DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Change Point of Withdrawal

PRIORITY DATE
January 1, 1930

WATER RIGHT NUMBER
GWC 747-D(B)

MAILING ADDRESS
VAUGHN HUNSAKER
6335 WINESAP ROAD NE
MOSES LAKE WA 98837

SITE ADDRESS (IF DIFFERENT)

Total Quantity Authorized for Withdrawal

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
105	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)
Irrigation of 4.85 acres	105		GPM	22		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	170756001		19 N.	28 E.	19	Tract 17	47.121348	119.359267
							Datum: NAD83/WGS84	

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)
141691001

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE
That portion of Tract 20, Stade Orchard Tracts, as per plat thereof recorded in Acreage Plats, Pg. 37, records of Grant County, WA and of that portion of the W½SW¼ of Sec. 19, T. 19 N., R. 28 E.W.M. (being vacated Tract 18, Stade Orchard Tracts), described as follows: Beg. at the most easterly corner of said Tract 20, thence W. along the N. line of said Tract 20, a distance of 629.92 feet; thence S., parallel to the W. line of Tract 20, a distance of 670 feet, more or less, to a point on the SE line of

vacated Tract 18; thence NE along the SE line of Tracts 18 and 20, a distance of 910 feet, more or less, to the true point of beginning

Proposed Works

A hand dug well 70 feet deep, 20 horsepower pump

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	Complete	In use

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

These lands lie within the Columbia Basin Project. Should contracts or water rights be issued from the Project 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.

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.

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.

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), 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 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 Change Application No. CG3-*00873S(B), 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 22nd day of January, 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

This report serves as the written findings of fact concerning Water Right Change Application Number CG3-*00873S(B). In considering the proposed application for change/transfer, the investigation included, but was not limited to, research and review of (1) appropriate rules and statutes; (2) Ground Water Certificate No. 747-D(B) and other water rights/claims/applications in the vicinity; (3) water well reports and other wells in the vicinity; (4) USGS topographic maps; (5) discussions with Department of Ecology regional program staff; including review by Ecology hydrogeologists.

Legal Requirements for Requested Change

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 Columbia Basin Herald on November 14 and 27, 2013 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;

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

INVESTIGATION

A field investigation was not conducted. Multiple conversations were held with the applicant regarding the request. The applicant has proposed to change the point of withdrawal from the original well to a well located on his property. No other change to the water right is proposed.

Evaluation of the 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), held that Ecology must determine the extent and validity of a water right that is eligible for change before the Department can approve a change or transfer of the 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. In R.D. Merrill Co. v. Pollution Control Hearings

Board, 137 Wn.2d 118, 969 P.2d 458 (1999), the Supreme Court held that the place of use and point of withdrawal of an inchoate ground water permit may be changed pursuant to RCW 90.44.100.

The property has been continuously irrigated. A 20 horsepower pump and hand and wheel lines are used to irrigate the 4.85 acres.

Other Rights Appurtenant to the source well

In addition to Certificate 747-D(B), the following rights are authorized from the proposed well:

Ground Water Certificate 955-D together with change 1-3-193 confirms a right of 300 gallons per minute, 96 acre-feet per year for irrigation of 24 acres. This right is authorized from the well located in Tract 17. The authorized place of use is described as within Tracts 15, 16, 17, 21, 22 all in Stade Orchard Tract, Section 19, T. 19 N, R. 28 E.W.M.

Ground Water Certificate 405-A together with change 1-3-194 confirms a right of 200 gallons per minute, 44 acre-feet per year for irrigation of 11 acres. This right is authorized from the well located in Tract 17. The authorized place of use is described as within Tracts 15, 16, 17, 21, 22 all in Stade Orchard Tract, Section 19, T. 19 N, R. 28 E.W.M.

Total authorized use from the well in Tract 17 between these three rights is 605 gallons per minute, 162 acre-feet for the irrigation of 39.85 acres.

