



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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July 30, 2009

CERTIFIED MAIL

7008 0150 0003 7623 5773

John Garrett
Skagit/Snoqualmie Area Manager
Washington Department of Fish & Wildlife
Habitat and Lands Services Program
21961 Wylie Road
Mount Vernon, WA 98273

Dear Mr. Garrett:

Re: APPROVED Seasonal Change Authorization for Surface Water Certificate (SWC)
4175, King County, Water Resources Inventory Area 7

BACKGROUND INFORMATION

The Department of Ecology (Ecology) accepted your application for change of SWC 4175 on July 30, 2009. SWC 4175 was originally issued to Carnation Company with a priority date of September 9, 1949. It authorizes the diversion of 1.85 cubic feet per second (830 gallons per minute), from the Snoqualmie River, for the irrigation of 185 acres. The authorized point of diversion is listed as Government Lot 14, within Section 5, Township 25 North, Range 7 East. The authorized place of use is that portion of Section 5 which lies west and south of the Snoqualmie River and the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 6, Township 25 North, Range 7 East.

Camp Korey at Carnation Farms is now the owner of SWC 4175 and the existing place of use and point of diversion. Tom Parker, Executive Director of Camp Korey, signed the application for change as the "Water Right Holder" and "Land Owner of the Existing Place of Use".

You (in consultation with Tom Parker) requested to add a point of diversion and to partially change the place of use of the certificate. The requested additional point of diversion from the Snoqualmie River will be located within the Washington Department of Fish & Wildlife (WDFW) Snoqualmie Wildlife Area – Stillwater Unit, within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 25 North, Range 7 East. The change in place of use you requested is to include up to 86 acres of agricultural land within the Stillwater Unit, in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 25 North, Range 7 East.



The 456-acre Stillwater Unit (across the Snoqualmie River from Camp Korey) is located approximately three miles north of the town of Carnation. It was purchased by WDFW in 1970 to provide hunting opportunities and other wildlife recreation. WDFW created a network of fields ranging in size from 20 to 56 acres, ringed with brushy drainages and hedgerows. Two of these fields are the subject of this request for seasonal change. This unit also has 8,500 feet of river shoreline.

APPLICATION INVESTIGATION

On July 29, 2009, Buck Smith of this office met with you, Tom Parker, Art Groeneweg (Stillwater Unit sharecropper), Kurt Gauthier (Camp Korey Facilities Maintenance Director), Val Pelsler (Camp Korey Agriculture Supervisor), and Ken Balsler (Farm Specialist). This group provided Mr. Smith (either verbally and/or in writing) with the following information:

- The request for a seasonal change authorization is based on an emergency situation. Mr. Groeneweg planted barley on two fields within the Stillwater Unit in early July. Due to extreme heat, lack of soil moisture, and dry weather conditions, the barley crop has not germinated.
- WDFW and Mr. Groeneweg have an existing sharecrop agreement whereas Mr. Groeneweg is allowed to harvest a portion of the barley crop for his own purposes and he leaves the remainder in place for wildlife feeding purposes. Normally, irrigation water is not required for this farming operation.
- If Mr. Groeneweg does not irrigate the two fields as soon as possible, the entire crop will be lost, to the great detriment of wildlife that is dependent on this food source.
- Irrigation as proposed will occur on 45 acres of one field and 41 acres of a second field for a total of 86 acres. This is minus acreage for buffers around sensitive areas.
- Mr. Groeneweg has requested to pump up to 450 gallons per minute (gpm) from the Snoqualmie River by using a 100-horsepower centrifugal power-takeoff pump. Irrigation will occur by use of a "big gun" sprinkler with a maximum 1½ inch nozzle.
- You (John Garrett) contacted representatives of the Tulalip and Snoqualmie tribes to inform them of your seasonal change request. *(Ecology received comments via e-mail from Tulalip representative Kimberly Ordon on July 22, 2009. Her concerns have been incorporated into this authorization. Ecology did not receive any comments from the Snoqualmie Tribe.)*

Regarding historic and future use of water on the Carnation Farms (Camp Korey) property, your group provided Mr. Smith with the following information:

- Val Pelsler has been employed at the farm for over 27 years. According to Mr. Pelsler the SWC 4175 place of use has been irrigated every year during his tenure.
- There has never been a 5 year period of non-use of water on the existing place of use.
- Typically grass and some corn are grown.

- The estimated application rate is approximately 12 inches of water per acre.
- Camp Korey is willing to give up irrigation on 86 of the 185 acres authorized by SWC 4175. This leaves Camp Korey with authorization to irrigate up to 99 acres within the original place of use.
- Camp Korey is willing to reduce their instantaneous pumping rate to no more than 380 gpm. This will allow Mr. Groeneweg to pump up to 450 gpm. The total pumping rate (380 + 450) therefore will not exceed the certificated rate of 830 gpm (1.85 cubic feet per second).

