



## State of Washington REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Changed Place of Use  
Changed Point of Withdrawal

**PRIORITY DATE**  
May 5, 1937

**WATER RIGHT NUMBER**  
853-D

**MAILING ADDRESS**  
SALT HOLDINGS LLC  
6573 HWY 283  
EPHRATA, WA 98823

**SITE ADDRESS (IF DIFFERENT)**

### Total Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
400	GPM	172

### Purpose

PURPOSE	WITHDRAWAL RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Agricultural Irrigation of 40 acres	400		GPM	172		04/01 - 10/31

### Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
GRANT	GROUNDWATER		41-LOWER CRAB

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
M193 - Proposed well	160325000	BHP170	18 N.	26 E.	30	NE¼SE¼	47.02081	119.59971
Proposed well	160325000		18 N.	26 E.	30	SE¼SE¼	47.01941	119.60473
Proposed well	160325000		18 N.	26 E.	30	SE¼SE¼	47.01978	119.60300

Datum: NAD83/WGS84

### Place of Use (See Attached Map)

**PARCELS (NOT LISTED FOR SERVICE AREAS)**

160307000

**LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE**

That portion of the NE¼ of Section 31 described as follows: Beginning at the NE corner of Section 31; thence west 2,650 feet to the point of beginning for this legal description; thence south 1530 feet to the center of the of the

irrigation pivot; thence east 1530 feet to the east boundary of the pivot; thence northwest along the pivot radius to the point of beginning, containing 40 acres more or less.

**Proposed Works**

3 wells, center pivot irrigation system

**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**

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 and other rights administered by the USBR. Should contracts be issued by the district or rights from the USBR 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.

**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.

Wells used under this authorization are required to remain within the alluvial aquifer and are not authorized to be withdrawn from wells that penetrate the basalt.

**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.

This right is used in conjunction with other water rights with different annual quantities. In addition to metering the wells, annual pivot hours and pivot design information will be required to confirm actual water use for future beneficial use calculations and Proof of Appropriation.

**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, contracting with a Certified Water Right Examiner to confirm as appropriate, 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.

**Real Estate Excise Tax**

This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the state Department of Revenue to obtain specific requirements for your project. Phone: (360) 570-3265. The mailing address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia WA 98504-7477 Internet: <http://dor.wa.gov/>. E-mail: REETSP@DOR.WA.GOV.

**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 a valid right exists, proposed wells are from the same body of water; 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-\*00821S, 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
<p><b>Department of Ecology</b>            Attn: Appeals Processing Desk            300 Desmond Drive SE            Lacey, WA 98503</p>	<p><b>Department of Ecology</b>            Attn: Appeals Processing Desk            PO Box 47608            Olympia, WA 98504-7608</p>
<p><b>Pollution Control Hearings Board</b>            1111 Israel Road SW Ste 301            Tumwater, WA 98501</p>	<p><b>Pollution Control Hearings Board</b>            PO Box 40903            Olympia, WA 98504-0903</p>

Signed at Spokane, Washington, this 28th day of April, 2015.



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 Matt Stredwick, Salt Holdings LLC on November 4, 2014. The applicant proposes to change the point of withdrawal and place of use to Ground Water Certificate 853-D.

A notice of application was duly published in accordance with RCW 90.03.280 in the Columbia Basin Herald on December 11 and 18, 2014 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.

Certificate 853-D issued in 1949 for a well in the amount of 800 gallons per minute, 300 acre-feet per year for irrigation of 60 acres, domestic supply and livestock.

## INVESTIGATION

The applicant has purchased property in the W $\frac{1}{2}$  of Section 6, T. 19 N., R. 28 E.W.M. There are three water right certificates and three claims appurtenant to this property. The applicant plans on transferring these rights to other lands. Separate applications for change are proposed to be filed on these rights and claims. The applicant plans on obtaining authorization from the Moses Lake Irrigation District to irrigate portions of the W $\frac{1}{2}$  of Section 6, T. 19 N., R. 28 E.W.M. and the S $\frac{1}{2}$  of Section 31 T. 20 N., R. 28 E.W.M. from a new diversion from Moses Lake and replace these rights with Moses Lake Irrigation District water.

Ground Water Certificate 853-D authorized the use of 800 gallons per minute, 300 acre-feet per year for the irrigation of 60 acres, domestic supply and livestock from a well located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 6. This authorized place of use is described as S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 6, T. 19 N., R. 28 E.W.M. The irrigation well had a 10 horsepower vertical turbine pump with a 40 horsepower centrifugal booster pump. The property has historically been irrigated with impact sprinklers on wheel lines. Crops have typically been alfalfa. The estimated historical irrigated acreage is 40 acres. A separate domestic exempt well was constructed to supply the residence.

The original well is described as a hand dug well, 46 inches in diameter, 45 feet deep and was in the alluvial aquifer. The well casing is open and not sealed. This well should be decommissioned in accordance with WAC 173-160.

The applicant proposes to transfer this right to property located in the S $\frac{1}{2}$  of Section 30 and Section 31, T. 18 N. R. 26 E.W.M. Some of this land is authorized under existing QB Permits. If this right is placed on existing QB Permits, those QB Permits are subject to cancellation. Stacking of water rights is considered speculative and is not allowed. The applicant was required to specifically identify the lands proposed for this transfer to avoid overlapping rights and confusion.

