



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

April 8, 2008

CERTIFIED MAIL
7003 1680 0007 1587 7211

COPY

Mr. Robert R. Fancher
Fancher Land Investments, LLC
P.O. Box 1245
Moses Lake, Washington 98837-1245

Re: Water Right Change Application No. CG3-*01104@3
WRIA 41 - Grant County - Certificate No. 399-A(A)

Dear Mr. Fancher:

We have received your letter dated March 27, 2008, asking to withdraw your application for change on Certificate 399-A(A).

In accordance with your request, your application is **withdrawn**.

If you have any questions, please contact me at 509-329-3422.

Sincerely,

Kevin Brown

Kevin Brown
Water Resources Program
Eastern Regional Office

KB:md

W: Withdraw/Brown/2008/Fancher Land 399-A(A) withdraw 4-08-2008.doc

cc: Mr. Ed Kemp, H2o4U, PO Box 386, Ephrata, WA 98823-0386

I certify that I mailed this letter or an identical copy thereof, postage prepaid, to the above addressee(s) this 8 day of April, 2008.
Water Resources Program, Secretary Senior, Molly A. Davis Molly A. Davis.



U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

309 AAY W/Draw USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee		

4.8.00
Postmark Here

MR ROBERT R FANCHER
 FANCHER LAND INVESTMENTS LLC
 PO BOX 1245
 MOSES LAKE WA 98837-1245

PS Form 3800, June 2002 See Reverse for Instructions

7003 1680 0007 1587 7211

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> <i>Wang</i> <input type="checkbox"/> Addressee</p> <p>B. Received By (Printed Name) <input type="checkbox"/> Date of Delivery <i>Wang</i> <i>4/8/08</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>MR ROBERT R FANCHER FANCHER LAND INVESTMENTS LLC PO BOX 1245 MOSES LAKE WA 98837-1245</p> </div>	<p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<div style="border: 1px solid black; padding: 5px; font-weight: bold; font-size: 1.2em;"> 7003 1680 0007 1587 7211 </div>
<p>PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540</p>	

RECEIVED
MAR 27 2008

March 24, 2008

Department of Ecology
Attention; Keith Stoffel
4601 N Monroe, Suite 202
Spokane WA 99205-1295

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

Subject: Pending Transfer Requests for Certificate 399A (A) and 1747 (A)

Dear Gentlemen:

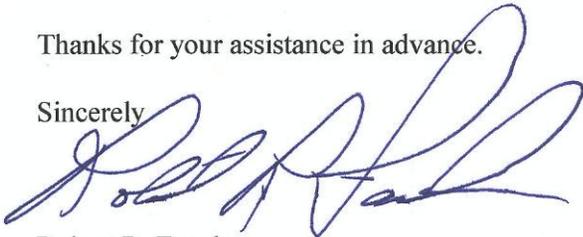
Please except this letter as a formal request to withdraw the pending transfer requests pertaining to Certificates 399(A) and 1747(A).

Once it is determined that the subject water rights have been fully utilized it is anticipated that revised transfer requests will be submitted.

If you have any questions or need additional information, please feel free to contact Ed Kemp at (509) 750-1865.

Thanks for your assistance in advance.

Sincerely



Robert R. Fancher
Fancher Land Investments, LLC
P.O. Box 1245
Moses lake, WA 98837-1245

Brown, Kevin (ECY)

From: Stoffel, Keith L. (ECY)
Sent: Friday, March 14, 2008 3:37 PM
To: Brown, Kevin (ECY)
Subject: Hellewell

Importance: High

KB-

Just spoke with Ed and explained our decision to "allow" Hellewell to drill deeper into basalt if necessary to obtain water (although I told him we still believe they shouldn't have any problem finding sufficient water at the original depth if they construct the well properly). Ed asked if we could put our decision in writing. They are anxious to get started drilling, and I'm out of the office until next Thursday. So, could you please write Ed a brief e-mail summarizing our decision? Thanks.

-kls



TELEPHONE RECORD

Date 1/7/08

Time 1:10 a.m. p.m.

CALLED BY

CALLED

Mr./Ms. ED KEMP

Telephone 750-1265

Address _____

Representing

FANCHER

Project

HELWELL CHANGE INFORMATION - KEITH WANTED ME TO CALL YOU -

Discussed

WATER USE RECORDS - ALL DATA SUPPLIED BY IRRIGATION DIST SAID "FARM UNIT 90" - THEIR DATA DID NOT INCLUDE DELIVERIES TO F.U. 92 - BOTH 06/07 F.U. 90 ONLY - 1999-05 SAID "WATER DELIVERED TO F.U. 90". THEY DID INDICATE IT CAME THROUGH A COMBINATION. THEY DID NOT STATE THE EXCESS WATER WAS PURCHASED FOR ANYTHING OTHER THAN F.U. 90.

HAVE NOT PROVIDED ME WITH ANYTHING ELSE TO EVALUATE. NO DATA OR RECORDS ON "92". ALL I HAVE REFERENCES F.U. 90. Q: IF I HAD ALL OF THE INFO. IF YOU SENT IT, ITS IN THE FILE. WHAT DO YOU WANT ME TO DO.

- 1) MAKE THE DECISION w/DATA I HAVE.
- 2) PROVIDE MORE DATA & SHOW ME SOMETHING ELSE OR
- 3) WITHDRAW APPLICATIONS - PERFECT EXISTING AUTHORITY.

HE WILL CONFIR w/HIS ATT. E FANCHER. ITS A DECISION APPEALABLE YES. YOU CAN APPEAL. OR WILL GET BACK TO ME & LET ME KNOW.

Signed K Brown.



COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

December 12, 2007

Mr. Robert R. Fancher
Fancher Land Investments, LLC
P.O. Box 1245
Moses Lake, Washington 98837-1245

RE: Applications for Change on Certificates 399-A(A) and 1747-A

Dear Mr. Fancher:

Mr. Ed Kemp provided power records, crop records and USBR delivery records on your behalf in response to our request for additional information dated August 17, 2007 on the above applications. We have reviewed these records and information in an attempt to quantify beneficial use under the above-described certificates.

The power records were not helpful in making a determination because the power meter is connected to both the well and the USBR delivery pump, thus no separate determination is possible.

Meter records indicate water was measured and delivered by the USBR in quantities sufficient to satisfy the contract lands, and indicate additional water was purchased when the well was inoperable and/or declining.

In an attempt to estimate beneficial use from the well, I performed the following calculations. The crop requirements are calculated from the "Washington State Irrigation Guide," subtracting the measured quantity of water supplied by the USBR (including the excess waters purchased) from the crop requirements provides an estimate of the water necessary to be supplied by another source. In this case, we assume that source is the well.

In 2007, the amount of water supplied by the USBR amounted to 79% of the crop requirement for the entire S½ of the section. You have indicated no water was supplied from the well in 2007. The well would have to satisfy 21% of the crop duty if it was pumped.

In 2006, the amount of water supplied by the USBR amounted to 76% of the crop requirement for the entire S½ of the section. You have indicated some water was supplied from the well in 2006. The well would have to satisfy 24% of the crop duty.

In 2005, the amount of water supplied by the USBR amounted to 65% of the crop requirement for the entire S½ of the section. You have indicated some water was supplied from the well in 2005. The well would have to satisfy 35% of the crop duty.

In 2004, the amount of water supplied by the USBR amounted to 92% of the crop requirement for the entire S½ of the section. You have indicated some water was supplied from the well in 2004. The well would have to satisfy 8% of the crop duty.



