



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

JUL 21 2015

Greg Ebe
Ebe Farms, LLC
8270 Sunrise Road
Custer, WA 98240

Dear Mr. Ebe:

**Re: APPROVED Drought Seasonal Change Authorization for Ground Water
Certificate 4729-A, Whatcom County, Water Resources Inventory Area 1**

In accordance with the provisions of RCW 43.83B.405, on May 21, 2015, it was determined and ordered by Director Maia Bellon of the Department of Ecology (Ecology) and Governor Jay Inslee that the entire State of Washington is under drought conditions. In accordance with the provisions of WAC 173-166-080, the Department of Ecology is, under the terms of this Order, issuing a **DROUGHT SEASONAL CHANGE AUTHORIZATION** for Ground Water Certificate (GWC) 4729-A. The intent of this Authorization is to reduce your hardship from the current drought conditions.

**THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO
GUARANTEE OR IMPLY THAT A FINAL (REGULAR) CHANGE AUTHORIZATION
WILL ISSUE FOR THE FUTURE USE OF THE WATER HEREIN AUTHORIZED.**

Ecology received your application for a drought seasonal change on July 8, 2015. Your application was been assigned control number **CG1-*06367C**. Please refer to this number when corresponding with us about this Authorization.

BACKGROUND INFORMATION

GWC 4729-A authorizes the withdrawal of 144 gallons per minute (gpm) and 72 acre-feet per year, from a well, for the irrigation of 36 acres. This certificate was issued to Virgil L. Brewer with a priority date of July 2, 1962. The authorized place of use (POU) and point of withdrawal (POW) are located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 40 North, Range 2 East, W. M. The POW is described as being a 36 inch x 26 foot dug well.

Based on your application, you own the subject right in its entirety and have been putting it to beneficial use at least over the past 5 years (at minimum). You wish to change the POU and POW. Both the present and proposed POU's and POW's are within the surficial deposits of the South Fork Dakota Creek basin. You plan to irrigate seed potato fields that were planted on heavier soil types with short season potato varieties that are normally able to produce a



respectable crop with typical rainfall and no irrigation. However, with the present unusually dry weather and forecasted continuing dry conditions, your crop may not survive without supplemental irrigation. You requested to transfer the subject right to different POWs and POUs on land owned by Bradley Bauthues.

Under the subject application, you are requesting to change GWC 4729-A as follows:

- A transfer not to exceed 144 gpm
- A volume not to exceed 36 acre-feet
- A seasonal period of use through August 10, 2015
- For irrigation of 35 acres of seed potatoes
- A seasonally changed POW (an infiltration trench) located within the NW¼ NE¼ of Section 24, Township 40 North, Range 1 East (Whatcom County parcel #400124370462)
- A seasonally changed POU to a portion of the NE¼ SE¼ of Section 13, Township 40 North, Range 1 East (parcels #400113431186 & 400113491186)

The subject certificate pre-dates WAC 173-501. No impairment of existing rights is expected as a result of this request.

DEPARTMENT OF ECOLOGY DECISION - INCLUDING TERMS & CONDITIONS

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

- This drought seasonal change does not authorize an enlargement of water use or total irrigated acres as described in GWC 4729-A.
- The certificated (original) point of withdrawal shall not be pumped for beneficial use prior to the expiration of this Authorization on August 10, 2015.
- The certificated instantaneous rate of 144 gpm cannot be exceeded at any time.
- The total volume used under this Authorization shall not exceed 36 acre-feet.
- An approved measuring device shall be installed and maintained on the authorized point of withdrawal in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. In order to ensure compliance with the terms of this Authorization, 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". See <http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>

- This drought seasonal change 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 enlargement of water use is occurring, this 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 or is being used illegally, then this Authorization will be immediately canceled.
- This seasonal change does not convey a right of access to, or other right to use land, which you do not legally possess. Obtainment of such a right is a private matter between you and the owner of the land.
- 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.
- Department of Ecology personnel, upon presentation of proper credentials, shall have access to the project location to inspect records of water use, point of withdrawal, measuring device, and associated distribution systems for compliance with water law.
- **This drought seasonal change shall be in effect through August 10, 2015** (unless canceled sooner); at which time the subject right will revert back to the original attributes described in GWC 4729-A.

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

OPPORTUNITY TO APPEAL

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.

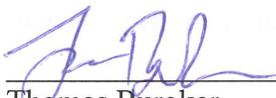
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

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 21st day of July, 2015.



