State of Washington
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Changed Place of Use
Added or Changed Point of Withdrawal

PRIORITY DATE	WATER RIGHT NUMBER
August 17, 1962	5144-A

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
Schoonover Farms 2194 N. Schoonover Road Odessa, WA 99159	

Total Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
300	GPM	120

Purpose

	WITHDRAWAL RATE			ANNUAL QUANTITY (AF/YR)		
PURPOSE	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	PERIOD OF USE (mm/dd)
agricultural irrigation of 30 acres	300		GPM	120		4/01 - 10/31

Source Location

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

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well 3	2034180002610		20N	34E	18	NENE	47.23126	118.58047
Well 1	2033130110001	AHP706	20N	33E	13	NENE	47.23471	118.60202
Well 7 -Pond Well	2033220100001		20N	33E	22	SESW	47.20642	118.65928
Well 4-Proposed	203323000002		20N	33E	23	SWSW	TBD	TBD
Well 5-Proposed	2033230000002		20N	33E	23	SWNW	TBD	TBD
Well 6-Proposed	2033140300002		20N	33E	14	SW	TBD	TBD
Well 2	2033130110001		20N	33E	13	NENE	47.23495	118.60388

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

2033140300002, 2033230000002

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

10 acres within the SE¼SE¼ of Section 14 and 20 acres within the NW¼NW¼ of Section 23, T. 20 N., R. 33 E.W.M.

Proposed Works

7 wells, pivot irrigation systems

Development Schedule

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

This change authorization supersedes Certificate of Change 1-3 page 84 and 1-3 Page 162. Certificate(s) of Change 1-3 Page 84 and 1-3 Page 162 are considered null and void.

The Temporary Change Authorization issued June 25, 2015 is cancelled.

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.

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.

Well Construction

Proposed Well 4 - The altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238, Sheet Three) for a well in the SW¼SW¼ of Section 23, T. 20 N. R. 33 E.W.M. is 1340'. With a land surface of ~1820', this puts the top of the Grande Ronde at 480' below land surface. Adding 200' to this formation top would put the minimum casing and sealing requirement at 680' below land surface for a Grande Ronde well at this location.

Proposed Well 5 - The altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238, Sheet Three) for a well in the SW¼NW¼ of Section 23, T. 20 N. R. 33 E.W.M. is 1350'. With a land surface of ~1835', this puts the top of the Grande Ronde at 485' below land surface. Adding 200' to this formation top would put the minimum casing and sealing requirement at 685' below land surface for a Grande Ronde well at this location.

Well 6 - The altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238, Sheet Three) for a well in the W½SW¼ of the Section 14, T. 20 N. R. 33 E.W.M. is 1370'. With a land surface of ~1750', this puts the top of the Grande Ronde at 380' below land surface. Adding 200' to this formation top would put the minimum casing and sealing requirement at 580' below land surface for a Grande Ronde well at this location. Well 6 was drilled in September 2015 as 16" well to a depth of 2091'. The well was cased to 640' and had a static water level at 439'. The Well Tag is BHT069.

For new well construction of Well 6, in addition to the required access port, the applicant must install and maintain, in operating condition, an airline and pressure gage. The location (GPS coordinates) and length of the airline shall be submitted to the Department of Ecology, Water Resources Program. The pressure gage must be equipped with a standard tire valve and placed in a location accessible to Department of Ecology personnel. The airline must extend from land surface to the top of the pump bowls and the total airline length must be reported to the Department of Ecology upon completion of the pump system.

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.

Easement and Right-of-Way
The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

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 (CWRE) to confirm 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 water 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-*06439, 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 16th day of February, 2016.

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 Schoonover Farms on November 20, 2014. The applicant proposes to add points of withdrawal and change the place of use to Ground Water Certificate 5144-A.

A notice of application was duly published in accordance with RCW 90.03.280 in the Ritzville Adams County Journal on April 23 and 30, 2015 and no protests were received.

This application individually is categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW. Six applications for change were filed on multiple rights to integrate the irrigation system for the farm. Together, these rights exceed the threshold for SEPA. A Determination of Nonsignificance (DNS) was issued January 12, 2016.

Attributes of Ground Water Certificate No. 5144-A w/chg 1-3P84 and 1-3P162

Recorded Name:	Otto Schoonover
Priority Date(date of first use):	August 17, 1962
Instantaneous Quantity – Q(i):	300 gallons per minute
Annual Quantity – Q(a):	120 acre-feet per year
Source:	two wells
Point(s) of withdrawal:	NE¼NE¼ of Sec 13, T. 20 N., R. 33 E.W.M., NE¼NE¼ of Sec 18 T. 20 N., R. 34 E.W.M.
Purpose of Use:	irrigation of 30 acres

INVESTIGATION

Certificate 5144-A authorized the use of 300 gallons per minute, 120 acre-feet per year for the irrigation of 30 acres from two wells. The authorized place of use is currently irrigated with a pivot.

