STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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JUN 11 2014

Ravinder P. & Jaspreet K. Sandhu
Gurjant & Rajinder Sandhu
536 West Hemmi Road
Bellingham, WA 98226

Dear Applicants:

Re: APPROVED Protested Seasonal Change Authorization for Ground Water Certificate 5028, Whatcom County, Water Resources Inventory Area 1 – Expires September 30, 2014

BACKGROUND INFORMATION

The Department of Ecology (Ecology) received your application for a seasonal change of Ground Water Certificate (GWC) 5028 on March 21, 2014. You requested a change in the point of withdrawal and the place of use for up to 74.4 gallons per minute (gpm) and 26.78 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 16 & 23, 2014. On May 16, 2014, Ecology received a letter from the Lummi Indian Business Council protesting your application based on concerns over current and future potential impacts on instream flows. No other protests were received during the statutory 30 day protest period.

On May 22, 2014, Buck Smith, a Water Resources Program Senior Hydrogeologist, conducted a site examination of your property to confirm the existence of your project. He confirmed the existence of your point of withdrawal and Gurjant Sandhu explained to him the proposed beneficial use (drip irrigation of berries) to occur within the new (seasonal) place of use. Mr. Smith also visited the neighboring certificated place of use owned by Pandora Wilder.

GWC 5028 was originally issued to William Raymond with a priority date of January 7, 1963. It authorizes the withdrawal of up to 250 gpm, 90 afy, from a well, for the irrigation of 45 acres. The authorized point of withdrawal is within the SW¼ NE¼ of Section 15, Township 39 North, Range 2 East. The authorized place of use is within the SW¼ NE¼ and the W½ SE¼ NE¼ of Section 15, Township 39 North, Range 2 East.

You requested to seasonally add a point of withdrawal to the SE¼ SE¼ of Section 15, Township 39 North, Range 2 East (parcel 390215386124). The original (Raymond) point of withdrawal is described in Ecology records as being a jetted well, 36 inches in diameter, and 33 feet deep. It is located within the Quaternary Sumas Outwash deposits (Qso) of the Wiser Lake/Cougar Creek

subbasin. The proposed seasonal point of withdrawal is a 6 inch drilled well, completed to 35 feet in depth. During drilling, medium/fine sand (outwash) was encountered from 4 to 35 feet. The static water level on the date of completion (May 4, 2002) was 6 feet. This well is also located within the Qso deposits of the Wiser Lake/Cougar Creek subbasin (therefore the same body of public groundwater as the Raymond well, as required in RCW 90.44.100). It is located approximately 2000 feet south of the certificated point of withdrawal.

You also requested to seasonally change the place of use for up to 13.392 acres (from within parcel #390215299334) of the certificated 45 acres of irrigation to:

- Parcel #390215386124 located within the SE¼ of Section 15, Township 39 North, Range 2 East, W.M.

Your application packet included aerial photos from 1951, 1961, 1975, 1986, 1991, 1995, and 2010 to substantiate your claim that the original place of use has consistently been used for agricultural purposes.

Your application states you are the owners of the proposed place of use and point of withdrawal. The portion of the certificated place of use (parcel #390215299334) that is the subject of your application for change is owned by Pandora Wilder.

In a notarized affidavit dated February 17, 2014, Pandora Wilder attested to the following.

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

> *1. I am the owner of the property that is subject to and benefitting from the Water Certificate for this Seasonal Change Application.*
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> *2. My husband, Kenneth and I purchased the property from William Raymond and Jeanice Raymond in 1999. To my understanding, from viewing the property, Mr. Raymond was a dairy farmer. At the time the property was purchased, a pipe system for irrigation from a well was present on the property and pipes were left for us to use.*
>
> *3. Following our purchase of the property, my husband and I grew and harvested hay on the property. The hay was for our own use and for sale to others. We irrigated the fields for better grass growth by using water from the existing ground water well. There was no meter on the well to my knowledge.*
>
> *4. My husband and I divorced in 2009 and I received the property through the divorce settlement.*
>
> *5. Following the divorce, I stopped growing and harvesting hay on the property because my ex-husband took the necessary equipment to do so. However, some of the piping to irrigate stayed under my ownership. As the current owner of the property, I maintain the fields as pasture for animals and rotate animals through the pasture by moving fences.*

6. The well located on the property is viable and serves as the water source for potable water, stock watering and irrigation. The portion used for potable water runs through a treatment system. In recent years, I purchased flexible hose and have used this as well for watering the pasture. To my knowledge and belief, the property has been irrigated frequently, certainly at least every five years. I am interested in transferring the water use seasonally at this time in an effort to make full use of the water, as my current group of horses does not require as much pasture.

DATED the 17th day of February, 2014

Pandora Wilder

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:

- 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.

- This authorization was processed as a result of the Stipulation and Agreed Dismissal Re: Notice of Penalty Docket #10089 and Order of Dismissal in the case of Gurjant (George) Sandhu v. Department of Ecology, Pollution Control Hearings Board No. 13-119. The applicants for the subject seasonal change must abide by all the terms of the Stipulation and Agreed Dismissal and Order of Dismissal for this seasonal change authorization to remain valid. Failure to abide by these terms will result in cancellation of this authorization.

- The authorized instantaneous rate and annual volume of GWC 5028 cannot be exceeded at any time. Pumping from the seasonally authorized point of withdrawal shall not exceed 74.4 gallons per minute and 26.78 acre-feet per year. You are required to monitor all pumping to ensure compliance with this condition. Failure to do so will result in cancellation of this authorization.

- An approved measuring device shall be installed and maintained on the authorized points 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

- 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 September 30, 2014 (unless canceled sooner); at which time the subject right will automatically revert back to the original attributes described in GWC 5028.

- 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

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 11 day of June, 2014.

Jacqueline Klug
Section Manager
Water Resources Program

jk:bs:mc

Enclosure: Your right to be heard

By Certified Mail: 7012 3460 0000 2587 0339

cc: Lummi Indian Business Council
Lesa Starkenburg-Kroontje
Pandora Wilder