Tracts 15, 16, 17, 21, 22 all in Stade Orchard Tract, Section 19, T. 19 N, R. 28 E.W.M. are also identified in Certificate 954-D together with change 1-3-342. Certificate 954-D w/chg 342 confirms a right from two wells in Tract 7 and 8 in the amount of 300 gallons per minute, 72 acre-feet per year for the irrigation of 18 acres. The place of use of this right includes a portion of Tract 7, Tract 8 and the W½ of Tract 9. It is unknown if any of this right is actually used on Mr. Hunsaker's property. Mr's Hunsaker's property (Tracts 15, 16, 17, 21, 22) is authorized 35 acres under 954-D w/chg 342 and 405-D w/chg 194. The extent and validity of Certificate 954-D w/chg 342 is not part of this examination.

These lands lie within the Columbia Basin Project. Should contracts or water rights be issued from the Project 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 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 original well was constructed around 1930. The information in the file indicates the well was a 30" diameter hand dug well constructed to a depth of 50 feet.

The proposed well was constructed around 1945. The information in the file indicates the well was a 5' diameter hand dug well constructed to a depth of 70 feet.

Both wells are constructed in the upper sedimentary unit and are in the same body of public ground water.

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.

This proposed change in the point of withdrawal shall not increase the amount of water withdrawn from the aquifer nor will it increase the land proposed for irrigation or expand the right.

Public Interest Considerations

The proposed change in point of withdrawal will not be contrary to the public interest.

Conclusions

There is a water right available for change/transfer under Ground Water Certificate No. 747-D(B).

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:
It is not anticipated that the proposed change/transfer would cause impairment to 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 any detrimental impact to the public welfare through issuance of the proposed change/transfer.

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.

Same Source of Water:
The ground water to be withdrawn is supplied by the same body of public water.

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 listed above.

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:

105 gpm
22 acre-feet per year
irrigation of 4.85 acres

Point of withdrawal

Place of Use

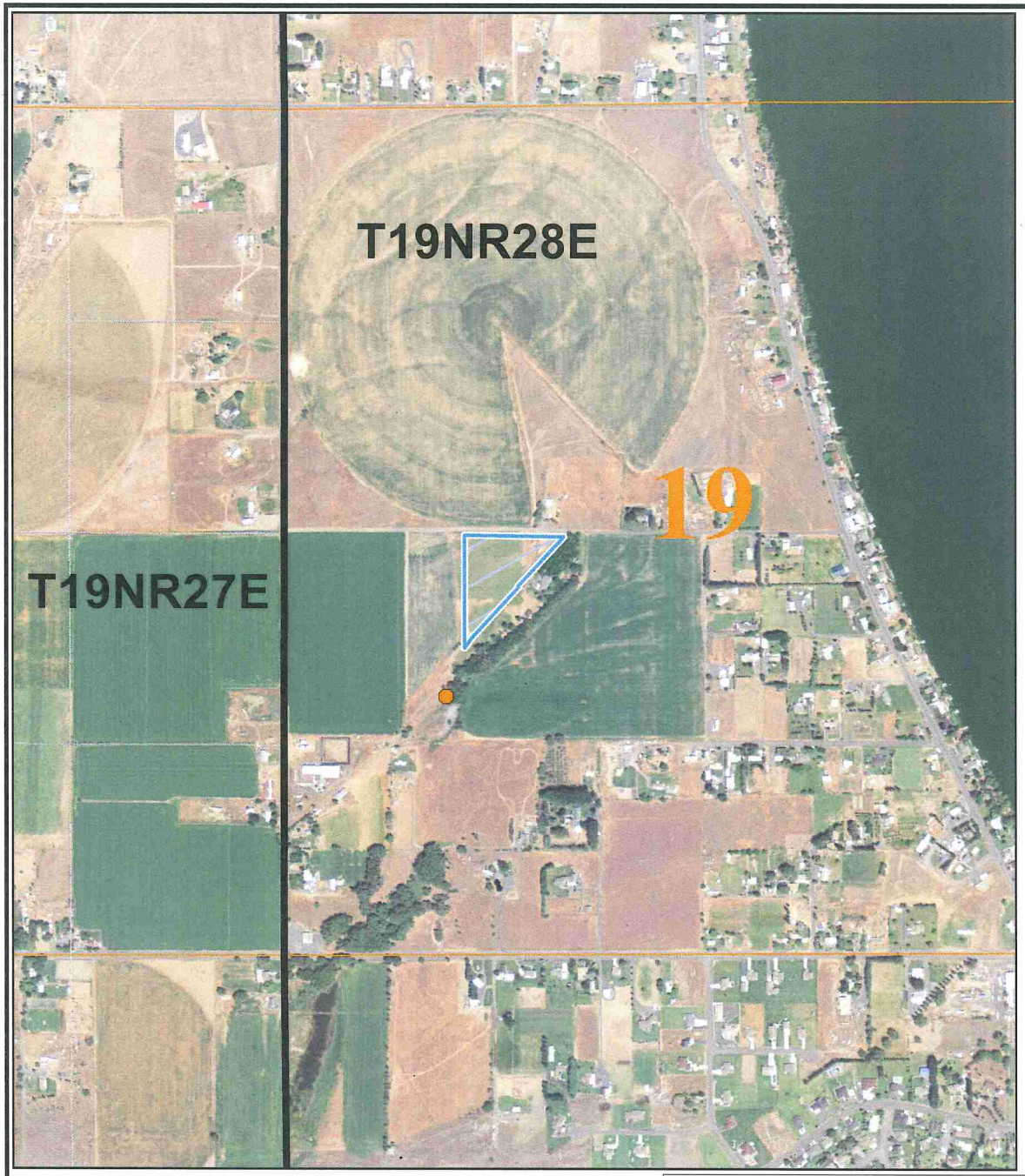
As described on Page 1 of this Report of Examination.

