STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

MAY 22 2015

Kulwinder Singh, Gurjit Kaur Bassi,
Bhupinder Singh & Rachhpal Kaur
648 Kirkview Place
Bellingham, WA 98226-5524

Re: APPROVED Seasonal Change Authorization for Ground Water Certificate 3865, Whatcom County, Water Resources Inventory Area 1

Dear Applicants:

BACKGROUND INFORMATION

The Department of Ecology (Ecology) received your application for a seasonal change of Ground Water Certificate (GWC) 3865 on February 17, 2015. You requested a change in the point of withdrawal and the place of use for up to 240 gallons per minute (gpm) and 23.1 acre-feet per year (afy) of the original right. You did not request to change the purpose of use or the period of use. You published a notice of application in the Lynden Tribune on April 8 & 15, 2015. No protests were received during the statutory 30 day protest period.

Buck Smith, a Water Resources Program Senior Hydrogeologist, has conducted a site examination of your property to confirm the existence of your project. He confirmed the existence of your point of withdrawal and Kulwinder Singh explained to him the proposed beneficial use (drip irrigation of blueberries) to occur within the new (seasonal) place of use.

GWC 3865 was originally issued to Herman Crape with a priority date of September 23, 1959. It authorizes the withdrawal of up to 350 gpm, 70 afy, from an infiltration trench, for the irrigation of 35 acres. The authorized point of withdrawal and place of use is within the SE¼ NE¼ of Section 19, Township 38 North, Range 5 East.

You requested to seasonally change the point of withdrawal to the SE¼ SE¼ of Section 19, Township 38 North, Range 5 East. The original (Crape) point of withdrawal (an infiltration trench) is described in Ecology records as being 100 feet long x 50 feet wide x 14 feet deep. It is located within the Quaternary alluvium (Qa) of the Lower South Fork Nooksack River subbasin. The proposed seasonal point of withdrawal is an 8 inch drilled well, completed to 40 feet in depth. During drilling, water was encountered at approximately 9-12 feet. The static water level on the date of completion (March 3, 2008) was 6.5 feet. This well is located within the Qa deposits of the Lower South Fork Nooksack River subbasin (therefore the same body of public groundwater as the Crape trench, as required in RCW 90.44.100). It is located approximately 3000 feet south of the certificated point of withdrawal.

You also requested to seasonally change the place of use for up to 33 acres (of the certificated 35 acres) of irrigation to:

- The West half of the Southeast quarter of Section 19, Township 38 North, Range 5 East, W.M.; Except that portion lying Southerly and Westerly of a line defined as follows: Beginning at a point 25 feet East of the Northwest corner of the Southeast quarter of said Section 19; thence South 01°23'29" West parallel with the West line of the Southeast quarter a distance of 1,921.98 feet; thence South 88°14'56" East, 1,263.89 feet; thence South 01°44'57" West a distance of 663.16 feet to the South line of the Southeast quarter and the terminus of this line. Except Strand Road lying along the Southerly line thereof.
- The South half of the South 417 feet of the East 417 of the Northeast quarter of the Southeast quarter of Section 19, and the Southeast quarter of the Southeast quarter of Section 19, Township 38 North, Range 5 East, W.M., except beginning at a point 20 feet North and 20 feet West of the Southeast corner of said Section 19; thence West 275 feet; thence North 520 feet; thence East 275 feet; thence South 520 feet to the point of beginning, except Strand road and County Road No. 9.
- The North half of the South 417 feet of the East 417 feet of the Northeast quarter of the Southeast quarter of Section 19, Township 38 North, Range 5 East, W.M., except county Road No. 9.

Approximately 2 acres (parcel # 380519487267) within the original place of use is not subject to this change request.

Your application states you are the owners of the proposed place of use and point of withdrawal. The currently certificated place of use (with the exception of parcel # 380519487267) and point of withdrawal are owned by S & V Farms (doing business as Alpine Meadows Christmas Tree Farm). Your application packet included aerial photos from 1961, 1975, 1986, 1991, 1995, 2004, and 2008 to substantiate your claim that the original place of use had consistently been used for agricultural purposes.

Documentation in your application packet states the original place of use was a working dairy farm. Irrigation equipment serving the property consisted of electric and power take-off (PTO) pumps with hand-line aluminum pipe and small sprinklers. Irrigation was needed for grass, hay, silage, and corn production. More recently, S & V Farms rented the property from the Crape Family and raised peas. After purchasing the property in 1982, S & V Farms began to plant varieties of Christmas trees. Currently, a portion of the property is planted in Christmas trees and a portion is planted in grass. In a notarized affidavit dated February 19, 2013, Mr. Ken Stremler of Alpine Meadows Christmas Tree Farm attested to the following.

