



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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May 27, 2016

Ed Blok
7327 Heisman Place
Lynden WA 98264

RE: **APPROVED Seasonal Change Authorization for Surface Water Certificate (SWC) 6921, Whatcom County, Water Resources Inventory Area 1**

Dear Mr. Blok:

Ecology received your application for a seasonal change on April 18, 2016. The subject change application was assigned control number **CS1-*14040C**. Please refer to this number when corresponding with us about this Authorization.

BACKGROUND INFORMATION

SWC 6921 authorizes the diversion of 0.40 cubic feet per second (cfs), 80 acre-feet per year (AFY), from the Nooksack River, each year, for the irrigation of 40 acres. The certificate was issued to G. J. Polinder, with a priority date of August 22nd, 1956.

SWC 6921 describes the place of use as within Section 29, Township 40 North, Range 3 East, Willamette Meridian:

Lot 4 – west 24 of south 72 rods of SE ¼ NW ¼ or commencing 56 rods west of center of sec. 29, thence north 72 rods thence west 24 rods, thence south 782 rods, thence east 24 rods to beginning; also commencing 80 rods west of center of sec. 29, thence west 55 rods; thence north 307 feet, thence west to Nooksack River; thence northeasterly along said river to 80 rods line; thence south to beginning, containing in all 49.68 acres less River Wash Road, sec. 29, T. 40 N., R. 3 E. W.M.

The authorized point of diversion is described as within Government Lot 4, Section 29, Township 40 North, Range 3 East, Willamette Meridian.

The authorized place of use for SWC 6921 is within parcel 4003291113330000. Metsker Maps indicate that G. J. Polinder owned the place of use in 1960. G. J. Polinder sold the property to J. Dykstra by 1971. By 1983, J. Dykstra had sold the property to P. Dykstra. P. Dykstra appears to be



Peter Dykstra, who currently owns the property. An online search of county records shows no transfer of the property after 1983.

Based on aerial photography from 1998-2015, this parcel was part of an actively irrigated farm.

It appears that as many as 40 acres may have been irrigated. The place of use will not change during this season.

Under the subject application, you are requesting to change the diversion point of SWC 6921 to your downstream diversion. The requested changes are as follows:

- To change the point of diversion to a location on the Nooksack River, within the South ½ of the Northwest ¼ of section 30, Township 40N, Range 3 E, in parcel 400330194044
- To irrigate 40 acres
- The place of use will remain the same.

On January 14, 2015, Jim Bucknell, Andy Dunn of RH2 Engineering, and Kasey Cykler of the Ecology conducted a site visit on your farm, and met with you for a new surface water application you filed, S1-28775. The point of diversion identified in that application and during the investigation is the same as the diversion you are requesting to use in this subject application. The details of the point of diversion and the irrigation system are taken from the Report of Examination (ROE):

“There is one pumping plant located on the bank of the Nooksack River. The pumping plant is electrically powered and consists of two pumps in series. The first centrifugal pump (50 HP Berkeley B4GPH) draws water from the river through an 8-inch diameter intake pipe. The water then passes through the second pump (60 HP Berkeley B3ZPBHS) before entering the buried mainline system, which consists of 8- and 6-inch diameter pipe, for distribution across the farm. Occasionally, Mr. Blok anticipates having to install a booster pump on the fields farther from the point of diversion to maintain the appropriate system pressure.”

You indicated during the site visit that the crops to be irrigated are grass and corn to be used as feed for your dairy operation. The ROE indicates that the proposed works do not include any storage.

The requested point of diversion is roughly a mile downstream of the legal description of the certificated point of diversion, so there will be no impairment of existing water uses. The subject certificate pre-dates WAC 173-501, so minimum instream flows will not be impaired.

DEPARTMENT OF ECOLOGY DECISION – INCLUDING TERMS AND CONDITIONS

Your request for a seasonal change in the place of use and point of diversion for the 2016 irrigation season is hereby **APPROVED** under the terms and conditions listed below.

- This seasonal change does not authorize an enlargement of water use or total irrigated acres as described in SWC 6921.
- The certificated (original) point of diversion shall not be used during the 2016 irrigation season.
- The certificated instantaneous rate (0.4 cfs, or 179.5 gpm) cannot be exceeded at any time.
- The total volume used under this Authorization shall not exceed 80 acre-feet.
- An approved measuring device shall be installed and maintained on the authorized point of diversion in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. In order to ensure compliance with the terms of this Authorization, water use data shall be recorded weekly and shall be promptly submitted to Ecology upon request.
- WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document titled "Water Measurement Device Installation and Operation Requirements". See <http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>
- This seasonal change is subject to existing rights, including any rights held by the United States for the benefit of tribes under treaty or settlement. By ensuring no enlargement of the rate of water use or the number of irrigated acres, this Authorization should have no greater impact on tribal rights than the original Authorization.
- If it can be shown that water use authorized by this seasonal change is causing impairment of existing rights or is being used illegally, then this Authorization will be immediately canceled.
- This seasonal change does not convey a right of access to, or other right to use land, which you do not legally possess. Obtainment of such a right is a private matter between you and the owner of the land.
- Violation of any of the terms and conditions of this seasonal change will result in this Authorization being immediately canceled, issuance of administrative orders to cease and desist, and may also subject the violator to civil penalties.
- 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, point of diversion, measuring device, and associated distribution systems for compliance with water law.

