State of Washington
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Added or Changed Point of Withdrawal

PRIORITY DATE
January 1, 1914

WATER RIGHT NUMBER
Water Right Claim 064963

MAILING ADDRESS
WAYNE OLSEN
16383 FREY ROAD NORTH
EPHRATA, WA 98823

SITE ADDRESS (IF DIFFERENT)

Total Quantity Authorized for Withdrawal

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
60	GPM	22

Purpose

PURPOSE	WITHDRAWAL RATE ADDITIVE	WITHDRAWAL RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Group domestic supply for 2 homes, irrigation of 6 acres	60		GPM	22		01/01 - 12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
GRANT	GROUNDWATER		42-GRAND COULEE

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Existing well	131611000	N/A	21 N.	26 E.	10	NE¼SW¼	47.33065	119.54940
Proposed well	131621000	TBD	21 N.	26 E.	10	NE¼SW¼	TBD	TBD

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

131611000, 131621000

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

All of Tract 7 Block 4, Ephrata Irrigation Company Orchard Tracts according to the Plat recorded in Acreage Plats, page 9 records of Grant County, Washington, and all of Tract 6 Block 4, except the south 270.71 feet of said Tract 6 and also except the east 103.83 feet of the North 59.76 feet of said Tract 6 Block 4 Ephrata Irrigation Company Orchard Tracts according to the Plat recorded in Acreage Plats, page 9 records of Grant County, Washington within Section 10, T. 21 N., R. 26 E.W.M.

Proposed Works

Two wells

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
April 1, 2016	April 1, 2018	April 1, 2020

Measurement of Water Use

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

Provisions

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.

This proposed well shall not produce water from unconsolidated sands and gravels. The proposed well must be cased and sealed into the top of the basalt to prevent the interchange of aquifer water between the unconsolidated zone and the basalt zone

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.

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 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.

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.

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, as appropriate, contracting with a Certified Water Right Examiner, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

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.

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. CG3-064963CL, 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
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 13th day of May, 2014.

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 Wayne Olsen on March 26, 2013. The applicant proposes to add a point of withdrawal to Ground Water Claim 064963.

A notice of application was duly published in accordance with RCW 90.03.280 in the Grant County Journal on January 16 and 23, 2013 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. 064963

Recorded Name:	Keith Olsen
Priority Date(date of first use):	1914
Instantaneous Quantity – Q(i):	17.5 gallons per minute
Annual Quantity – Q(a):	28 acre-feet per year
Source:	A well
Point(s) of withdrawal:	Tract 6 Blk 4, Sec. 10, T. 21 N., R. 26 E.W.M.
Purpose of Use:	Domestic, Stock and irrigation of 6 acres

INVESTIGATION

A field investigation was conducted by Kevin Brown on March 6, 2014 and the applicant was present. The described property is divided into three lots, owned by the applicant. The well was constructed around 1914 and is described as a 10 inch well completed to a depth of 645 feet. The production of the well is becoming limited and they are in need of a new well. They propose to add a second well on the second parcel of the property. There are two residences sharing the claimed well.

The applicant has irrigated approximately 2.5 acres of lawns with hoses and sprinklers recently. The remaining portion of the property was irrigated for horse pasture in 2008 or 2009. The water right application was filed March of 2013. The irrigation is mostly with hoses and sprinklers. Some grapes have been irrigated in the past with drip lines.

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 064963 claimed a use of 17.5 gallons per minute 28 acre-feet per year for the irrigation of 6 acres, domestic and stock. The claimed date of use is 1914. Review of recent aerial photos and discussion with the applicant confirm approximately 6 acres of the property had been

developed by 1945 and continuously irrigated without a break in excess of 5 years. The last time of full use is approximately 2008. The application for change was filed in March of 2013. Sufficient cause for nonuse is defined in RCW 90.14.140(1)(l) as follows: Waiting for a final determination from the department of ecology on a change application filed under RCW 90.03.250, 90.03.380, or 90.44.100. This application for change has been pending since March of 2013 and falls within the timeframe of RCW 90.14.140(1)(l).

Based on the information provided and the aerial photo review, it appears the claim was used for irrigation of approximately 6 acres in 2008. There is no information to quantify the amount of water actually used. A reasonable quantity for irrigation in this area is 10 gallons per minute, 3.5 acre-feet per acre per year. This is consistent with the standard allotment in the Columbia Basin Project.