Mr. Robert Fancher
Fancher Land Investments, LLC
Applications for Change on Certificates 399-A (A) and 1747-A
December 12, 2007
Page 2 of 2

In 2003, the amount of water supplied by the USBR amounted to 93% of the crop requirement for the entire S½ of the section. You have indicated some water was supplied from the well in 2003. The well would have to satisfy 7% of the crop duty.

Based on the crop requirements for the two highest years in the last five years of beneficial use, 2006 and 2005, the average use of water needed in excess of the water supplied by the USBR is less than 140 acre-feet per year. If we make a decision today, the amount of water available for change is less than 140 acre-feet. Based on the records, in 2006, 569 acre-feet was required for crop production, 137 acre-feet would have been required from the well under both Certificates 399 and 1747 to satisfy a maximum crop requirement.

If we continue processing the applications for change, the maximum amount of water available for the change applications is limited to 137 acre-feet. You may want to re-evaluate your existing 2004 authorization, construct the well and complete the project as it was authorized in 2004. Your 2004 change authorization is in good standing until December of 2008. To pursue the proposed new project and new change applications, your right will be limited to the extent put to beneficial use over the last five years.

You have also requested we evaluate the well construction. The original well under Certificate 1747-A was described as constructed to a depth of 242 feet. It encountered basalt at 236 feet below land surface. The original well under Certificate 399-A was described as constructed to a depth of 256 feet. It encountered basalt at 200 feet. Because the wells appear to have produced from the shallow management unit defined in WAC 173-134A-040(9), they are restricted to the shallow management unit by rule. RCW 90.44.100 requires wells to remain in the same body of public ground water. In the shallow management unit, well depth is restricted to no deeper than 200 feet into the basalt. Following the change, any new wells constructed to produce this water will be so restricted.

If you want us to proceed with a decision on the new applications for change please notify us. If you would prefer otherwise, please send us a letter requesting your applications for change to be withdrawn. We request notification either way within thirty days. If we do not receive notification from you, we will assume you wish to proceed, and a determination will be issued based on the information we have described above.

If you have any additional questions, feel free to contact me at (509) 329-3422.

Sincerely



Kevin Brown
Water Resources Program

KB: kla

cc: Mr. Ed Kemp, H2O 4U Consulting
PO Box 386, Ephrata, WA 98823-0386

Mr. Pete Fraley, Ogden, Murphy, Wallace
One Fifth Avenue, Suite 2100, Wenatchee, WA 98807

RECEIVED

OCT 22 2007

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE
October 16, 2007

H2O4U Consulting
P.O. Box 386
Ephrata, WA 98823

Washington State Department of Ecology
Attention Keith Stoffel
4601 N. Monroe Street
Spokane, WA 99205-1295

Dear Mr. Stoffel:

Subject: Response to Kevin Brown's Letter of August 17, 2007 requesting Additional Information Regarding Certificates 399-A (A) and 1747-A

Yahoo's consultant Landau Associates initially assumed responsibility in responding to Mr. Brown's request, however it appears that Yahoo may no longer be interested in obtaining a portion of Certificate 399-A(A) and therefore Vern Hellewell and Robert Fancher have requested that I provide a response.

Vern's father first purchased the 160 acres appurtenant to Certificate 399-A and the 40 acres appurtenant to Certificate 1747-A in the early 1970's. At that time the water supply appropriated under both Certificates was being fully utilized. In 1979 Vern's father deeded the NW1/4 of Section 7 (80 acre portion of Certificate 399-A) to Vern's brother Robert. He likewise deeded the SW1/4 and W1/2SE1/4 of Section 7 (80 acre portion of Certificate 399-A and the 40 acre portion of Certificate 1747-A) to Vern.

In 1999 the 80 acre portion of Certificate 399-A owned by Robert Hellewell was foreclosed upon by the Farm Credit Bureau. Shortly thereafter Helmut Hintz acquired Robert's 80 acre portion of Certificate 399-A. In the year 2000 a legal dispute arose as to the ownership and use of the well authorized under Certificate 399-A. Because of this Vern Hellewell started using the well authorized under Certificate 1747-A to irrigate lands under his 80 acre portion of Certificate 399-A (Re: Investigation portion of Ecology's ROE Dated September 23, 2004). Hintz likewise was precluded from using the 399-A well until 2004 when a resolution was reached by Hintz and Hellewell through a Transfer and Change of Place of Use Application processed by the Grant County Water Conservancy Board and approved by Ecology's above mentioned ROE which was subsequently amended by Ecology's letter of November 4, 2004. Thus the statement by Vern that the 399-A well has not been used for 4 or 5 years (2000 thru 2004). The above referenced ROE assigned Hintz the old 399-A well and corrected the point of withdrawal misnomer under Vern's portion by officially moving it from the old 399-A well to the existing 1747-A well.

Upon Hintz's reactivation of the old 399-A well in 2005, Hellewell's old 1747-A well (new point of withdrawal for Certificate 399-A(A)) began to fail. Hintz's 399(A) well likewise began to fail. In late 2005 Hintz drilled a new well and has fully utilized his 80 acre portion to date. Vern continued to use the old 1747-A well but shortly after the start of the 2006 irrigation season there

**H2O4U Consulting
P.O. Box 386
Ephrata, WA 98823**

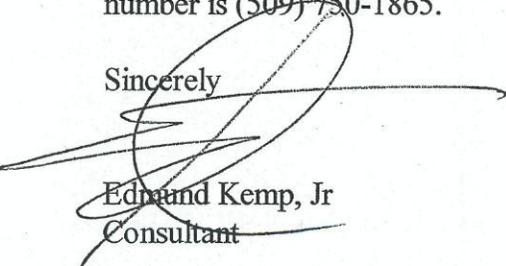
was complete failure. At that point Vern began to divert Columbia Basin Project Surface water allocated to his platted farm Unit in an attempt to eliminate potential crop failure in the SW1/4 of Section 7. In this connection, the Quincy Irrigation District had no knowledge or did they consent to Vern's action. Legally, the District has no authority to allow the irrigation of any additional lands in excess of those irrigated in the late 1980's when their "Existing Acreage Limitation" was reached.

Vern's action was premised on two factors, the first being that there were no well drillers available when the old 1747-A well completely failed in 2006, and financing for a new well (est. \$140,000) was and continues not to be available. This is the basis for Vern selling his interest to Central Terminals, LLC who initially intended to move the total amount of Certificate 399-A(A) and 1747-A to their property at the old Sugar Plant. There is considerable confusion as to the need to drill a new well before the pending transfer can be effectuated. The basis being is that Vern's 80 acre portion of old Certificate 399-A has been fully utilized until the old 1747-A well began to fail in 2005. In addition, the above mentioned ROE granted Vern until December 2007 to put his portion of Certificate 399-A (A) to beneficial use. This development period was subsequently extended to December 2008. Accordingly, it is Central Terminal LLC's position that Certificate 399-A (A) and 1747-A are valid rights which are transferrable based upon Vern's historical use.

It is my understanding that the additional information requested by Mr. Brown has been obtained by Landau Associates (Yahoo's consultants) and I am in the process of trying to obtain copies. It is also my understanding that the Quincy District responded with a two page letter explaining that there is no agreement to provide Vern with water, contractual or otherwise, to Landau Associates with copy to your office. As for documentation that demonstrates the period of time ground water was provided to lands authorized under 399-A(A) copies of Grant County PUD power records should be in the file submitted with the pending transfer. Those power records represent the power used to pump water from the old 1747-A well from 2000 to well failure in 2006, and for the re-lift pump that delivered water from the existing sump to lands in the SE1/4 of Section 7. The power records provided have no relevancy to the old 399-A well nor Hintz's use or non-use.