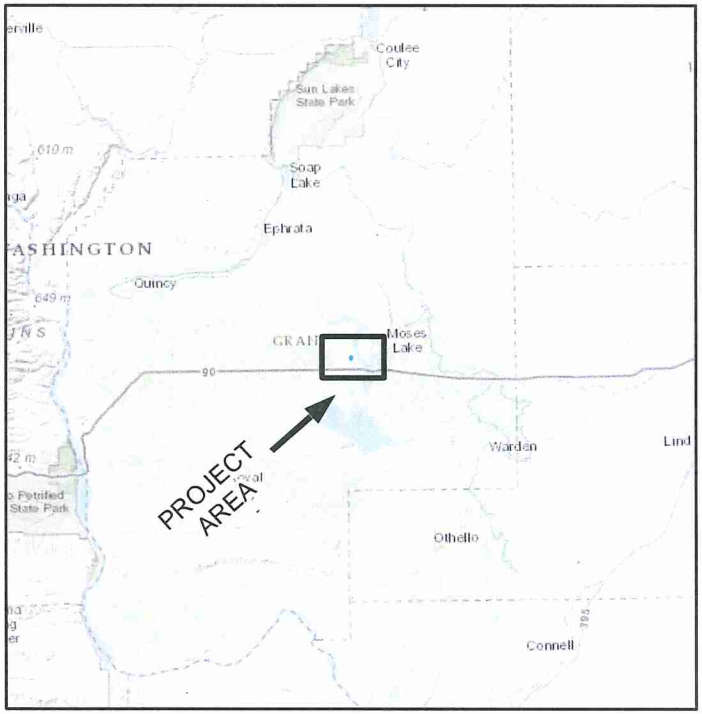
Kevin Brown 1-22-14

Kevin Brown, Report Writer *Date*

If you need this publication in an alternate format, please call 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.

Vaughn Hunsaker
GWC 747-D(B0
T19N/R28E





Basemap - (ESRI US Topographic Maps)

Legend

Authorized Place of Use

Townships

Sections

Authorized Point of Withdrawl

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

Basemap - (NAIP 2011 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 12/21/2013

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