Based on the analysis, a right exists for 60 gallons per minute, 21 acre-feet per year for the irrigation of 6 acres and 1 acre-foot for domestic supply including stock.

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.

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 an additional point of withdrawal, a determination of the same body of ground water is required.

The original well is described as constructed in 1914 to a depth of 645 feet. No other information is available.

A review of well logs in the area found multiple wells constructed into the sands and gravels. Five of the wells drilled in Section 10, T. 21 N., R. 26 E.W.M. were completed in the Columbia River Basalt Group. These wells encountered basalt at depths ranging from 80 feet to 191 feet below ground surface. The original well is reported to be constructed to a depth of 645. Consequently it must have been completed into and producing water from the Columbia River Basalt Group. The Subarea rule defines two bodies of public groundwater (Chapter 173-124-050 WAC). The original point of withdrawal is completed in the "Quincy basalt zone". The proposed well must be completed within the Columbia River Basalt Group to remain within the same body of public ground water. Multiple wells are constructed in the vicinity of the proposed location, and are productive from the unconsolidated sands and gravels. This proposed well shall not produce water from unconsolidated sands and gravels. The proposed well must be cased and sealed into the top of the basalt to prevent the interchange of aquifer water between the unconsolidated zone and the basalt zone.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

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 flows 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.

Three water rights are on record for Section 10 T. 21 N., R. 26 E.W.M.: Artificially Stored Groundwater Permit Nos. QB-0734 in the NE¼SW¼ of Section 10, QB-1432 in the NE¼SW¼ of Section 10 and Certificate 495-A in the NW¼NW¼ of Section 10. These rights all use wells constructed into the shallow management unit of the Quincy Basin WAC 173-134 and constructed primarily in the unconsolidated sands and gravels.

The two QB Permits are directly north of the applicant's property.

The proposed change to add a point of withdrawal 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 of the claim 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, this application for change to add a 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 064963 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:

- 60 gpm
- 22 acre-feet per year
- Group domestic Supply for two homes, irrigation of 6 acres and stockwater

Point of Withdrawal

Two wells within the applicant property located in the NE¼SW¼ of Section 10, T. 21 N., R. 26 E.W.M.

Place of Use

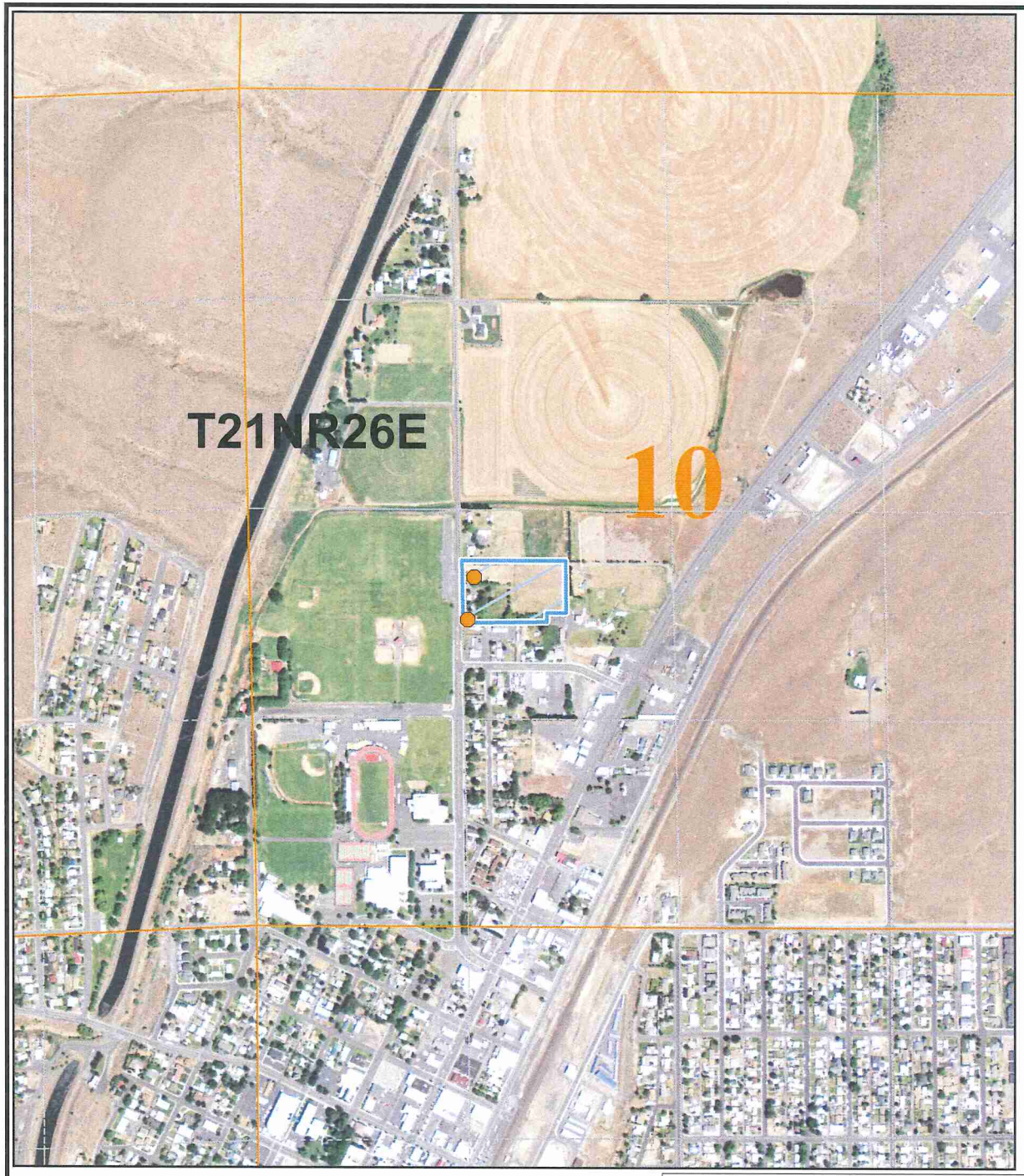
All of Tract 7 Block 4, Ephrata Irrigation Company Orchard Tracts according to the Plat recorded in Acreage Plats, page 9 records of Grant County, Washington, and all of Tract 6 Block 4, except the south 270.71 feet of said Tract 6 and also except the east 103.83 feet of the North 59.76 feet of said Tract 6 Block 4 Ephrata Irrigation Company Orchard Tracts according to the Plat recorded in Acreage Plats, page 9 records of Grant County, Washington.