If you have any questions or need additional information, please feel free to contact me. My cell number is (509) 750-1865.

Sincerely



Edmund Kemp, Jr
Consultant

cc: Robert R. Fancher, Vern Hewell

November 7, 2007

Department of Ecology
Attention; Keith Stoffel
4601 N Monroe, Suite 202
Spokane WA 99205-1295

NOV 15 2007

Subject: Information Pertaining to Certificate 399A (A) and 1747 (A)

Dear Gentlemen:

Enclosed are the following documents pertaining to the historical use of Ground Water under Certificate 399 (A) and 1747 (A).

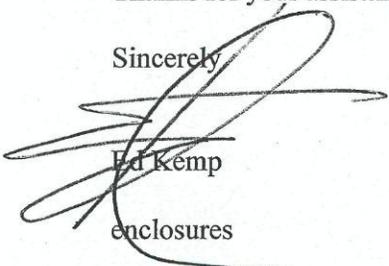
Response to Kevin Brown's letter of August 17, 2007
Copy of Kevin Brown's letter
Quincy Irrigation District water use calculations for years 1999 thru September 30, 2007
PUD Power and Pump Information
PUD Account 0529100000 power usage for years 2002 thru 2006
PUD Account 2529100000 power usage for years 2002 thru 2006
Cropping Patterns for Farm Unit 90 and Certificate 399 (A) and 1747 (A)
Ecology's letter of September 5, 2007 extending development period to December 1, 2008
Ecology's letter of November 4, 2004 modifying Certificate 399 (A) ROE
Copy of Recommendation page from ROE
Grant County Water Conservancy Board minutes pertaining to Hellewell and Hintz Applications
Copy of Agreement between Hellewell and Hintz

If the enclosed documentation is not sufficient to effectuate the pending transfers, the proponents would appreciate a letter of explanation as to the basis for denial. If the pending transfers are denied the proponents would appreciate a letter stating that if a new well is installed and the authorized ground water quantities under Certificate 399(A) and 1747(A) are used during the 2008 irrigation season a re-submission of the proposed transfers would be approved to the extent the ground water was beneficially used.

If you have any questions or need additional information, please feel free to contact me at (509) 754-5373 or (509) 750-1865.

Thanks for your assistance in advance.

Sincerely



Ed Kemp

enclosures

Response to Kevin Brown's letter of August 17, 2007

- Item 1: Apparently there is a misunderstanding as to the nature of the infrastructure servicing lands in Farm Unit 90 and lands under Certificate 399(A) and 1747 (A). There are actually two Panels and four Pumps. See attached memo of explanation entitled PUD Power and Pump Information.
- Item 2: Only for years 2006 and 2007. A minimal amount of ditch water was used periodically during the last half of the 2005 irrigation season. Ditch water was the source of an irrigation supply only after the old 1747(A) well failed completely in 2006.
- Item 3: The old 399A well was inactive from 2000 to 2005 due to a legal ownership dispute between Hintz and Hellewell. Hintz reactivated the 399(A) well in 2005 but it failed for a portion of the irrigation season and therefore Hintz drilled a new well in late 2005.
- Item 4: Hellewell's statement regarding the decline of Well No. 2 (1747(A) well) was that he had problems with the well off and on for some time (4 or 5 years). He did not infer that he was using ditch water during that time period. Quite the contrary, a lot of time and money was expended trying to keep the well functional. Hellewell only relied on ditch water after the well failed completely in 2006. 2007 was the only year that ditch water was the sole source for an irrigation supply to 399(A) lands.

I discussed this issue with Quincy Columbia Basin Irrigation District personnel and they are now aware of this situation. They indicated they had no knowledge of Hellewell's action prior to an inquiry by Yahoo's consultant Eric Weber with Landau Associates. Darvin Fales is the District's Manager .

- Item 5. Partially correct. Well No. 1 had partially failed in 2005 and because of this Hintz drilled a new well. Ecology's approval of Hellewell's new point of diversion (Old 1747(A) well) in November 2004 was the result of Ecology staff and Grant County Water Conservancy Board Members facilitating a stipulated agreement between Hintz and Hellewell. This agreement formally split 399 (A) equally between the parties and conveyed the old 399 (A) well and necessary right-of- way to Hintz. If there is a problem with any portion of the old 399(A) certificate, it would be the portion that Hintz currently has in that portion was not used from 2000 through 2004. Hellewell fully utilized his portion of 399(A) by using the old 1747(A) well as his sole source of ground water from 2000 to early 2006. The reason Hintz did not utilize his portion of 399(A) during this time period was that the legal ownership dispute could not be resolved until the transfer applications first submitted in 2001 were processed by Ecology.

Item 6: My statement was based upon conversations with Hellewell; however, when I discussed the issue with District personnel they indicated they had no knowledge of this until the inquiry by Landau Associates.

Item 7: Correct: Lessee's are: Jeff Jones (509) 760-1402
No known address

Darmen Wade (509) 764-764-0478
2990 Rd. 4 N.E.
Moses Lake 98837

The analogy stated in the 2nd paragraph on page two is not correct. The infrastructure used to provide water to Farm Unit 90 and lands irrigated under Certificate 399(A) and 1747(A) is described in the attachment entitled PUD Power and Pump Information. Power records for the old 399(A) well, if any, have no relevancy to the proposed 399(A) and 1747 (A) transfers in that the well was inactive from 2000 to 2005. In late 2004 the well was conveyed to Hintz who used it to provide water to Hintz's portion of Certificate 399(A). Hellewell diverted no water from the 399(A) well after foreclosure on his brothers half, he started using the old 1747 (A) well for his portion of 399(A) in 2000. See report of examination, investigation section.

Attached are documents and detailed explanations regarding Hellewell's ground water use from the old 1747(A) well from 2000 to when the well completely failed in 2006.

QUINCY COLUMBIA BASIN IRRIGATION DISTRICT

P.O. Box 188
1720 South Central Avenue
Quincy, WA 98848
Telephone - (509) 787-3591
FAX - (509) 787-3906

To:	Eric Weber	From:	Amanda
Fax:	253-926-2531	Pages:	2 (including cover page)
Phone:		Date:	10/15/07
Re:	Block 89 Farm Unit 90	cc:	

Comments:

Darvin asked me if I would fax you over the water usage and purchases for the above reference unit. Hope this helps.

facsimile

**Water Use Calculations for Irrigation of lands
outside of Farm Unit 90 (399A and 1747A)**

Assumptions for Surface water use on Farm Unit 90 may need to be made for years 1999 thru 2005 in that ditch water delivery provided by Quincy District involved a combination delivery to Farm Unit 90 and other Farm Units. During years 2000 thru 2003 a single point of delivery provided a surface water supply to Farm Units 77, 78, 80, 90, and 110. In years 2004 and 2005 a single delivery point of delivery provided a surface water supply to Farm Units 90 and 110. The single point of delivery was eliminated by the District in late 2005 at Hellewell's request. The definition of a combination delivery is water that is provided to more than one platted Farm Unit from a single point of delivery.