> *After researching our water usage at Alpine Meadows to answer the question as to when water was last used for irrigation from the infiltration ditch, we have come to the following conclusions.*
>
> *Last use of water from the infiltration ditch was in 2007 for new tree plantings. The field irrigated was field number 11 on the west end of our property. In 2004 we started clear cutting trees on the south end of field no. 11. In 2005 we expanded the clear cut area and worked the field removing stumps and*

fallowing the field. In 2006 we planted seedlings and decided not to plant grass strips between tree rows. Unfortunately the weeds took over and we paid little attention to irrigation needs. This decision had devastating results and we lost most of the seedlings. Joe, an employee of Alpine recalls us doing a fall planting in 2006 to replace all of the dead trees.

In 2007 we strip sprayed the tree row and starting mowing the weeds and volunteer grass between the rows. We irrigated and fertilized the trees and obtained excellent results. The old International Harvester gas engine drive pump we owned had a large Deming high volume low pressure pump that would run a 4" irrigation line with #30 rainbird sprinkler heads and produced 45 psi. We have 45 4"x 40' sprinkler lines with 3/16"x 3/32" nozzles on the sprinklers. The irrigation water pumped on longest runs would have been approximately 380 gpm or more.

Since the field 11 irrigation in 2007 we have sold the gas guzzler pump and some of the 4" line. A reel irrigator and the diesel tractor driven p.t.o. pump proved to be a more efficient way to irrigate when needed. I provided you with pictures of some of the 4" pipe which will now be used as mainline as well as pictures of the irrigation reel and pump. We have 3 tractors capable of running the system.

The number of acres we irrigated was just over 20 acres. My best estimate of the water use during that irrigation season is 23.1 acre-feet per year.

I declare under penalty of perjury under the laws of the State of Washington that the information above is true and correct to the best of my recollection.

Ken Stremler

Mr. Stremler's testimony of water use on the Alpine Meadows property indicates 2007 was the year of last use. This is more than 5 years ago and could cause concern of whether or not this right has forfeited due to non-use (RCW 90.14.180). However, because this right has been at least partially exercised due to your previous (identical) seasonal changes approved in 2010, 2011, 2012, 2013, and 2014, the portion partially used (up to 240 gpm and 23.1 afy) has not forfeited.

DEPARTMENT OF ECOLOGY DECISION - INCLUDING TERMS & CONDITIONS

Your request for a seasonal change in point of withdrawal and place of use is hereby **APPROVED** under the terms and conditions listed below:

- The authorized instantaneous rate and annual volume cannot be exceeded at any time. Pumping from the seasonally authorized point of withdrawal shall not exceed 240 gallons per minute and 23.1 acre-feet per year. You are required to monitor pumping to ensure compliance with this condition.

- An approved measuring device shall be installed and maintained on the seasonally authorized point of withdrawal in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. Water use data shall be recorded weekly and shall be promptly submitted to Ecology upon request.

- WAC 173-173 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 titled "Water Measurement Device Installation and Operation Requirements". http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html

- This seasonal change authorization is subject to existing rights, including any rights held by the United States for the benefit of tribes under treaty or settlement. By ensuring no greater use of water than authorized under the existing certificate, this seasonal change authorization should have no greater impact on tribal rights than the original authorization.

- If it can be shown that water use authorized by this seasonal change is causing impairment of existing rights, then this authorization will be immediately canceled.

- This seasonal change authorization shall be in effect through October 1, 2015 (unless canceled sooner); at which time the subject right will automatically revert back to the original attributes described in GWC 3865.

- Violation of any of the terms and conditions of this seasonal change will result in this authorization being immediately canceled, issuance of administrative orders to cease and desist, and may also subject the violator to civil penalties.

- Ecology assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this seasonal change authorization.

- Ecology staff may field verify this seasonal change at any time for compliance with the terms and conditions of this authorization.

If you have any questions or concerns regarding this authorization, please call Buck Smith at (425) 649-7147 or email him at buck.smith@ecy.wa.gov.

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. 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 this document:

File your appeal and a copy of this document 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 document on Ecology in paper form - by mail or in person. (See addresses below.) Email 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
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk P.O. Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board Environmental Hearings Office 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board P.O. Box 40903 Olympia, WA 98504-0903

Please also send a copy of your appeal to:
Thomas Buroker
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008

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

Signed at Bellevue, Washington, this 22nd day of MAY, 2015.

Thomas Buroker
Section Manager
Water Resources Program
Northwest Regional Office

Enclosure: (Your right to be heard)
TB:bs:sa

By certified mail: 7013 2250 0000 3614 8004

cc: Lesa Starkenburg-Kroontje
Ken Stremler