The SW $\frac{1}{4}$  of Section 30 is authorized under QB 1598 in the amount of 160 acres. The SE $\frac{1}{4}$  of Section 30 is authorized under QB 209 in the amount of 125 acres. The S $\frac{1}{2}$  of Section 31 is authorized under a portion of QB 103 in the amount of 250 acres and QB 104A is authorized for all of Section 31 and SE $\frac{1}{4}$  of Section 30 in the amount of 130 acres.

This leaves the N½ of Section 31 available for transfer less lands authorized under QB 104(A). One large 160 acre pivot is centered in the N½ of Section 31. The applicant identified the NE¼ of the pivot, 40 acres for this authorization.

### **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 Certificate 853-D authorized a use of 800 gallons per minute 300 acre-feet per year for the irrigation of 60 acres, domestic supply and stockwater.

There is no information to quantify the amount of water actually used for irrigation. A reasonable quantity for irrigation in this area is 3.5 acre-feet per year. This is consistent with the standard allotment in the Columbia Basin Project.

The land has been primarily alfalfa. The Washington State Irrigation Guide confirms a crop consumption requirement for pasture/turf at 3.26 acre-feet per year (39.10 inches per year). The irrigation systems were wheel lines with impact sprinklers. If applied at 75% efficiency the applied water duty is approximately 4.3 acre-feet per acre. Only 40 acres of the property has remained irrigated. The domestic use will remain from an exempt well. No livestock was on the property.

It appears 400 gallons per minute, 172 acre-feet per acre for agricultural irrigation of 40 acres is available for transfer. The remaining quantities appear to have relinquished for non-use.

### **Hydrologic/Hydrogeologic Evaluation**

Applications for change/transfer of water right permits and certificates of ground water 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.

This application proposes to move points of withdrawal and places of use for two certificated water rights. The prime hydrogeologic considerations in these cases is whether the waters in question have the same source and whether or not the change will cause detriment or injury to existing rights.

The original well for Certificate 853-D, in SE¼SW¼ of Section 6, T. 19 N., R. 28 E.W.M, is described as constructed as a hand dug well 45 feet deep. This well produces water from the unconsolidated sands and gravels in the Quincy Basin.

The unconsolidated sands and gravels are defined in Ch. 173-124 WAC as a body of public groundwater within the meaning of RCW 90.44.100.

The three proposed wells in the SE¼ of Section 30, T. 18 N., R. 26 E.W.M. are identified as constructed into the alluvial sands and gravels.

The fourth well proposed in the NW¼SE¼ of Section 31, T. 18 N., R. 26 E.W.M. was constructed in the Columbia River Basalt Group and is not located in the same body of public ground water.

Wells proposed for change must be completed within the unconsolidated sands and gravels to remain within the same body of public ground water. The three existing wells located in the SE¼ of Section 30 are wells that produce water from the unconsolidated sands and gravels and are thus in the same body of public ground water. The proposed fourth existing well in the NW¼SE¼ of Section 31 was deepened into the Columbia River Basalt Group. It does not produce from the sands and gravels, and is thus not within the same body of public ground water and cannot be considered under this application.

No production authorized under this change may produce water from formations other than the alluvial aquifer.

There are no indications that this change will cause detriment or injury to existing rights.

### **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 Sections 30 and 31, T. 18 N., R. 26 E.W.M. from these proposed wells. Artificially Stored Groundwater Permit Nos. QB-1595 in the SW¼ of Section 30, QB-209 in the SE¼ of Section 30, QB 103 in the S½ of Section 31 and QB-104(A) in the SE¼ and all of Section 31.

The proposed property is also located near a recharge area. The proposed well locations are outside of the established Buffer Zone. The Buffer Zone was designated to protect the interest of the Bureau of Reclamation capture and reuse facilities.

There may be seasonal fluctuation in the water table at this location. These potential seasonal fluctuations are not considered to be impairment. The proposed well location change and change in place of use will not impair existing water rights.

The proposed change to change the point of withdrawal and place of use will not enlarge the quantity of water identified above. The proposed wells are required to be constructed into the same body of public ground water.

The property within the proposed place of use lies within the boundary of the Columbia Basin Project and potentially within the delivery area 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, a valid right exists. This application for change to change points of withdrawal and change the place of use 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 Certificate 853-D 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:

- 400 gpm
- 172 acre-feet per year
- Agricultural irrigation of 40 acres

**Point of Withdrawal**

- Three wells within the N½SE¼ of Section 30, T. 18 N., R. 26 E.W.M.

**Place of Use**

- 40 acres identified within the NE¼ of Section 31, T. 18. N., R. 26 E.W.M. A more detailed legal is described above.

Report by: Kevin Brown  
Kevin Brown  
Water Resources Program

4/28/15  
Date

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Salt Holdings LLC  
 853-D  
 T18N/R26E



Basemap - (ESRI US Topographic Maps)

**Legend**

-  Authorized Place of Use
-  Townships
-  Sections
-  Authorized Point of Withdrawal



**Comment:**

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

Map Date: 4/1/2015



ATTACHMENT 1