- The diversion intake shall be screened in accordance with Washington Department of Fish and Wildlife screening criteria. See: <http://wdfw.wa.gov/about/contact/>
- **THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) CHANGE AUTHORIZATION WILL ISSUE FOR THE FUTURE USE OF THE WATER HEREIN AUTHORIZED.**
- **This seasonal change shall be in effect through October 1, 2016** (unless canceled sooner); at which time the subject right will revert back to the original attributes described in SWC 11456.
- All conditions and provisions of the original right will be complied with.

If you have any questions or concerns regarding this Authorization, please contact Kellie Gillingham at kellie.gillingham@ecy.wa.gov or (425) 649-7186.

OPPORTUNITY TO APPEAL

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. 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 this document:

- File your appeal and a copy of this document 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 document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

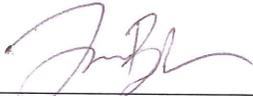
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

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 P.O. Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board Environmental Hearings Office 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board P.O. Box 40903 Olympia, WA 98504-0903

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>

Signed at Bellevue, Washington, this 27th day of May, 2016.



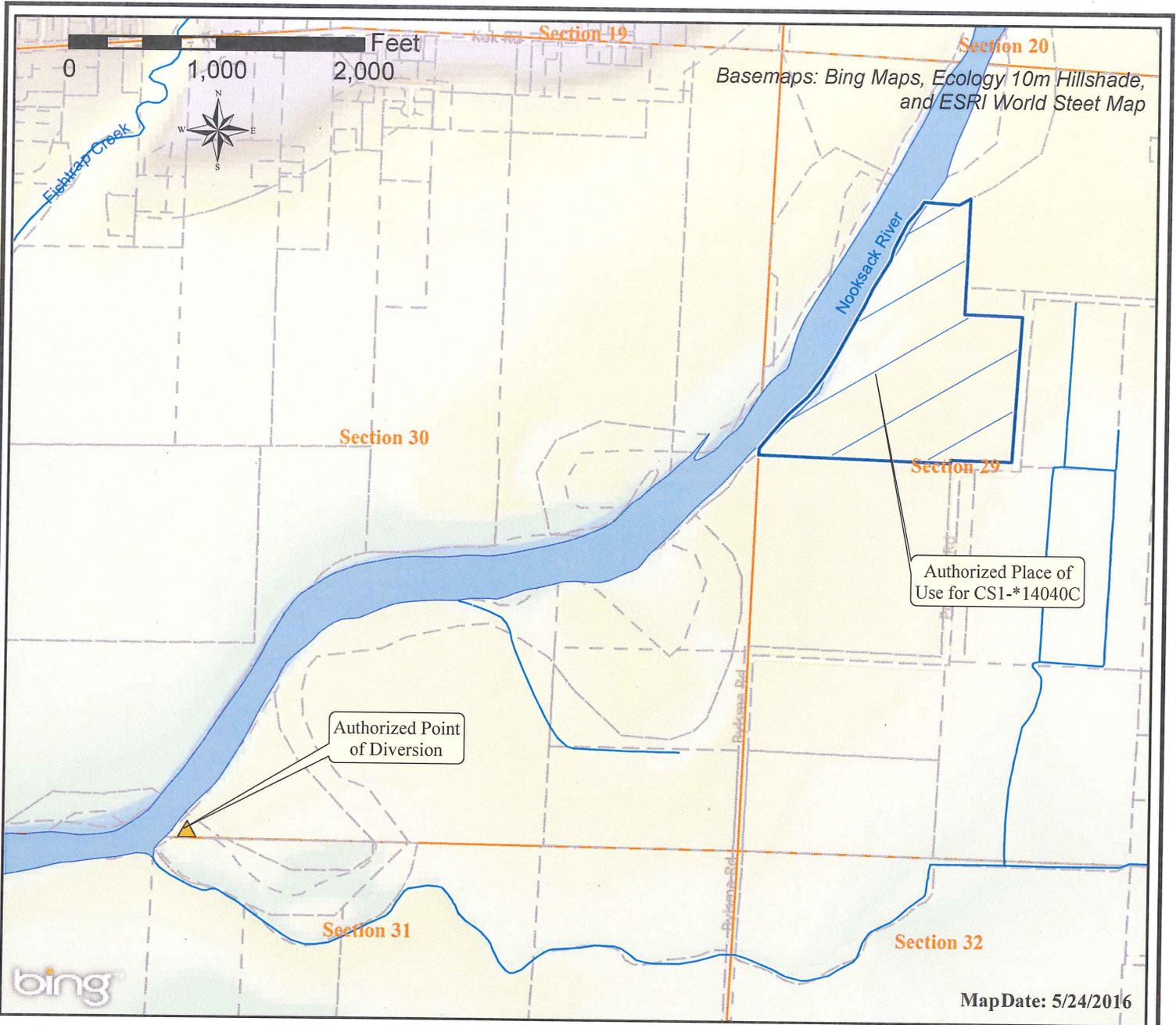
Thomas Buroker
Section Manager
Water Resources Program

tb:kg:mc

Enclosure: Your Right to be Heard

By Certified Mail: 9171 9690 0935 0106 7177 48

ATTACHMENT 1



Place of use and point(s) of withdrawal are as defined on the cover sheet under the headings, 'LOCATION OF WITHDRAWAL' and 'LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED.'

Legend

-  Authorized Place of Use
-  Water Body
-  Authorized Point of Diversion
-  Whatcom County Parcels
-  Sections



Ed Blok
Water Right CS1-*14040C
Section 30 T 40N R 03E W.M.
WRIA 1 - Whatcom County