Quincy Columbia Basin Irrigation District

Excess Water Purchased

Year	SFD (second foot Days)	Excess Dollar Amt	Allocated	Water Usage
------	------------------------	-------------------	-----------	-------------

Water Delivered to Farm Unit 90 (Hellewell 152.3 Acres)

2007	182.01	\$4,050.00	339.25	As of 9/30/07	Farm Unit 90
2006	150.00	\$3,134.76	419.00		Farm Unit 90

Before 2006 Water Delivered to Farm Unit 90 was thru a combination with other Farm Units

2005	81.39	\$1,500.00	319.25		Combination Units
2004	156.31	\$2,800.00	397.75		Combination Units
2003	124.98	\$2,161.77	433.00		Combination Units
2002	146.46	\$2,591.30	463.25		Combination Units
2001	125.00	\$2,000.00	455.25		Combination Units
2000	64.85	\$1,000.00	399.25		Combination Units
1999	20.00	\$308.40	338.75		Combination Units

GRANT COUNTY PUBLIC UTILITY DISTRICT
Account Premise History
 For the period 01/01/2002 through 01/26/2007

Premise ID: 0529100000

Premise: U090 B089, 160 Hp IPA YES Ephrata WA 98823 - IRR

KWH Meter: X40846

Read Date	Read Type	KWH	KVar	Meter Demand	Bill Demand	PF	Amount	Days
11-07-2006	Regular	58,200					1,097.69	119
07-25-2006	Regular						534.92	35
07-11-2006	Regular	38,640					1,135.34	256
02-21-2006	Regular						1,604.78	35
10-28-2005	Regular	52,880					1,356.24	123
07-26-2005	Regular						594.31	36
06-27-2005	Verified	3,080	X				118.58	242
02-22-2005	Verified						1,782.94	28
10-28-2004	Regular	47,480					880.84	112
07-26-2004	Regular						594.31	35
07-08-2004	Verified	51,680					1,390.93	255
02-20-2004	Verified						1,782.94	36
10-27-2003	Regular	68,360					1,274.67	117
07-24-2003	Regular						618.31	34
07-02-2003	Regular	36,120					1,085.95	222
02-25-2003	Regular						1,854.94	33
11-22-2002	Regular	62,720					1,082.36	136
07-26-2002	Regular						594.31	30
07-09-2002	Regular	55,120					1,400.26	238
02-25-2002	Regular						1,782.94	91
Totals:		474,280					22,567.56	

GRANT COUNTY PUBLIC UTILITY DISTRICT
Account Premise History
For the period 01/01/2002 through 01/26/2007

Premise ID: 2529100000

Premise: U090 B089, 140 Hp IPA YES Ephrata WA 98823 - IRR

KWH Meter: X65503

Read Date	Read Type	KWH	KVar	Meter Demand	Bill Demand	PF	Amount	Days
11-07-2006	Regular	84,800		89.760			1,454.21	113
07-25-2006	Regular						492.40	35
07-17-2006	Regular	62,880					1,610.45	262
02-21-2006	Regular						1,477.20	35
10-28-2005	Regular	88,760					1,602.82	127
07-26-2005	Regular						547.06	36
06-23-2005	Regular	34,440					1,053.02	238
02-22-2005	Regular						1,641.19	28
10-28-2004	Regular	82,400					1,409.95	112
07-26-2004	Regular						547.06	35
07-08-2004	Verified	64,320					1,638.67	255
02-20-2004	Verified						1,641.19	36
10-27-2003	Regular	88,040					1,506.92	117
07-24-2003	Regular						569.19	34
07-02-2003	Regular	63,360					1,619.86	222
02-25-2003	Regular						1,707.56	33
11-22-2002	Regular	87,880					1,448.56	136
07-26-2002	Regular						547.06	30
07-09-2002	Verified	63,520					1,558.18	238
02-25-2002	Verified						1,641.19	91
Totals:		720,400		89.760			25,713.74	

Cropping Patterns
Farm Unit 90, Certificate 399(A) & 1747(A)

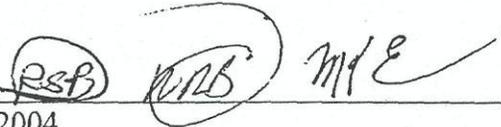
Year	Farm Unit 90	Certificate 399(A)	Certificate 1747(A)
2000	Alfalfa	Potatoes	Beans
2001	Alfalfa	Beans	Alfalfa
2002	Alfalfa	Alfalfa	Alfalfa
2003	Corn	Alfalfa	Alfalfa
2004	Corn	Alfalfa	Alfalfa
2005	Beans	Alfalfa	Alfalfa
2006	Alfalfa	Alfalfa	Alfalfa
2007	Alfalfa	Corn	Potatoes

Grant County Water Conservancy Board
Post Office Box 880
3508 Broadway Extended NE
Moses Lake, WA 98838

Minutes of Meeting –September 23, 2004

1. **Call to Order**
Commissioner Rolfness opened the September formal public meeting at 10:00 AM. All members of the board were present. The bills were paid. Three visitors were Ross Clemenshaw, Ed Pace, and Ed Kane.
2. **Old Business**
The minutes of the August public meeting and the last couple working sessions were approved.
Treasurers and Summary of Applications and Monies Received reports were reviewed.
3. **New Business**
The board approved and signed the ROD/ROE for 399 A each half for Vernon Hellewell and Helmet Hintz. The documents will be mailed to DOE.
4. **Request for Public Comment.**
There was no public comment.
5. **Future meeting schedule**
The next formal meeting will be the 4th Thursday of October. The next working session will be October 7.
6. **Meeting Adjournment.**

Minutes Review and Approved by WCB _____
GCWCB Formal Meeting September 23, 2004

Handwritten initials: RSB, WNB, and MJE.



**Grant County Water
Conservancy Board**
Post office Box 880
1030 East Broadway
Moses Lake, WA 98837

September 23, 2004

Mr. Vern Hellewell
4496 Road A NE
Moses Lake, WA 98837

Dear Mr. Hellewell:

Your Request for Changes to Water Right Certificate 399A submitted to the Grant County Water Conservancy Board has been conditionally approved. Members of the board approved your request during our September 23rd, 2004 public meeting. We have submitted our Records of Examination [ROE] and Record Of Decision [ROD] to the Department Of Ecology [DOE] Eastern Regional Office for their review and final action.

Under RCW 90.80 the DOE has 45 days from when they received the ROD/ROE to modify, approve, reject it, or request an additional 30 days in which to act. If they do nothing the ROE/ROD is automatically approved or affirmed. But the just passed water law has added a twist in that during this 45 day period the DOE must post the ROE/ROD on their web site and accept any public comment for 30 days.

The water right changes you have requested are NOT hereby granted. The work of the Water Conservancy Board is a recommendation only to the DOE and they only have the final authority to act. You should receive a letter from the DOE within 45 days [75 if they request the 30 day extension] telling of their action.

Sincerely,

Robert S. Rolfness
Commissioner

Encl: Copy ROE/ROD CG3-*01104C@1

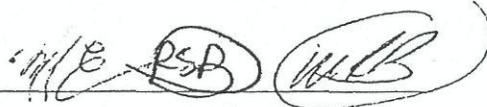
Grant County Water Conservancy Board
Post Office Box 880
1030 East Broadway
Moses Lake, WA 98838

Working Meeting April 1, 2004

All the members of the board were present. The mail was opened. Helmut Hintz and Vern Hellewell were the visitors.

Hintz and Hellewell were present to go over Hintz's change of place of use for his water application. The filling fee, and application was mailed today.

