

STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**  
*Application for Change*  
**REPORT OF EXAMINATION**

PRIORITY DATE 1900	APPLICATION NO.	PERMIT NO.	CLAIM NO. 003442
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NAME Lester Snyder		
ADDRESS/STREET 2074 East Herman Road	CITY/STATE Washtucna, WA	ZIP CODE 99371

**PUBLIC WATERS TO BE APPROPRIATED**

SOURCE 1 well
TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND (cfs)	MAXIMUM GALLONS PER MINUTE (gpm) 40	MAXIMUM ACRE FEET PER YEAR (ac-ft/yr) 13
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QUANTITY, TYPE OF USE, PERIOD OF USE 40 gallons per minute, 13 acre-feet per year: 1 acre-foot per year continuously for domestic supply, 12 acre-feet for irrigation of 3 acres from April 1 to November 1
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**LOCATION OF DIVERSION/WITHDRAWAL**

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL 215 feet north and 215 feet west from the SE corner of Section 9, T. 16 N., R. 36 E.W.M. Unique Ecology Well ID Tag No. APB 417
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LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	SECTION 9	TOWNSHIP 16 N.	RANGE 36 E.W.M.	WRIA 34	COUNTY Adams
PARCEL NUMBER	LATITUDE		LONGITUDE	DATUM	

**RECORDED PLATTED PROPERTY**

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
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**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED**  
 [Attachment 1 shows location of the authorized place of use and point(s) of diversion or withdrawal]

SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, T. 16 N., R. 36 E.W.M.
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**DESCRIPTION OF PROPOSED WORKS**

1 well
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**DEVELOPMENT SCHEDULE**

BEGIN PROJECT BY THIS DATE Started	COMPLETE PROJECT BY THIS DATE Complete	WATER PUT TO FULL USE BY THIS DATE In-use
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**PROVISIONS**

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All wells constructed shall meet the construction requirements of chapter 173-160 WAC entitled "Minimum Standards for the Construction and Maintenance of Wells" and chapter 18.104 RCW titled "Water Well Construction".

Installation and maintenance of an access port as described in chapter 173-160 WAC is required. An air line and gauge may be installed in addition to the access port.

An approved measuring device shall 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", chapter 173-173 WAC.

Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

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 provisions, and to inspect at reasonable times any measuring device used to meet the above provisions.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times wells or diversions and associated distribution systems for compliance with water law.

"This change authorization under Ground Water Claim 003442 shall not be construed as validation as to the extent or priority of this claim to a vested right. This claim can only be confirmed through Adams County Superior Court Adjudication. If this claim, or portion of this claim appurtenant to the applicant's property, should be judged invalid at some future date, this change authorization shall become null and void."

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**FINDINGS OF FACT AND ORDER**

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Upon reviewing the investigator's report, I find all facts relevant and material to the subject application have been thoroughly investigated. Furthermore, I find the change of water right as recommended will not be detrimental to existing rights.

Therefore, I ORDER approval of the recommended change under Change of Ground Water Claim No. 003442, subject to existing rights and the provisions listed above.

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

Signed at Spokane, Washington, this 15th day of April, 2010.

  
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Keith L. Stoffel, Section Manager  
Water Resources Program  
Eastern Regional Office

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**INVESTIGATOR'S REPORT**

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**BACKGROUND**

An application for change/transfer was submitted by Lester Snyder to the Department of Ecology on April 13, 2007. The applicant proposes to change the point of withdrawal to Ground Water Claim 003442.

A notice of application was duly published in accordance with RCW 90.03.280 in the Ritzville Adams County Journal on May 24 and 31, 2007, 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 Claim No. 003442**

Recorded Name:	Lester E. Snyder
Priority Date(date of first use):	Previous to 1900
Instantaneous Quantity – Q(i):	75 gallons per minute
Annual Quantity – Q(a):	110 acre-feet per year
Source:	A well
Point(s) of withdrawal:	SE¼, Sec. 9, T. 16 N., R. 36 E.W.M.
Purpose of Use:	Domestic supply and irrigation of 20 acres
Period of Use:	Continuous and seasonal
Place of Use:	Portions of the SE¼ and SW¼ of Section 9, T. 16 N., R. 36 E.W.M.

