



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

Changed Place of Use
 Added or Changed Point of Withdrawal

PRIORITY DATE
 December 12, 1991

WATER RIGHT NUMBER
 G3-29101(C)

MAILING ADDRESS
 Vincent Bryan
 342 Silica Road NW
 Quincy WA 98848

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
588	GPM	140

Purpose

PURPOSE	WITHDRAWAL RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Irrigation of 40 acres	588		GPM	140		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
A Well	050068203	ACK 546	19 N.	23 E.	31	SW ¹ / ₄ NW ¹ / ₄	47.096437	119.996978

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

151220000

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

SE¹/₄ of Section 31, T. 19 N., R. 23 E.W.M., lying south of the main access road to the winery (See attached map)

Proposed Works

One well in the N¹/₂N¹/₂SE¹/₄ of Sec. 31 and distribution system for vineyard

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
April 1, 2015	April 1, 2017	April 1, 2019

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".

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.

It should be noted that the authorized well may not be able to physically produce sufficient water. Many of the projects within the "gray area" of the Quincy Basin do not physically have sufficient water for larger scale projects such as irrigation or large community water systems.

The well, is identified as 12" x 905 feet deep. The well was constructed in 1995. The well static water level was described as 512 feet below land surface and the land surface elevation is 1250 feet above mean sea level. The well is cased to a depth of 542 feet with a 20 foot surface seal.

Any reconstruction, replacement or installation of additional wells shall be conducted in compliance with Chapter 18.104 RCW and Chapter 173-160 WAC. Any cascading water encountered shall be precluded by casing and sealing, and no interaquifer transfer of water shall be allowed. When the well is reconstructed or replaced, the reconstructed or replacement well shall be cased and sealed a minimum of 200 feet into competent basalt. If this well is reconstructed the casing shall be sized so that it is a minimum of four-inches in diameter smaller than the borehole section in which it is installed. If it is possible the borehole diameter may be reamed to accommodate a larger diameter casing. The casing diameter shall still be limited to four-inches in diameter less than the borehole in which it is installed. If this well is replaced the replacement well shall have a borehole constructed that is a minimum of four-inches greater in diameter than the permanent casing string, to be contained within that section of borehole. The permanent casing is then to be placed or set into the borehole. Sealing shall be accomplished by pressure grouting with neat cement from the bottom to the top until undiluted sealing material returns to the surface.

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.

Since the source well provides water for multiple water rights, the permittee may want to add a second measuring device for this permit to determine the quantity of beneficial use applied for irrigation.

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.

This authorization for irrigation is classified as a Family Farm Permit in accordance with Chapter 90.66 RCW (Initiative Measure No. 59). This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the State of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

This authorization for the withdrawal of public ground waters is within the boundaries of the Columbia Basin Project (RCW 90.44.510). If water from facilities of any legally formed irrigation district is used on any or all of the lands described 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 and become Standby Reserve.

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 Rights Examiner (CWRE), and confirming 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, shall 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; 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. CG3-29101(A), 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>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p>
<p>Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501</p>	<p>Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903</p>

Signed at Spokane, Washington, this 28th 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>.

INVESTIGATOR'S REPORT

BACKGROUND

On March 7, 2014, Vincent Bryan filed an application for change requesting to change a portion of the place of use and add a point of withdrawal to Ground Water Certificate G3-29101(A).

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Quincy Valley Post Register on April 16 and 23, 2014 and no protests were received.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

In considering the proposed change/transfer, the investigation included, but was not limited to, research and review of (1) appropriate rules and statutes; (2) Ground Water Certificate G3-29101(A) and other water rights/claims/applications in the vicinity; (3) water well reports for the applicant's wells, and other wells in the vicinity; (4) USGS topographic maps; (5) discussions with Department of Ecology regional program staff; including review by Ecology hydrogeologists.

Ground Water Certificate G3-29101 confirmed a right of 1400 gallons per minute, 332.5 acre-feet per year for irrigation of 95 acres from three wells located in the N½SE¼ of Section 25, T. 21 N., R. 24 E.W.M. A proof examination in 2011 confirmed the use of the described certificate. The right was beneficially used for irrigating orchard and alfalfa. Soon after the certificate issued, the wells began to fail. The landowner removed some of the orchard, and placed a portion of the right into the Trust Water Right Program.