Minutes Reviewed and Accepted by the WCB

Handwritten signatures of three board members: the first is a cursive signature, the second is 'RSP' circled, and the third is 'WLB' circled.

GCWCB Work Meeting April 1, 2004

Page 1 of 1

Grant County Water Conservancy Board
Post Office Box 880
3508 Broadway Extended NE
Moses Lake, WA 98838

Working Meeting February 5, 2004

All the members of the board were present. There was no mail.

The board discussed the Helmet Hintz application. Ron Baker plans to go to Spokane to meet with DOE Herm Spangle and take Hintz with him.

Bob Rolfness reported that the public notice for the B & G Farm application has been printed. The next step is a field exam. Board scheduled that for February 26.

Rolfness has started the public notice for the Gerald Brown application. Baker will assist Rolfness on the application.

Minutes Reviewed and Accepted by the WCB

 RSP

GCWCB Work Meeting February 5, 2004
Page 1 of 1

Grant County Water Conservancy Board
Post Office Box 880
3508 Broadway Extended NE
Moses Lake, WA 98838

Working Meeting September 11, 2003

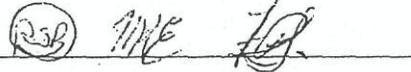
All members of the board were present. There was no mail.

Frank Shinn reported on the working meeting held on September 5 with Herman Spangle of the DOE, Helmut Hintz, Vernon Hellewell, Bob Rolfness and himself. Shinn said it is now up to Hellewell and Hintz to work out the details to settle. They will need to decide how the 200 acres to be irrigated is split.

Bob Rolfness presented an invitation to the board about the GWMA group wanting to make a presentation to the board about their group. It will be presented by Paul Stoker, the Executive Director on September 25.

Rolfness reported that the MMP Orchard and the Verbrugge drafts were presented to DOE several weeks ago. The board agreed that the drafts be resubmitted as final RODs.

Minutes Reviewed and Accepted by the WCB



GCWCB Work Meeting September 11, 2003

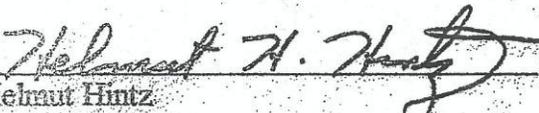
Page 1 of 1

AGREEMENT

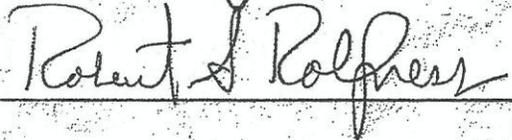
We hereby agree to divide GC Water Certificate 399A equally between Vern Hellewell and Helmut Hintz.



Vern Hellewell



Helmut Hintz

Witnessed by 

Date agreed: November 26, 2003

PUD Power and Pump Information

Attached are 2002 through 2006 Grant County PUD power records for accounts 0529100000 and 2529100000.

Account 0529100000 is for one panel and two 75 hp pumps. One 75 HP pump is installed in the old 1747 (A) well and the other 75 hp pump provides ditch water to the circle in Farm Unit 90:

The 75 hp pump in the well was used to pump ground water into the existing sump.

Account 2529100000 is for one panel and a 100 hp pump and a 40 hp pump. The 100 hp pump diverts ground water from the sump through a distribution line to lands irrigated under Certificate 399 (A) and 1747 (A). The 40 hp pump has been inoperable for years. Initially the 40 hp pump was used to assist the distribution line to lands under 399 (A) and 1747 (A).

The amount of ground water pumped for irrigation during 2000 through 2005 can be calculated by comparing the usage of the 75 hp pump in the well and the 100 hp pump that diverts water from the sump through the distribution line to lands irrigated under 399(A) and 1747(A). In this connection, it is estimated that the 75 hp pump that services the circle in Farm Unit 90 provides approximately 50.6 % as referenced in the enclosed Water Use Calculations for Irrigation of Lands Outside of Farm Unit 90.

Account 0529100000 power records for the two 75 hp pumps indicate a substantial drop in usage after the 2004 irrigation season (e.g. 117,800 KWh 2002, 104,480 KWh 2003, 99,160 KWh 2004, and 55,960 KWh in 2005). These power records substantiate in part that the old 1747 (A) well was used continuously. This likewise suggests that the old 1747 (A) well was gradually failing. Power records for Account 2529100000 also substantiate this determination in that the use of the 100 hp pump was fairly consistent from 2002 through 2004.

If one uses 49.4 % of the annual power used under account 0529100000 and 100% of the annual power used under account 2529100000 to pump ground water from the sump, one should be able to determine the amount of ground water used annually from 2000 through 2005 to irrigate 399 (A) and 1747 (A) lands.

In that 399 (A) authorizes 80 acres and 1747 (A) authorizes 40 acres the ground water pumped to 399 (A) lands would be approximately 75 % percent of the ground water figure determined under the above proposed calculation. Annual cropping patterns could possibly alter this percentage a little bit. Annual historical ground water use on 399(A) and 1747 (A) lands would most likely be somewhere between 3.2 acre feet per acre and 3.9 acre feet per acre.

Power records for Account 0529100000 indicate a continued drop in usage from 2003 through 2005. This indicates that the old 1747 (A) well was gradually failing. Power records for Account 2529100000 likewise substantiate this determination in that the use of the 100 hp pump was fairly consistent from 2002 through 2004.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe Street • Spokane, Washington 99205-1295 • (509) 329-3400

August 17, 2007

Mr. Ed Kemp
H2O 4U Consulting
P O Box 386
Ephrata, WA 98823

Re: Applications for Change on Groundwater Certificates 399-A(A) and 1747(A)

Dear Mr. Kemp:

On July 25, 2007, I conducted a field investigation with you and Vern Hellewell to gather information necessary for Ecology to make decisions on three pending applications for changes of Groundwater Certificates 399-A(A) and 1747(A). During the field investigation and subsequent office investigation and telephone conversations, I found the following:

- 1) Well No. 2, located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, T. 19 N., R. 27 E.W.M was not operating, and was apparently not operable. The power panel is being used for pumping surface water from the Columbia Basin Project, not for pumping groundwater from the well.
- 2) Columbia Basin Project water (i.e., surface water), not groundwater from well No. 2, is being used to irrigate the SW $\frac{1}{4}$ of Section 7.
- 3) Well No. 1, located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ does not have either a pump or an operating power panel.
- 4) Mr. Hellewell confirmed that well No. 2 has been in a state of decline for five or six years and has produced an insufficient quantity of water to irrigate the SW $\frac{1}{4}$ of Section 7. He also indicated project water was used when production from the two wells was insufficient to irrigate authorized lands. He indicated the well failed completely this spring, and he has been using project water to irrigate the entire SW $\frac{1}{4}$ of Section 7 with approval of the Quincy Columbia Basin Irrigation District (QCBID).
- 5) Mr. Hellewell confirmed that well No. 1 was failing or has completely failed, which is the reason the authorized point of withdrawal for the water right was transferred to Well No. 2 in 2004.
- 6) You indicated that use of project water for irrigation was authorized by the QCBID on an emergency basis, and Mr. Hellewell has not entered into any water service contracts with the district for irrigation of the SW $\frac{1}{4}$ of Section 7.
- 7) Mr. Hellewell indicated the authorized lands have been leased for the past two years, and information regarding water use and source supply could be verified by contacting the lessees.

