in the water table at this location. These potential seasonal fluctuations are not considered to be impairment. The proposed well location change and change in place of use will not impair existing water rights.

The proposed change to change the point of withdrawal and place of use will not enlarge the quantity of water identified above. The proposed well is required to be constructed into the same body of public ground water.

The property within the proposed place of use lies within the boundary of the Columbia Basin Project and potentially within delivery of the irrigation district. Should contracts be issued by the district that include lands developed under this authorization, these lands will be subject to RCW 90.44.510. If water from facilities of any legally formed irrigation district is used on any or all of the lands described and

developed 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. RCW 90.44.510 confirms that should water be supplied to these lands (agricultural or non-agricultural) and replaced with Columbia Basin Project Water, the permit or certificate, or portion thereof shall be designated as a standby or reserve water right. The total number of acres irrigated must not exceed the quantity of water authorized by the Bureau of Reclamation and the authorized number of acres under the permit.

**Public Interest Considerations**

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 detrimental impact to the public welfare through issuance of the proposed change.

**CONCLUSIONS**

It is the conclusion of this examiner that, in accordance with Chapters 90.03 and 90.44 RCW, a valid right exists. This application for change to add a point of withdrawal and change the place of use will not enlarge the quantity of water identified, nor will it impair existing rights or be detrimental to the public welfare provided the terms and conditions are followed.

**RECOMMENDATIONS**

Based on the above investigation and conclusions, I recommend that the request for change to Ground Water Certificate 959-A be approved in the amounts and within the limitations listed below and subject to the provisions.

**Purpose of Use and Authorized Quantities**

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

- 600 gpm
- 240 acre-feet per year
- Agricultural irrigation of 60 acres

**Point of Withdrawal**

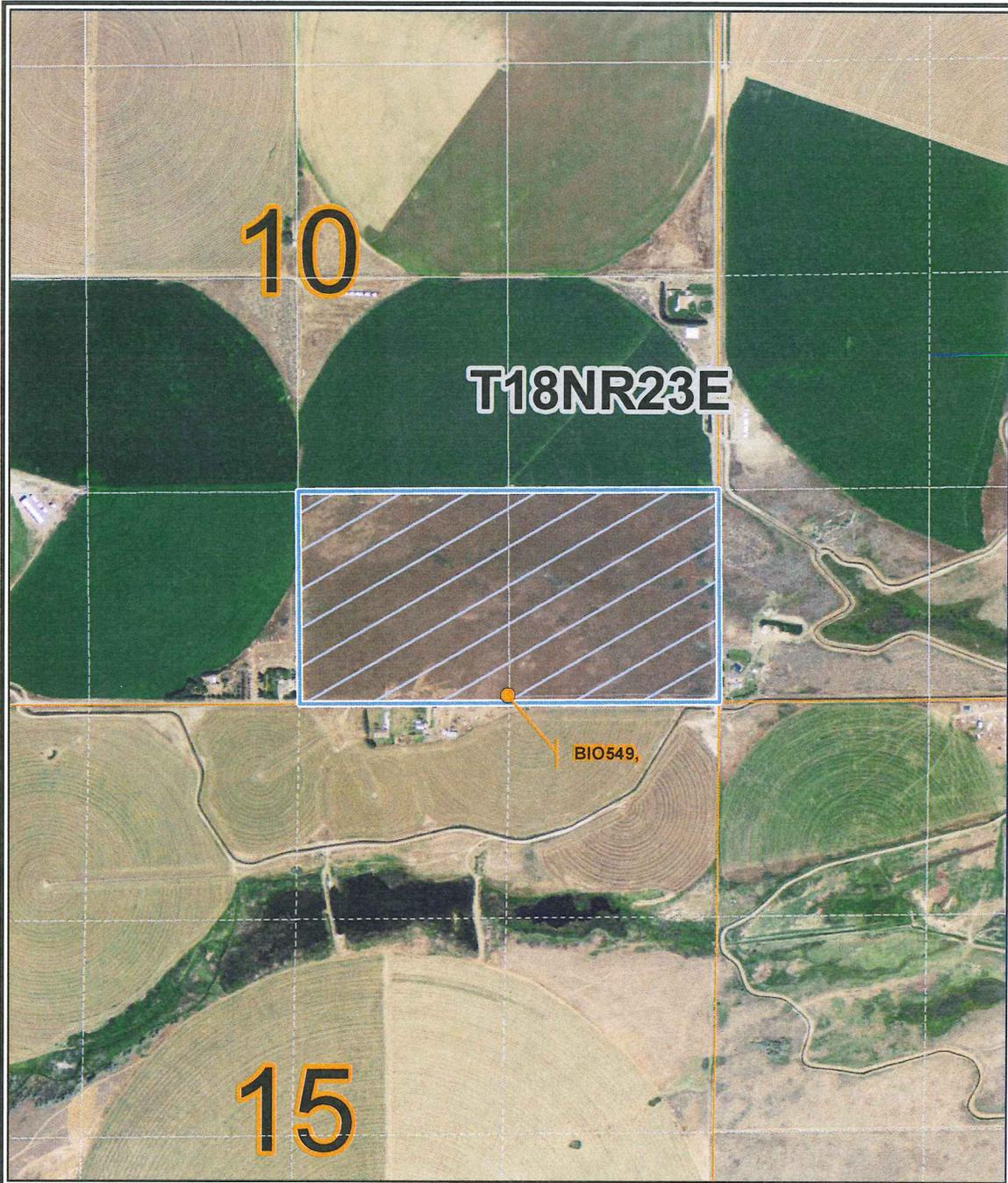
- SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, T. 18 N., R. 23 E.W.M.