In 2013, the water right holder filed an application for change and transferred a portion of Certificate G3-29101 to other lands. The change authorization was issued in March 2014. The proportional share of this right for 30 acres was transferred and as a result of the change the right was split into an (A) and a (B) as follows:

- G3-29101(A), Roger Somers, 959 gallons per minute, 227.5 acre-feet per year for irrigation of 65 acres.
- G3-29101(B), Putnam Brother LLC, 441 gallons per minute, 105 acre-feet per year for the irrigation of 30 acres.

Once the change decision was completed, the existing Trust Water Right was cancelled. The landowner, Mr. Somers, was to pay the cost of recording the new Certificate G3-29101(A) and if he desired, submit a new application for donation of the remaining portion back into trust. However, in March of 2014, the landowner/applicant filed an additional application for change to transfer another 40 acres of the water right G3-29101(A). Once this change authorization is completed the (A) portion of this right will be split into an (A) and a (C) as follows:

- G3-29101(A), Roger Somers, 371 gallons per minute, 87.5 acre-feet per year for irrigation of 25 acres.
- G3-29101(C) Vince Bryan, 588 gallons per minute, 140 acre-feet per year for the irrigation of 40 acres.

Once this authorization is completed, Mr. Somers will be required to pay the cost of issuance of a new Superseding Certificate and Recording fees for the remaining portion under G3-29101(A).

Since the right was evaluated in the 2011 proof examination and soon after donated into the Trust Water Program, the right is in good standing and available for change of transfer.

The proposed place of use is 40 acres within the SE $\frac{1}{4}$ of Section 31, T. 19 N., R. 23 E.W.M. lying south of the main access road to the winery, lying in the N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 31. (See Attachment 1.) A portion of the SE $\frac{1}{4}$ is currently irrigated under G3-29381(B) in the amount of 21.5 acres lying along the east edge of the SE $\frac{1}{4}$. The applicant plans to expand the vineyard development from the east to the west. Once the applicant completes the additional 40 acres, he will need to more clearly identify what portion of the vineyard is irrigated under this authorization. The place of use will be limited to the new 40 acres of vineyard.

The remaining 25 acres at the original place of use are existing irrigated orchard. The remaining orchard blocks are scattered within the SE $\frac{1}{4}$ of Section 25, T. 21 N., R. 24 E.W.M., except the south 950 feet, the east 470 feet and the north 280 feet. The landowner is limited to irrigating 25 acres.

Rights appurtenant to the proposed well and place of use

Ground Water Permit G3-29381(B) authorizes the use of 500 gallons per minute, 177 acre-feet per year: 175 acre-feet per year for agricultural irrigation of 50 acres and 2 acre-feet for domestic supply and recreational use.

Ground Water Permit G3-29882(B) authorizes a use of 1100 gallons per minute, 1759 acre-feet per year for Municipal Water Supply Purposes.

The proposed change would be additive to these existing water rights.

The property within the proposed place of use of this authorization lies within the boundary of the Columbia Basin Project and within potential delivery of the irrigation district or other water rights associated with the Quincy Basin. Should contracts or rights 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 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.

Hydrologic/Hydrogeologic Evaluation

Applications for change of water right permits and certificates are governed by RCW 90.44.100, which states in part: 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.

Three wells are currently constructed at the original place of use. Only two well logs are available. Well 1 is a 10 inch diameter well, cased into basalt at 20 feet, and constructed to a depth of 525 feet. Well 2 is an 8 inch diameter well, cased into basalt at 29.5 feet and constructed to a depth of 532.5 feet. Both wells are constructed in the Columbia River Basalt Group.

The proposed well is located in the SW¼NW¼ Section 31, T. 19 N., R. 23 E. W. M. It is a 12 inch diameter well, cased to a depth of 542 feet, and constructed to a depth of 905 feet. It had a static water table elevation of 512 feet below ground surface when constructed in 1995. No production information is available on the well log.

Both the existing wells and the proposed well are within the Gray Area of the Quincy Basin and are constructed into the Columbia River Basalt Group. Both the proposed well and the existing wells are within the same body of public ground water.

The Gray Area of the Quincy Basin is that portion of the Quincy Basin as defined in WAC 173-124 that is outside the area where the U.S Bureau of Reclamation claimed all artificially stored groundwater exists, as defined in WAC 173-134A. The Gray area is generally outside the area where leakage from U. S. Bureau of Reclamation canals and facilities is present, and is generally considered an area of natural recharge for the Quincy Basin. As it is dependent upon natural recharge, wells often yield little water in the Gray area.