DEPARTMENT OF ECOLOGY DECISION - INCLUDING TERMS & CONDITIONS

Your request for an additional point of diversion and change in place of use is hereby APPROVED under the terms and conditions listed below:

1. Ecology has not received the \$50 application fee for this seasonal change authorization. Failure to submit this fee by close of business on August 14, 2009, will result in immediate cancellation of this authorization. Submit this fee to the Department of Ecology, Cashiering Unit, P. O. Box 47611, Olympia, WA, 98504-7611. Please include a letter referencing the fee is for a Seasonal Water Right Change Application at the Northwest Regional Office for Surface Water Certificate 4175.
2. The instantaneous pumping rate authorized by SWC 4175 cannot be exceeded at any time. The total diversion rate at the Stillwater Unit and Camp Korey combined cannot exceed 1.85 cubic feet per second (830 gpm). You are required to monitor pumping to ensure compliance with this condition.
3. The total seasonal volume of water used cannot exceed what is customary for the area, the crop type, and for the irrigation method(s) employed. The Washington Irrigation Guide does not list the irrigation requirements for barley. But, the net irrigation requirement for grass (a similar crop) in the Monroe area is approximately 12 inches. Therefore, the consumptive application rate shall not exceed 12 inches per irrigated acre anywhere within the authorized place of use. This is in keeping with the historically used estimate.
4. The number of irrigated acres under this authorization cannot exceed 185 acres total at both the Stillwater Unit and at Camp Korey.
5. An approved measuring device shall be installed and maintained on each source used under this authorization in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. Water use data shall be recorded weekly and shall be promptly submitted to Ecology upon request.
6. 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".

7. In order to prevent the waste of water, the Groeneweg barley crop must show signs of germination and viability by no later than August 14, 2009. You are required to report crop progress to Buck Smith by e-mail at buck.smith@ecy.wa.gov or by telephone at 425-649-7147. Failure to report progress or failure of the crop by this date will result in immediate cancellation of this authorization.
8. Ecology staff may field verify the total irrigated acreage at the Stillwater Unit and at Camp Korey at any time for compliance with the terms and conditions of this authorization.
9. This seasonal change authorization is subject to existing rights, including any rights held by the United States for the benefit of tribes under treaty or settlement.
10. Your additional point of diversion must not impair any existing rights. If it can be shown that water use authorized by this seasonal change is causing impairment of existing rights, then this authorization will be immediately canceled.
11. This seasonal change shall be in effect through October 15, 2009 (unless canceled sooner), at which time the subject right will automatically revert back to the original attributes described in SWC 4175.
12. Ecology assumes no liability for the purchase and/or construction of any facilities in conjunction with this seasonal change authorization. Recipients of a seasonal change authorization should not construe that a seasonal change will result in the granting of a future permanent change of water right.
13. All diversion intakes shall be screened in accordance with WDFW screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). If you have questions about screening criteria, contact the WDFW Habitat Program at 600 Capitol Way N, Olympia, WA 98501-1091 or by phone at 360-902-2534.
14. Due to the presence of salmon species in the Snoqualmie River listed under the federal Endangered Species Act, please contact NOAA's National Marine Fisheries Service, Northwest Regional Office for up-to-date diversion screening criteria. Their office is located at 7600 Sand Point Way NE, Seattle, WA 98115-0070. Their main switchboard number is 206-526-6150.
15. The Groeneweg diversion may require a Hydraulic Project Approval (HPA) from the Department of Fish & Wildlife. Please contact the WDFW North Puget Sound Region 4 Office at 16018 Mill Creek Boulevard, Mill Creek, WA 98012-1296 or by phone at 425-775-1311.
16. Use of water under this authorization shall be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.

17. 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.

OPPORTUNITY TO APPEAL

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the “date of receipt” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined in RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of the document that you are appealing with your *Notice of Appeal*.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals Coordinator
PO Box 47608
Olympia WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey WA 98503

3. And send a copy of your appeal to:

Andrew B. Dunn
Department of Ecology
Northwest Regional Office
3190 160th Ave SE
Bellevue WA 98008

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For additional information visit the Environmental Hearings Office Web site at <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Web site: <http://www1.leg.wa.gov/CodeReviser>.

If you have any questions, please contact Buck Smith at 425-649-7147.

Sincerely,



Andrew B. Dunn, LG, LHG
Section Manager
Water Resources Program

AD:bs

Cc: Tom Parker
Executive Director
Camp Korey at Carnation Farm
28901 NE Carnation Farm Road
Carnation, WA 98104-8800

Art Groeneweg
Hollandia Farms
22426 State Route 203
Monroe, WA 98272