This water right is one of six that is currently owned, operated or farmed by the Schoonover Farms. Applications for change have been filed on each of the six water rights. The goal of these changes is to integrate the existing wells under these water rights, and construct up to three new wells. The existing pivot configuration will be modified, removing some of the smaller pivots, reduce/remove the end guns and configure the majority of the farm to standard 120 acre pivots. The mainline will be integrated between the farms for more efficient operation.

In addition to the modification of the irrigation system the applicant proposes to consolidate the domestic authorizations to supply the domestic use located in the NE¼ of Section 18, T. 20 N., R. 34 E.W.M. Certificate 5144-A does not contain a portion of the authorization for domestic supply, and consolidation of the domestic is not considered in this report.

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 5144-A confirmed a use of 300 gallons per minute, 120 acre-feet per year for the irrigation of 30 acres. This right has been determined to have been perfected and put to beneficial use. The right was protected from relinquishment under RCW 90.44.520, upon filing an Odessa Subarea Relinquishment Exemption Form, citing RCW 90.14.140(2)(b).

The right is determined to be in good standing.

Hydrologic/Hydrogeologic Evaluation

Applications for change 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 Odessa Sub-area as defined in Chapter 173-128A WAC. The Odessa Sub-area encompasses approximately 2,000 square miles in parts of Grant, Lincoln, and Adams Counties. The relatively flat-lying land surface slopes in a southwesterly direction and is locally dissected by coulees. The proposed change is subject to the conditions of WAC 173-130A, the management regulation for the Odessa Sub-area.

The Department of Ecology promulgated the Odessa Ground Water Management Subarea (Chapter 173-128A WAC) under authority and procedures provided in chapters 34.04, 43.21A, 90.03, and 90.44 RCW.

RCW 90.44.130 directs the Department to designate groundwater subareas that *"enclose a single and distinct body of public groundwater. Each such subarea may be so designated as to enclose all or any part of a distinct body of public groundwater, as the department deems will most effectively accomplish the purposes of this chapter."* By this rule, the wells producing water from the Columbia River Basalt Group within the Subarea boundary are all producing water from the same body of public groundwater.

Well No 1 was constructed prior to 1965. The well was replaced in 2008. The existing well is a 16 inch well, cased and sealed to 559 feet and completed to a depth of 1275 feet. Its static water level is listed at 198'. The Well Tag for this replacement well is AHP706.

Well No. 2 was originally constructed to a depth of 480 feet. No well log is available for the original construction. The 16" well was deepened in 1972 to 670 feet and again in 1993 to a depth of 692 feet. This well is cased to 21 feet.

Well No. 3 was constructed in 1975 to a depth of 1105 feet. The 14" well was deepened in 1995 to a depth of 1203 feet. This well was cased to 105 feet. Its static water level is listed at 198'.

Well No. 7 (pond well) was constructed in 1975 as a 16" well to a depth of 1000 feet. The well is cased to 55 feet.

The existing wells are all constructed in the Columbia River Basalt Group. The additional wells are required to be constructed into the Columbia River Basalt Group. Some of the existing wells may be double completed into both the Wanapum and Grande Ronde aquifer. If, in the future, any of the existing wells are proposed to be reconstructed, the applicant is required to discuss reconstruction proposals with Ecology prior to initiating any well construction of the existing wells.

WAC 173-130A-170 Casing and Sealing allows the determination of casing and sealing requirements on a case-by-case basis for wells located within the Odessa Subarea in order to protect existing shallow domestic and stock water wells, and springs.

Information on static water levels collected over a number of years by the U.S. Geologic Survey and Ecology indicates the hydrologic break between the Wanapum and Grande Ronde aquifers typically occurs 200 feet below the geologic division between the Wanapum and Grande Ronde Formations. Based on this knowledge, we propose the following casing and sealing provisions for the new wells to be added to this change application:

Proposed Well 4 - The altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238, Sheet Three) for a well in the SW¼SW¼ of the Section 23, T. 20 N. R. 33 E.W.M. is 1340'. With a land surface of ~1820', this puts the top of the Grande Ronde at 480' below land surface. The casing call for a well at this site would be 680' below land surface for a Grande Ronde well at this location.