The proposed change is to change the location of the well.

**INVESTIGATION**

The project is completed. The original well was having difficulty satisfying the existing uses and a replacement well was required. The original well is described as approximately 120 feet deep. It was described as deepened once to a depth of 175 feet. The original well was replaced with a new well in April of 2007. The new well is approximately 15 feet from the old well and constructed to a depth of 200 feet.

Water has been used for domestic supply of up to 3 residences and irrigation of up to 3 acres within the SE¼SE¼SE¼ of Section 9. The lawns are irrigated with hoses and sprinklers. Approximately 2 acres are irrigated grass pasture. Currently only two of the residences are occupied. The new pump is a 50-horsepower submersible pump. It was tested at 60 gpm with an open discharge. Mr. Snyder confirmed he can run 4 sprinklers at a time. The sprinklers are 7/32. A 7/32 sprinkler head at 50 psi can produce approximately 9 gpm/head.

The intent of the Claims Registration Act, Chapter 90.14 RCW, was to document those uses of surface water in existence prior to the adoption of the State Surface Water Code, Chapter 90.03 RCW, which was adopted in 1917, and those uses of ground water in existence prior to the adoption of the State Ground Water Code, Chapter 90.44 RCW, which was adopted in 1945. Since each code(s) adoption, the only means of acquiring a water right within the state is by filing for, and receiving, a permit from the Department of Ecology or one of its predecessors or by establishing a right under the “domestic exemption” under the ground water code (RCW 90.44.050). The Department of Ecology recognizes that the final determination of the validity and extent associated with a claim

registered in accordance with RCW 90.14 ultimately lies with the Superior Court through the general adjudication process provided for by Sections 90.03.110 through 90.03.240 RCW.

### **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 Claim 003442 claimed a use of 75 gallons per minute, 110 acre-feet per year for domestic supply and irrigation of 20 acres. The claimed date of use is 1900. Discussions with the applicant and his son indicated the property was settled around the turn of the century and the original home was built around 1900. The original home was replaced around 1935 and two additional mobile homes were added. Approximately 3 acres of lawns and pasture are irrigated. Review of the recent aerial photos and older photos back in 1980 and 1996 all confirm the 3 acres of irrigation. It does not appear there is a beneficial use established for quantities greater than the domestic supply and irrigation of 3 acres.

Based on the information provided and the aerial photos, it appears the claim use has been used for domestic supply and irrigation of approximately 3 acres.

There is no information to quantify the amount of water actually used. A reasonable quantity for domestic supply is 10 gallons per minute, 1 acre-foot per year for the existing residences. A reasonable quantity for irrigation is 10 gallons per minute per acre irrigated for a total of 30 gallons per minute. This is consistent with the pump capacity and information provided.

The Washington State Irrigation Guide establishes a crop requirement for pasture/turf in the Kahlotus vicinity at 40.08 inches per acre. The application efficiency for the current irrigation system is approximately 80%. This calculates to approximately 4 acre-feet per acre irrigated.

### **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 original well is described as constructed in the early 1900's. It was deepened once to a depth of approximately 170 feet below land surface. No other information is available.

The new well was constructed in April of 2007. The applicant was having water problems and the applicant was authorized to construct the new well. The well was drilled into basalt to a depth of 200 feet, with a surface seal of 30 feet. The static water level in the well at the time of drilling was 92 feet below land surface. The air test suggests the well is capable of 100 gallons per minute.

The wells associated with this change application are all producing water from the Columbia River Plateau Basalts, the same aquifer system. As such, they both produce water from the same body of public groundwater.