Mr. Ed Kemp
August 17, 2007
Page 2

In order to evaluate your proposed transfers, I am required to evaluate the extent and validity of each of the water rights referenced above. Under one of these changes, I am also required to evaluate the annual consumptive use of water, based on the last five years of actual beneficial use of water. I am having difficulty making a determination of actual water use under the water right(s) without information sufficient to verify beneficial use of groundwater from the authorized points of withdrawal (i.e., the two wells).

I am unable to use crop duty requirement to estimate the quantity of water used, because it appears water is currently being applied, and has recently been applied in part or in whole from the Columbia Basin Project and not from the authorized well sources. Power records for well No. 2 will probably be inadequate to demonstrate that groundwater has been pumped from the well, because the power panel for well No. 2 is used for the pump that is drawing Columbia Basin Project surface water. If they exist, power records for well No. 1 were not provided. Therefore, I cannot verify that any groundwater has been pumped from that well.

Therefore, at this time I do not have sufficient information to continue to process the applications referenced above. An amendment to RCW 90.03.380(c) states "Notwithstanding any other existing authority to process applications, including but not limited to the authority to process applications under WAC 173-152-050 as it existed on January 1, 2001, an application relating to an existing surface or ground water right may be processed ahead of a previously filed application relating to an existing right when sufficient information for a decision on the previously filed application is not available and the applicant for the previously filed application is sent written notice that explains what information is not available and informs the applicant that processing of the next application will begin. The previously filed application does not lose its priority date and if the information is provided by the applicant within sixty days, the previously filed application shall be processed at that time. This subsection (5)(c) does not affect any other existing authority to process applications."

In order to continue processing the applications referenced above, I am requesting that you provide me the following information:

- 1) Information and data that supports an analysis of beneficial use under these water rights.
- 2) Contact information for the lessees, including addresses and phone numbers.
- 3) The well report prepared by Lad Irrigation for well No. 2, and a contact at that company who can supply information regarding that report.
- 4) Contact information for the Quincy Columbia Basin Irrigation District, and documentation that confirms use of Columbia Basin Project water on the authorized lands has been approved by the district.
- 5) Documentation that demonstrates the periods of time groundwater from wells was used to irrigate the authorized lands, and the periods of time that project water was used to irrigate the authorized lands.

Mr. Ed Kemp
August 17, 2007
Page 3

Therefore, I am notifying you that I will begin to process the next application in line. I will continue to process applications in this manner until such time that you submit the information described above, which is required for me to make informed decisions on the applications referenced above.

Sincerely,

Kevin Brown

Kevin Brown
Water Resources

KB:ka

cc: Vern Hellewell
Eric Weber, Landau Associates
Pete Fraley
Bob Fancher, Fancher Land Investments
Kevin Timmons, Yahoo



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe Street • Spokane, Washington 99205-1295 • (509) 329-3400

August 16, 2007

Mr. Eric Weber
Landau Associates
950 Pacific Avenue Suite 515
Tacoma WA 98402

Dear Mr. Weber:

Re: PRELIMINARY AUTHORIZATION to reconstruct/repair and test an existing well
(WRIA 41- Grant County)

The Department of Ecology (Ecology) has received your request for an authorization to reconstruct/repair and test an existing well located within the NW¹/₄NW¹/₄NE¹/₄NW¹/₄ of Section 9, T. 20 N., R. 24 E.W.M., to evaluate if it will meet your water quantity and quality requirements. This well is proposed to be used under an Application for Change to Ground Water Certificate 399-A(A), if and when that change is authorized by the Ecology.

The existing well is described as being constructed to a depth of 390 feet, with an obstruction at approximately 270 feet. The well is cased to a depth of 62 feet. Depth to top of basalt is 62 feet. This information was determined based on a video scan.

You have requested Ecology to approve your plan to backfill the well from 390 feet to 272 feet, and to test the well to determine the yield of water from the shallow management unit of the Quincy Ground Water Subarea.

Ecology authorizes you to reconstruct/repair and test the well described above. It grants you the right to repair/reconstruct and test the existing well subject to the following provisions:

1. The change application proposes continuous water use for industrial supply at the Yahoo Facility in Quincy, in the amounts of 500 gallons per minute and 250 acre-feet per year.
2. This authorization will remain in effect until April 1, 2008, unless revoked by Ecology at an earlier date.
3. This authorization does not imply or grant any right to withdraw and use public ground water from the well for any purpose other than for testing water quantity and quality.
4. The existing well may be repaired and/or decommissioned in accordance with RCW



18.104 and in compliance with WAC 173-160. A reconstruction/repair proposal shall be submitted to Mark Ader, Ecology's Eastern Regional Office Well Construction Coordinator, for review and approval.

5. All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).
6. The applicant must submit the required Notice of Intent with the required fees providing the required 72 hour notice. A complete water well report for the well shall be submitted by the licensed driller to Ecology within thirty (30) days of completion.
7. In accordance with WAC 173-160-171, wells shall not be located within certain minimum distances of potential sources of contamination. In general, wells shall be located at least 100 feet from a drain field, out house, or other sources or potential sources of contamination. Wells shall not be located within 1,000 feet of a solid waste landfill. Minimum distances shall also comply with state and local health regulations.
8. An access port, as described in Ecology's Ground Water Bulletin No. 1 (ECY 040-1-3, Rev. 12/90), shall be installed and maintained on the well.
9. The well shall be drilled by a licensed well driller as set forth in Washington Administrative Code (WAC) 173-162-040.
10. A licensed hydrogeologist or engineer shall oversee well testing and provide analysis. The test shall be conducted by pumping at a constant rate for a minimum of 6 hours, with stabilization occurring for at least the last 4 of those hours. Stabilization is defined as a drop in water level of less than or equal to 0.1 foot per hour. After the pump has been turned off, measurements shall be taken until 95% recovery is achieved. The following shall also be submitted:
 - a. A well construction report (well log) for the pumping well, which shall include the well's total depth, screened interval depths, and pump intake depth.
 - b. A map and description (¼, ¼, Section, Township, Range) accurately indicating the well location(s).
 - c. A legible table including the pumping rate and all water measurement data collected during pumping and recovery. The report should include any other data collected or analyzed.

d. The above information shall be incorporated into the report that will detail all reconnaissance information on hydrology and geology for the area, standard hydraulic estimates of well efficiency, and standard aquifer parameters and video scans.

11. The Driller shall keep Ecology informed of progress during the drilling of the well.
12. Ecology must be granted access to the well, in order to video scan the well after completion of construction, which includes well development, prior to setting of the test pump. In order to minimize delays, and allow for scheduling, you should contact Mark Ader, Ecology's Eastern Regional Office Regional Well Construction Coordinator, a minimum of one week prior to completion of the well.
13. All expenses, risks, and liabilities incurred during well drilling and testing shall be borne by the applicant. If senior water right holders are adversely affected during any portion of the test, the test shall be terminated immediately.
14. This authorization grants permission to use the well for testing purposes only. The granting of this authorization shall not be construed that the subject change application will ultimately be approved. No beneficial use will be allowed from this well until such time as specific approval is given for such use. Approval will not be considered until such time as the above conditions have been met.
15. Granting of this authorization does not imply that a water right authorization will issue as a result of the change application. The applicant accepts that even after construction of the subject well and other expenses incurred that the resulting decision may not be approved. This authorization shall not be construed, by inference or otherwise, that the application will ultimately be approved.

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 at RCW 43.21B.001(2).