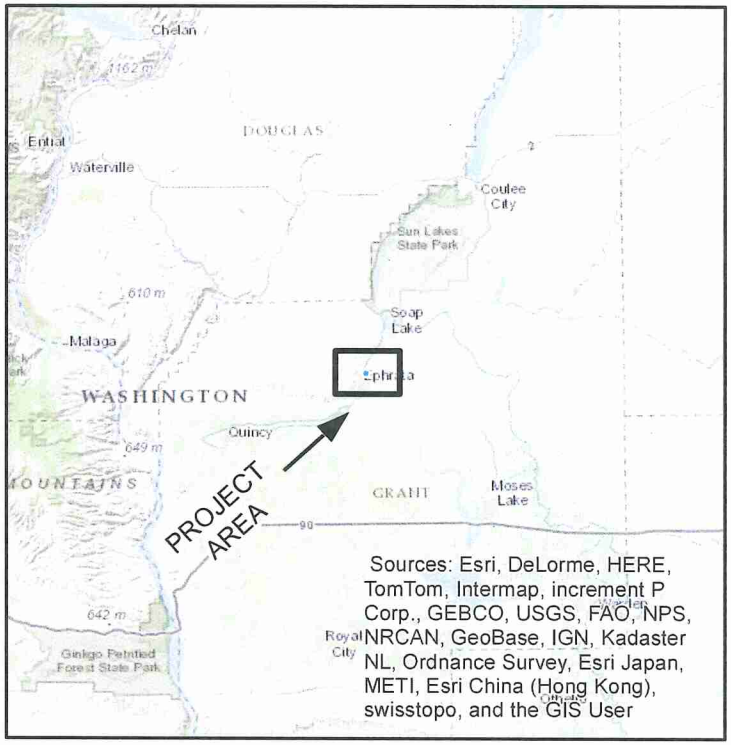
Report by: Kevin Brown 5·13·14

Kevin Brown
Water Resources Program

Date

Wayne Olsen
Water Right Claim 064963
T21N/R26E





Basemap - (ESRI US Topographic Maps)

Legend

Authorized Place of Use

Townships

Sections

Authorized Point of Withdrawl

Feet
0 330 660 1,320 1,980 2,640 3,300

Basemap - (NAIP 2011 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 4/4/2014

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

ATTACHMENT 1