### **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.

The proposed change to change a point of withdrawal will not enlarge the quantity of water identified above. The new well is approximately 15 feet from the old well. There has been no documented history of pumping interference problems between existing wells in this area, and it is not anticipated that the proposed change would cause impairment to existing water rights.

**Public Interest Considerations**

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 detrimental impact to the public welfare.

**CONCLUSIONS**

It is the conclusion of this examiner that, in accordance with Chapters 90.03 and 90.44 RCW, this application to change the point of withdrawal 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 Claim 003442 be approved in the amounts and within the limitations listed below and subject to the provisions beginning on Page 2.

**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:

- 40 gpm
- 13 acre-feet per year
- Domestic supply and irrigation of 3 acres

**Point of Withdrawal**

215 feet north and 215 feet west from the SE corner of Section 9, T. 16 N., R. 36 E.W.M.

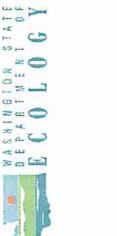
**Place of Use**

As described on Page 1 of this Report of Examination.

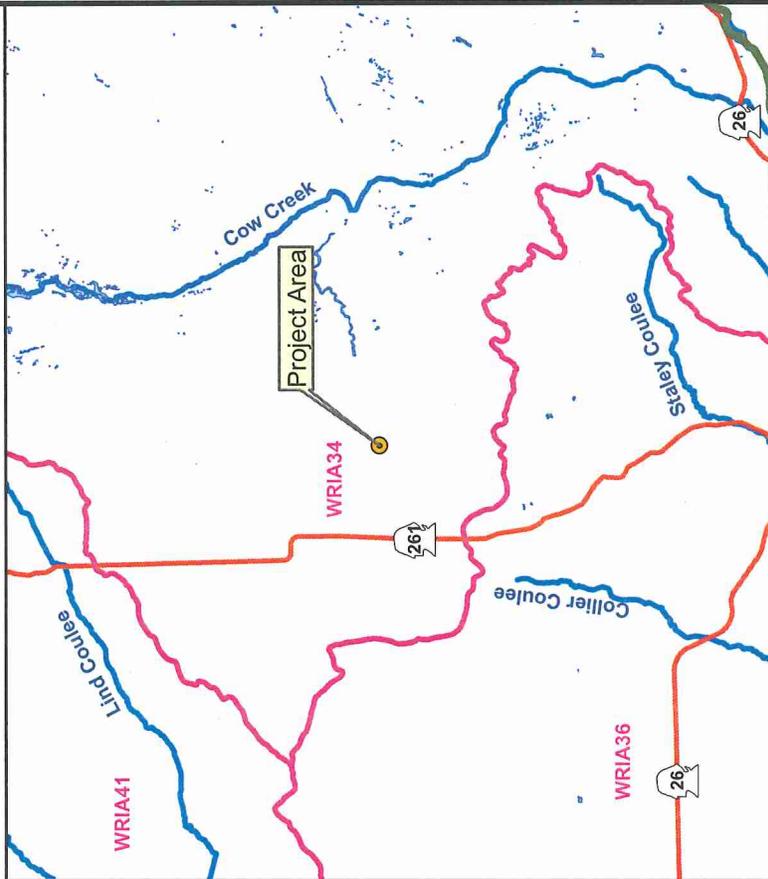
Report by: Kevin Brown \_\_\_\_\_ 4/15/2010 \_\_\_\_\_  
 Kevin Brown Date  
 Water Resources Program

Y/Final docs/ROEs/Brown 2010/CL 003442 Snyder

# Attachment 1



Mr. Lester E. Snyder  
 Claim No. 003442  
 Sec. 09, T 16N, R 36E, W.M.  
 WRIA 34 - Adams County



- Legend**
- County
  - Townships
  - WRIA
  - Sections
  - cities
  - Authorized Point of Withdrawal
  - Local Roads
  - Authorized Place of Use
  - Highways

**Comments:**  
 Place of use, points of withdrawal/diversions are as defined on the cover sheet under the heading, 'LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED.'