Thomas Buroker
Section Manager
Water Resources Program

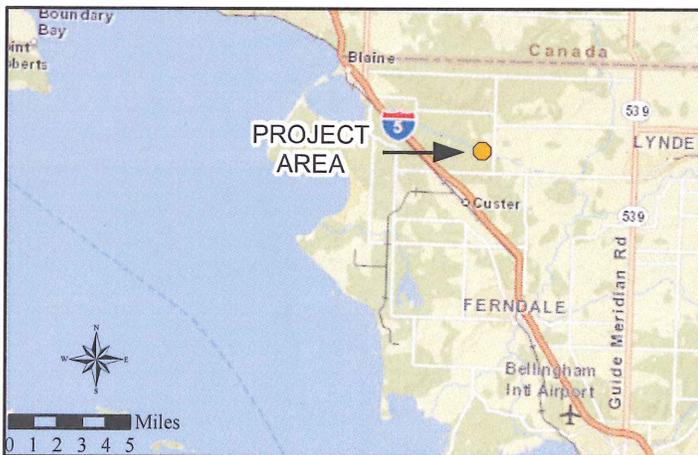
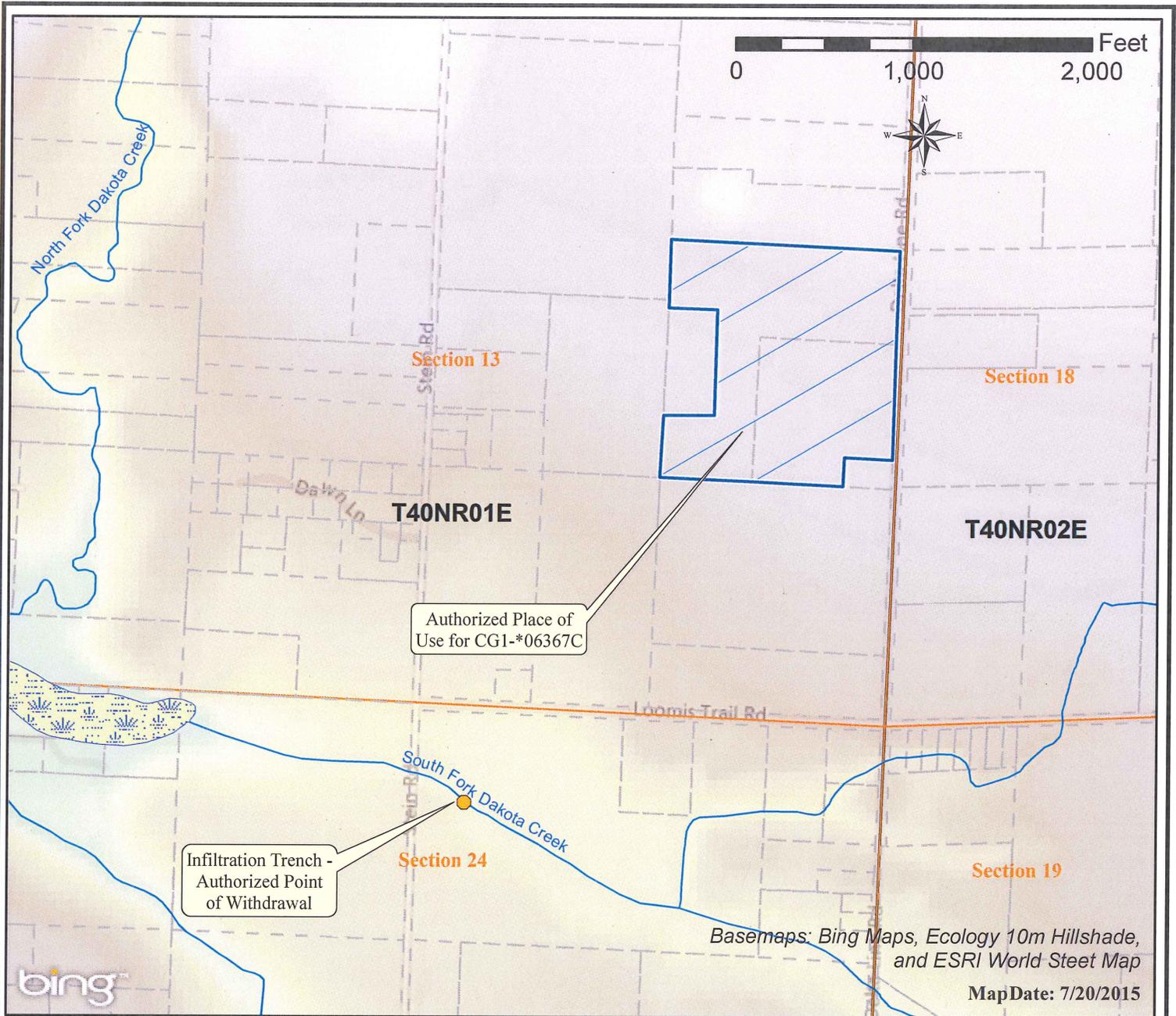
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Enclosure: Your Right to be Heard

By Certified Mail: 9171 9690 0935 0088 4619 36

cc: Bradley Bauthues

ATTACHMENT 1



Legend

-  Authorized Place of Use
-  Water Body
-  Authorized Point of Withdrawal
-  Whatcom County Parcels
-  Townships
-  Sections



Ebe Farms LLC
 Water Right CG1-*06367C
 Section 24 T 40N R 01E W.M.
 WRIA 1 - Whatcom County

Place of use and point(s) of withdrawal are as defined on the cover sheet under the headings, 'LOCATION OF WITHDRAWAL' and 'LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED.'