**Place of Use**

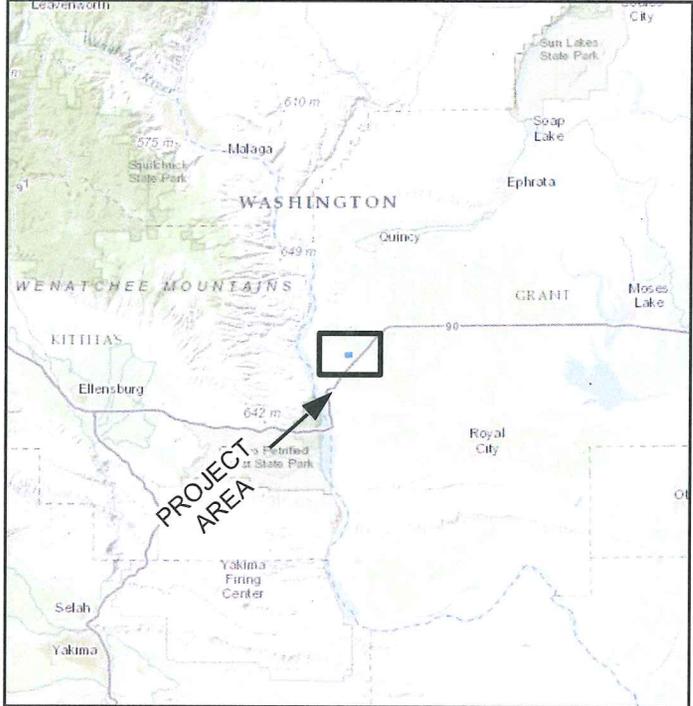
- S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 10, T. 18. N., R. 23 E.W.M.

Report by: Kevin Brown  
Kevin Brown  
Water Resources Program

12.29.15  
Date



Matt Stredwick  
 Cert 959-A  
 T18N/R23E



Basemap - (ESRI US Topographic Maps)

- Legend**
-  Authorized Place of Use
  -  Townships
  -  Sections
  -  Authorized Point of Withdrawal
- (Source locations may vary in their accuracy and precision as stated within the body of the report.)

0 660 1,320 2,640 Feet  
 Basemap - (NAIP 2013 1m color)

DEPARTMENT OF ECOLOGY  
 State of Washington

Map Date: 10/29/2015



**Comment:**  
 Place of use and source locations are as defined within the Report of Examination cover sheet for the document identified in the header above.