Proposed Well 5 - The altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238, Sheet Three) for a well in the SW¼NW¼ of the Section 23, T. 20 N. R. 33 E.W.M. is 1350'. With a land surface of ~1835', this puts the top of the Grande Ronde at 485' below land surface. The casing call for a well at this site would be 685' below land surface for a Grande Ronde well at this location.

Well 6 - The altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238, Sheet Three) for a well in the W½SW¼ of the Section 14, T. 20 N. R. 33 E.W.M. is 1370'. With a land surface of ~1750', this puts the top of the Grande Ronde at 380' below land surface. The casing call for a well at this site would be 580' below land surface for a Grande Ronde well at this location. Well 6 was drilled in September 2015 as 16" well to a depth of 2091'. The well was cased to 640' and had a static water level at 439'. The Well Tag is BHT069.

To properly construct a well in the Grande Ronde Aquifer, the driller will need to case and seal the wells as mentioned above to allow for production from only the Grande Ronde Aquifer. The annular space would need to be a minimum of 4-inches greater than the permanent casing. After casing is sealed in place, the well may be completed by drilling out of the casing until sufficient water is obtained. Sealing shall be placed from the bottom of the well to the top until undiluted sealing material returns to the surface.

Existing Rights

Six water rights are appurtenant to the integration of the farming operation and are described below:

Ground Water Certificate 5144-A w/chg 1-3-84 and 1-3-162 confirms a right of 300 gallons per minute, 120 acre-feet per year for irrigation of 30 acres.

Ground Water Certificate 6152-A w/chg 1-3-163) confirms a right of 125 gallons per minute, 137 acre-feet per year; 135 acre-feet for irrigation of 100 acres and 2 acre-feet for domestic supply.

Ground Water Certificate G3-01500 confirms a right of 1010 gallons per minute, 402 acre-feet per year; 400 acre-feet for irrigation of 100 acres and 2 acre-feet for domestic supply.

Ground Water Certificate G3-01501 confirms a right of 2000 gallons per minute, 1921 acre-feet per year; 1920 acre-feet for irrigation of 1045 acres and 1 acre-foot for domestic supply.

Ground Water Certificate G3-01502 confirms a right of 2000 gallons per minute, 882 acre-feet per year; 880 acre-feet for irrigation of 220 acres and 2 acre-feet for domestic supply.

Ground Water Certificate G3-23021 confirms a right of 2400 gallons per minute, 1120 acre-feet per year for irrigation of 621 acres.

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.

The proposed well location change and change in place of use will not impair existing water rights.

The proposed change to add points of withdrawal and place of use will not enlarge the quantity of water identified above. The proposed well(s) 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 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, a valid right exists. This application for change to add 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 5144-A 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:

- 300 gpm
- 120 acre-feet per year
- Agricultural irrigation of 30 acres

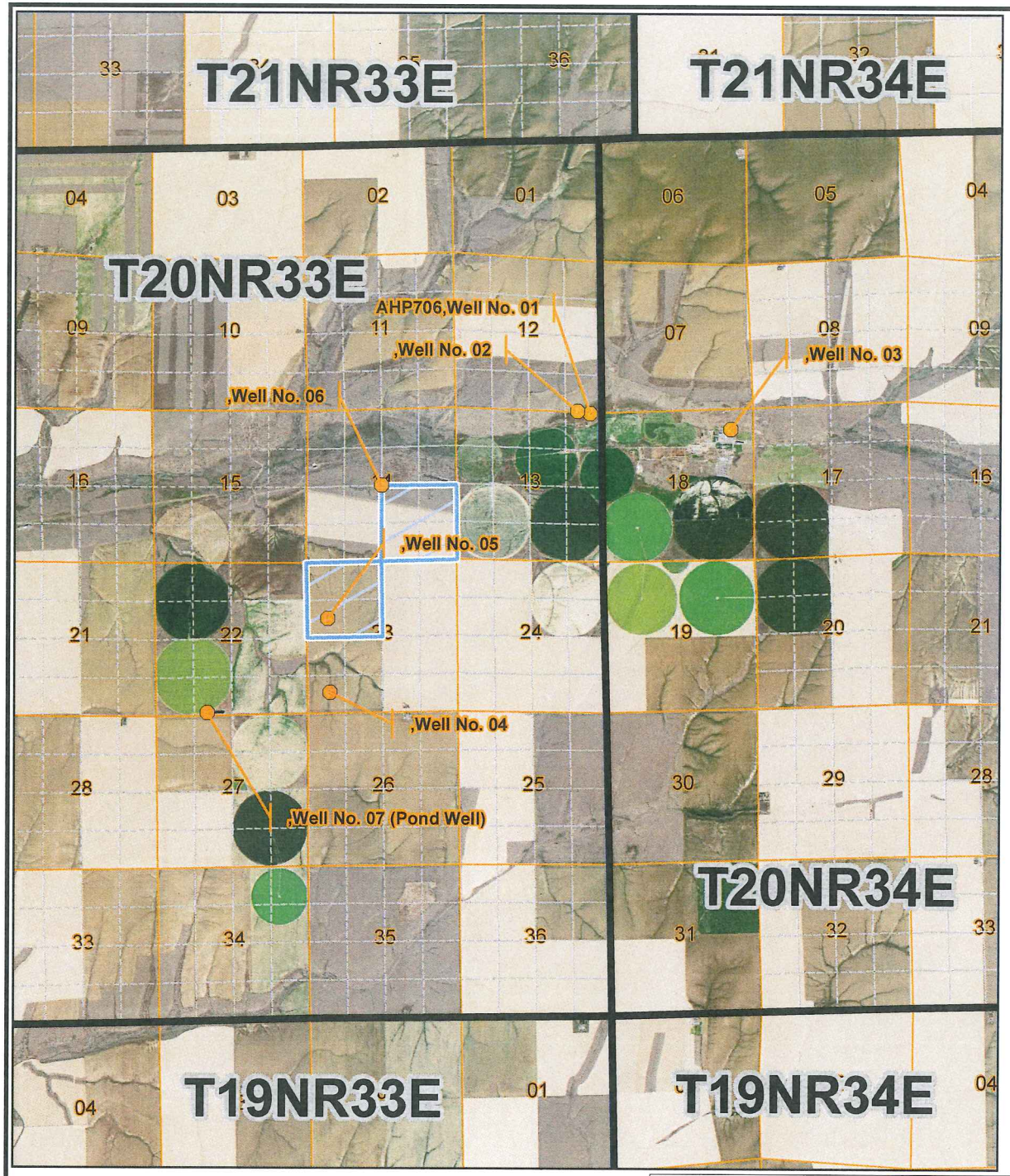
Authorized points of withdrawal and place of use is identified above.

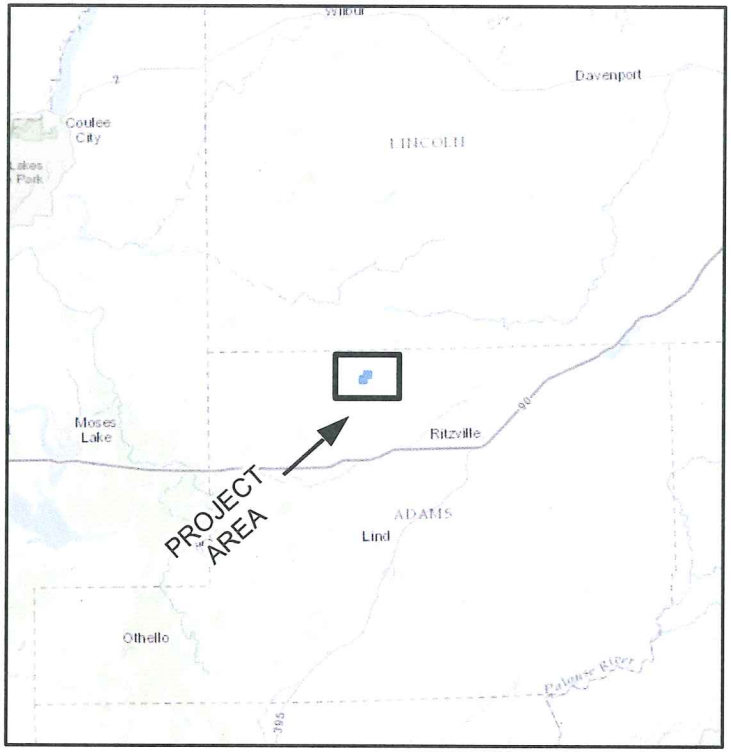
Report by: Kevin Brown — 2/16/16

Kevin Brown
Water Resources Program

Date

Schoonover Farms
5144-A
T20N/R33E





Basemap - (ESRI US Topographic Maps)

Legend

Authorized Place of Use

Townships

Sections

Authorized Point of Withdrawal

(Source locations may vary in their accuracy and precision as stated within the body of the report.)

Feet
0 2,640 5,280 10,560

Basemap - (NAIP 2013 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 1/15/2016

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