It should be noted that the authorized well may not be able to physically produce sufficient water. Many of the projects within the “gray area” of the Quincy Basin do not produce sufficient water for larger scale projects such as irrigation or large community water systems.

Previous authorizations to the existing well have determined and establish future well construction requirements. These requirements are not being changed by this authorization and are included by reference as follows:

The proposed well is located in the SW¼NW¼ of Section 31, T. 19 N., R. 23 E. W. M. It is a 12 inch diameter well, cased to a depth of 542 feet, and constructed to a depth of 905 feet. It had a static water table elevation of 512 feet below ground surface when constructed in 1995. The land surface elevation is approximately 1250 feet above mean sea level. No production information is available on the well log.

Any reconstruction, replacement or installation of additional wells shall be conducted in compliance with Chapter 18.104 RCW and Chapter 173-160 WAC. Any cascading water encountered shall be precluded by casing and sealing, and no interaquifer transfer of water shall be allowed. When the well is reconstructed or replaced, the reconstructed or replacement well shall be cased and sealed a minimum of 200 feet into competent basalt. If this well is reconstructed the casing shall be sized so that it is a minimum of four-inches in diameter smaller than the borehole section in which it is installed. If it is possible the borehole diameter may be reamed to accommodate a larger diameter casing. The casing diameter shall still be limited to four-inches in diameter less than the borehole in which it is installed. If this well is replaced, the replacement well shall have a borehole constructed that is a minimum of four-inches greater in diameter than the permanent casing string, to be contained within that section of borehole. The permanent casing is then to be placed or set into the borehole. Sealing shall be accomplished by pressure grouting with neat cement from the bottom to the top until undiluted sealing material returns to the surface.

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 flow 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.

There are no other water rights in the vicinity. The majority of the irrigation is supplied by the Columbia Basin Irrigation District. There are some water right claims of record in the vicinity, but they are lying

east of the applicant. There are multiple exempt wells in the vicinity, however most are constructed in the upper alluvial or shallow basalt.

This proposed change in the place of use shall not increase the amount of water withdrawn from the aquifer nor will it increase the land proposed for irrigation or expand the right. The proposed change will not impair existing water rights.

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.

There is a water right available for change/transfer. Ground water has been historically and beneficially used under this authorization for the purpose of agricultural irrigation.

When considering an application for change to a water right, Ecology must determine that the proposed change can be made without detriment or injury to existing water rights. Factors considered when determining potential impact include the following:

No Impairment to Existing Rights:

The proposed change will not increase the volume of water currently authorized and will not impair existing water rights.

No Detriment to the Public Welfare:

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.

No Enhancement of the Original Right:

No withdrawal of water over and above what has been authorized for beneficial use would be authorized through approval of this change.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right 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:

588 gpm

140 acre-feet per year

Agricultural irrigation of 40 acres

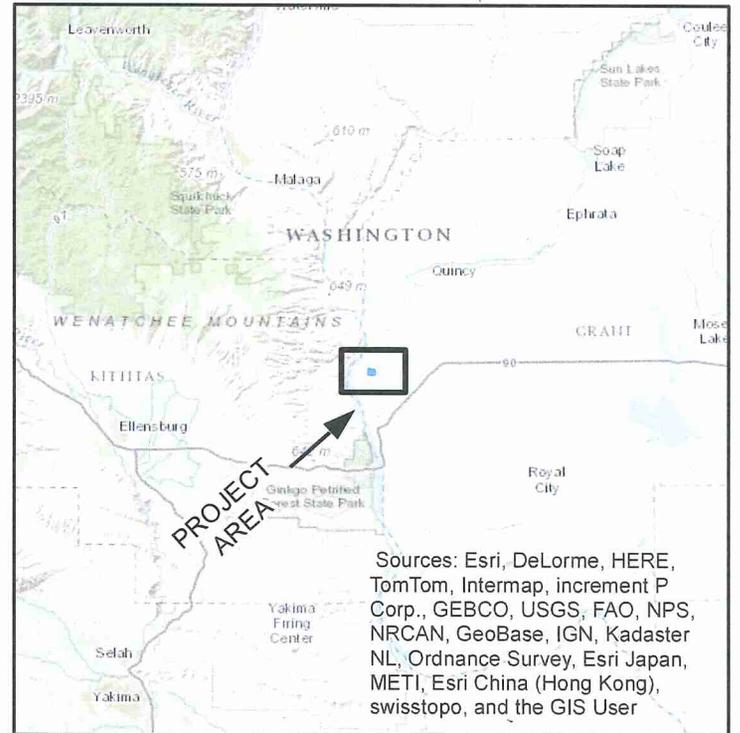
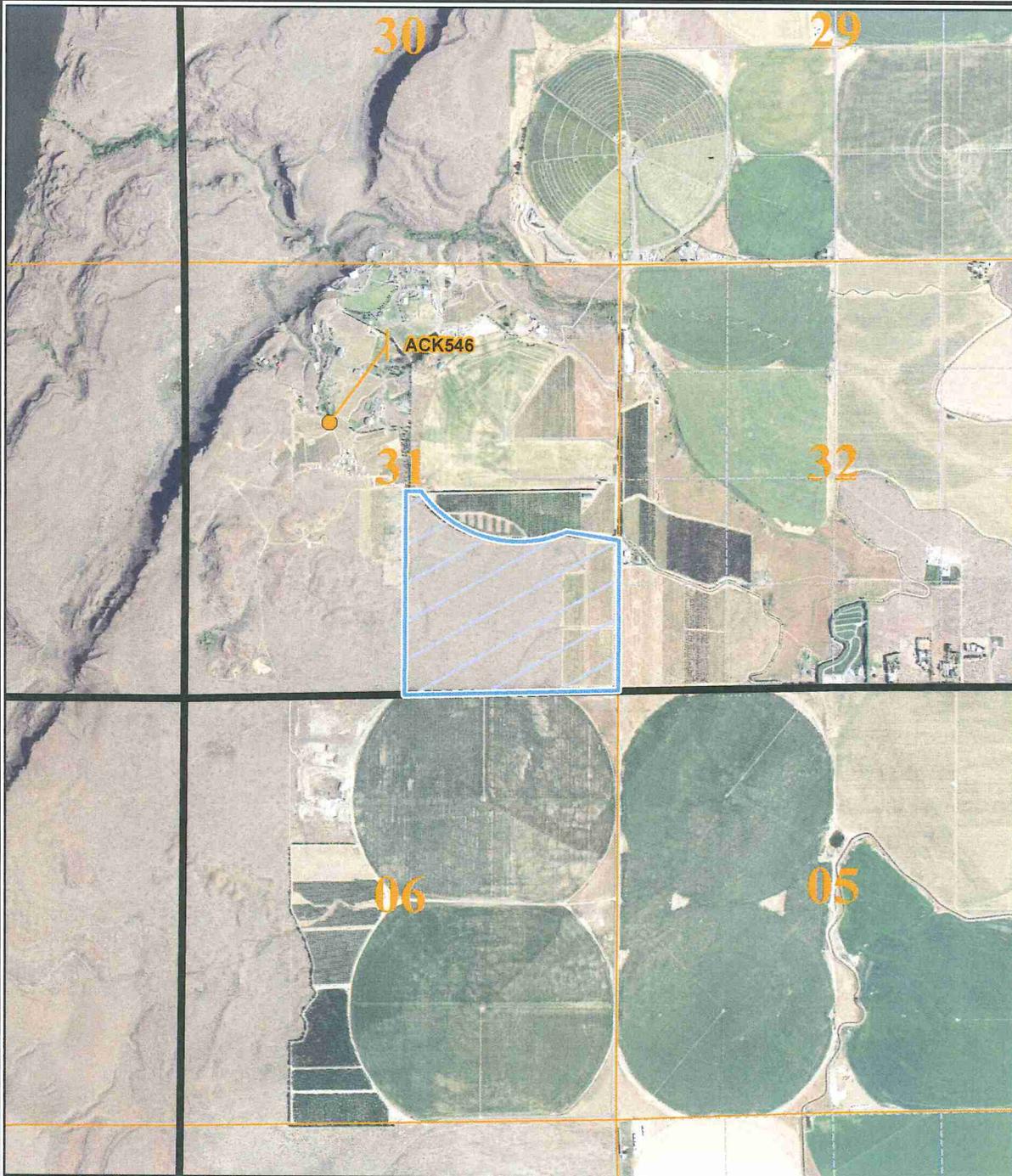
Kevin Brown, Report Writer

Date

If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600.

Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Vincent Bryan
 Water Right Number G3-29101(C)
 T19N/R23E



Sources: Esri, DeLorme, HERE, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, and the GIS User

Basemap - (ESRI US Topographic Maps)

Legend

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

ATTACHMENT 1

0 1,320 2,640 5,280 7,920 Feet
 Basemap - (NAIP 2011 1m color)

Map Date: 4/25/2014



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