Be sure to do the following:

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

Mr. Eric Weber
Preliminary Authorization
August 16, 2007
Page 4

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
P.O. Box 47608
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

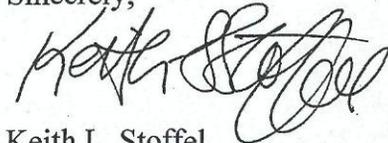
The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

Keith Stoffel
Department of Ecology
Eastern Regional Office
4601 North Monroe Street
Spokane, WA 99205-1295

*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>*

Sincerely,



Keith L. Stoffel
Section Manager
Water Resources Program
Eastern Regional Office

KLS/KB:ka
Enclosures

cc: Pete Fraley, Odgen Murphy Wallace
David Aaroe, Fortis Construction, Inc.

I certify that I mailed this letter or an identical copy thereof, postage prepaid, to the above addressee(s) this 16th day of August, 2007.
Water Resources Program, Secretary Lead, Kay Allhiser 

Ryf, Katherine A. (ECY)

From: Eric Weber [EWeber@landauinc.com]
Sent: Monday, August 06, 2007 7:51 AM
To: Ryf, Katherine A. (ECY)
Subject: RE: Yahoo!

thanks

From: Ryf, Katherine A. (ECY) [mailto:KYER461@ECY.WA.GOV]
Sent: Monday, August 06, 2007 7:50 AM
To: Eric Weber; pfraleley@omwlaw.com
Cc: Brown, Kevin (ECY)
Subject: RE: Yahoo!

Eric & Pete,
I have added Pete's contact information to the file and included Kevin Brown on this e-mail. Kevin is the permit writer working on the decision. If you have specific questions you may contact him directly at 509-329-3422. :) Katherine

From: Eric Weber [mailto:EWeber@landauinc.com]
Sent: Friday, August 03, 2007 1:27 PM
To: Ryf, Katherine A. (ECY)
Cc: pfraleley@omwlaw.com
Subject: Yahoo!

Katherine;

Can you please add Pete Fraley to the contact list for any correspondence concerning the Yahoo! transfer application CG3*01104C@3.

Thank You

Eric

Pete Fraley
Ogden Murphy Wallace
One Fifth Avenue, Suite 2100
Wenatchee, WA 98807

Eric Weber
Landau Associates
950 Pacific Ave., Suite 515
Tacoma, WA 98402
253-926-2493
cell 206-940-2406

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the

8/6/2007

sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

Brown, Kevin (ECY)

From: Eric Weber [EWeber@landauinc.com]
Sent: Wednesday, August 01, 2007 4:45 PM
To: Brown, Kevin (ECY)
Cc: Tom Briggs; David Aaroe
Subject: FW: Yahoo! Well Situation
Attachments: Yahoo Well Location.pdf

Kevin;

Our current intention is to modify and retest the Yahoo! well at the former residence. The well is in the northwest corner of Section 9 in Township 20 N and Range 24 E. The attached figure shows the well location. We would like to complete modification and testing of the well in late August or September. Details of our proposal are presented below. We would appreciate your comments.

1) The Yahoo! well at the former residence is estimated to be about 390 ft deep with an obstruction at about 270 ft. The well is cased to 62 ft below ground surface (bgs). The top of basalt is estimated at 62 bgs and this depth is consistent with surrounding wells. Note that based on a video scan it appears that a caliche deposit may extend to 88 ft bgs. The well is open to both the shallow (0 to 262 ft bgs) and deep management zone (262 to 390 ft bgs). Based on the proposed Yahoo! water right, only the shallow zone can be used.

2) A previous pumping test was conducted of the Yahoo! well in August 2006. The well was pumped at 1200 gpm with relatively minor drawdown. This test evaluated the capacity of the combined deep and shallow zone. We'll have to do a second test to evaluate the shallow zone.

3) We propose to modify and retest the existing well at the residence. The well will be modified so that the portion of the well open to the deep aquifer is sealed off. The ensuing pumping test will therefore reflect the capacity of the shallow management zone

4) Well modification will consist:

- of filling the well up to about about 272 ft bgs with pea gravel.
- A bentonite seal will be put from about 272 to 262 ft bgs to seal off the deep zone
- A pumping test will be conducted.
- The test will consist of a step drawdown test where we will pump at varying capacities for up to a total of 6 hours.
- We will collect water quality samples during the test. Samples would include major ions, dissolved iron, manganese etc.

5) I think there is a reasonably good chance the modified test will demonstrate adequate capacity.

- based on surrounding well logs and the video scan from the Yahoo! well it appears that there are basalt water bearing zones at about 155 ft bgs, 255 ft, 295 ft and 330 ft.
- modifying the well will still allow the well to draw water from the upper two basalt water bearing zones
- we reviewed surrounding well logs and associated pumping or bail tests. The most detailed information was from a Bureau of Rec well in Section 10, directly east of the Yahoo! well. Their well is 153 ft deep. They did a pumping test and were able to get 1,600 gpm. Other logs suggest the basalt water bearing zone at 150 ft has a lower capacity however these data aren't as high quality as the bureau well data.

Eric

Eric Weber
Landau Associates
950 Pacific Ave., Suite 515
Tacoma, WA 98402

8/13/2007

253-926-2493
cell 206-940-2406

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

8/13/2007

COPY



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

June 11 2007



Your address
is in the
**Lower
Crab**
watershed

Mr. Robert Fancher
Fancher Land Inv., LLC
Central Terminals, LLC
P.O. Box 1245
Moses Lake, WA 98837-1245

Dear Mr. Fancher:

Re: Application for Change/Transfer under Ground Water Certificate No. 399-A(A)
WRIA 41 - Grant County

We have received the Affidavit of Publication of notice in connection with the above-numbered application on June 1, 2007 for the Yahoo! facility.

The water codes require that we take no action on the application until after the expiration of a thirty-day period from the last date of publication. This time period allows concerned citizens to file any protests or objections to your proposed water use.

You will be notified when an examination of your application will be made. As noted in our May 4, 2007 letter to you, please be advised that you are required to obtain authorizations before you can begin using the water applied for under this application. Please note that no construction or water use should begin before a water right authorization is obtained.

If you have any questions with regards to this letter please contact our reception line at 509-329-3400 and ask for the Water Resources Program or you may contact me directly at 509-329-3586. **For technical assistance you may contact Kevin Brown, Lead Permit Writer at 509-329-3422.**

Sincerely,

A handwritten signature in black ink that reads "K. Ryf".

Katherine A. Ryf
Water Resources Program
Eastern Regional Office

KAR: kla

cc: Mr. Ed Kemp, H₂O 4U Consulting, P.O. Box 386, Ephrata, WA 98823-0386
Mr. Eric Weber, Landau Associates, 950 Pacific Ave., Ste. 515, Tacoma, WA 98402



Certified Mail RRR

**H2O4U CONSULTING
P.O. BOX 386
Ephrata WA 98823**

RECEIVED

JUN - 1 2007

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

May 29, 2007

Washington State
Department of Ecology
Attention: Katherine Ryf
4601 N Monroe, Suite 202
Spokane WA 99205-1295

Subject: Affidavit of Publication, Pending Transfer and Change of Use Application
Pertaining to a Portions of Certificate No. 399(A) and 1747(A)

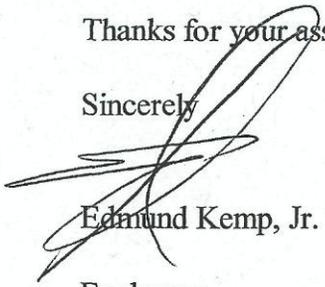
Dear Katherine:

Please find enclosed an Affidavit of Publication for the necessary notice of application for the pending transfer and change of place of use of a 250 acre feet, 500 gallons per minute portion of Certificate No. 399(A) from Fancher Land Investments, LLC to Yahoo!, a 70 acre feet, 300 gallon per minute, seasonal irrigation of 17.5 acre portion of Certificate No 399(A) from Fancher Land Investments, LLC to Central Terminals, LLC, and 160 acre fet, 362.5 gallons per minute, seasonal irrigation of 40 acres under Certificate No. 1747(A), from Fancher Land Investments, LLC to Central Terminals, LLC. As indicated in the enclosed affidavits the necessary notice were published once a week for two consecutive weeks in Columbia Basin Herald commencing on May 11, 2007 and ending on May 18, 2007.

If you have any questions or need additional information, please feel free to contact me, my office/home phone is (509) 754-5373, and my cell is (509) 750-1865..

Thanks for your assistance.

Sincerely



Edmund Kemp, Jr.

Enclosure

cc: Fancher Land Investments, LLC w/c encl's

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION FOR
CHANGE/TRANSFER OF WATER RIGHT UNDER
ONE (1) GROUND WATER CERTIFICATE

TAKE NOTICE:

That Yahoo! and Fancher Land Investment, LLC of Moses Lake, Washington has made application for change/transfer of water right in order to change the point of withdrawal (POW), change/transfer a portion of the place of use (POU) and change a portion of the purpose of use as granted under Ground Water Certificate No. 399-A together with change authorization dated November 4, 2004.

That said change authorizes the withdrawal of 800 gallons per minute, 320 acre-feet per year, for the irrigation of 80 acres.

That the authorized POW is from one-(1) well located within the NW1/4SE1/4 of Sec. 7, T. 19 N., R. 27 E.W.M.

That the authorized POU is Gov't Lots 3 and 4, and a portion of the E1/2SW1/4 of Sec. 7, T. 19 N., R. 27 E.W.M.

That they propose to change the POW to be located within the NE1/4NW1/4 or NW1/4NW1/4 of Sec. 9, T. 20 N., R. 24 E.W.M.

That they propose to change a portion of the purpose of use of 500 gallons per minute, 250 acre-feet per year, continuously, for industrial supply.

That they propose to change a portion of the POU to be located within the Lot 2, Port District Industrial Park No. 4 Short Plat, according to the Short Plat thereof recorded in Volume 18 of Short Plats, Pages 62, 63 and 64, records of Grant County, Washington within Sec. 9, T. 20 N., R. 24 E.W.M.

All within Grant Count, Washington.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a fifty-dollar (\$50.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty days (30) from May 18, 2007.

State of Washington
Department of Ecology
Water Resources Program--ERO
PO Box 5218
Lacey WA 98509-5128

#05055
May 11, 18, 2007

AFF. OK: 6-4-2007
AFF. EXP.: 6-17-2007
CHKD BY: K-Ryf



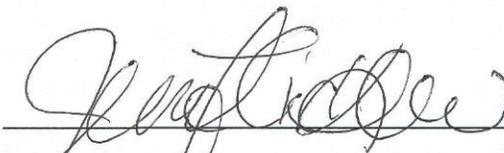
RECEIVED
JUN - 1 2007

AFFIDAVIT OF PUBLICATION

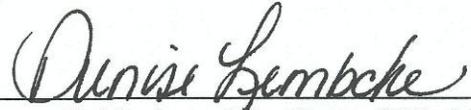
((STATE OF WASHINGTON: COUNTY OF GRANT))

I, Jennifer Zickler, do solemnly swear that I am the Principle Agent of the Columbia Basin Herald, a newspaper established and regularly published five days a week in the English language, in and of general circulation continuously for more than six (6) months prior to the 31st day of March, 1944; that said newspaper is printed in an office maintained at its place of publication in the City of Moses Lake, Washington; that said newspaper was approved and designated as a legal newspaper by order of the Superior Court of the State of Washington for Grant County on the 31st day of March, 1944; and that said order has not been revoked and is in full force and effect.

That the annexed is a true copy of Legal Notice # #05055/ YAHOO! AND FANCHER LAND INVESTMENT, LLC as it was published in regular issues (and not in supplement form) of said newspaper once each WEEK for a period of 2 consecutive WEEKS commencing on the 11 day of MAY, 2007 and ending on the 18 day of MAY, 2007 both dates inclusive and that such newspaper was regularly distributed to its subscribers during all of said period, that the full amount of fee charged for the foregoing publication is the sum of \$201.24 and has been paid in full.



Subscribed and sworn to before me this 24th day of May, 2007



Notary Public in and for State of Washington
Residing at Moses Lake, Washington



RECEIVED

JUN - 1 2007

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

Ryf, Katherine A. (ECY)

From: Eric Weber [EWeber@landauinc.com]
Sent: Friday, May 04, 2007 2:29 PM
To: Ryf, Katherine A. (ECY)
Subject: RE: Yahoo!

Katherine - thanks for your help!

Eric

From: Ryf, Katherine A. (ECY) [mailto:KYER461@ECY.WA.GOV]
Sent: Thursday, May 03, 2007 2:02 PM
To: Eric Weber
Cc: Maser, Lynn (ECY)
Subject: RE: Yahoo!

Eric,

I have attached a scanned copy of the application submitted by Robert Fancher, a map of the project created by our office and supporting documents on the original water right for your review. In addition I have advised our clerical unit to cc' you on the acknowledgement and publication letter.

Please let me know if you have any questions or need anything further. Katherine

From: Eric Weber [mailto:EWeber@landauinc.com]
Sent: Thursday, May 03, 2007 1:45 PM
To: Ryf, Katherine A. (ECY)
Cc: Beth Clark; Steve Johnston
Subject: FW: Yahoo!

Katherine;

Thanks for your time today. My contact information is below. I appreciate being cc'd on the Publication Notice and also receiving an electronic copy of the transfer application.

Eric Weber, L.Hg.
Landau Associates
950 Pacific Ave., Suite 515
Tacoma, WA 98402
253-926-2493
cell 206-940-2406
www.landauinc.com

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

5/4/2007



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

May 4, 2007



Your address
is in the
**Lower
Crab**
watershed

Mr. Robert Fancher
Fancher Land Investments, LLC
Central Terminals, LLC
P.O. Box 1245
Moses Lake, WA 98837

Dear Mr. Fancher:

Re: Applications for Change/Transfer under Ground Water Certificate No. 399-A(A) and
1747-A - WRIA 41 - Grant County – Quincy Basin Subarea

This letter is to acknowledge that the Washington State Department of Ecology received your water right applications to appropriate ground waters of the State of Washington and the associated fees on February 7, 2007.

Please be advised that the filing of an application does not authorize your request. You are required to obtain authorizations before you can begin using the changes applied for under these applications, **please note that no construction or water use should begin before a water right change authorization is obtained.** I've enclosed a focus sheet describing the water right change/transfer process for your review.

Enclosed is are notices of your applications which must be published **once a week for two consecutive weeks** in the Columbia Basin Daily Herald published in Grant County as provided in RCW 90.03.280. This newspaper has general circulation in the locality where the water is to be appropriated and used and is qualified as a legal newspaper as provided in Chapter 65.16 RCW.

Please draw to the publisher's attention that the actual date of the **second** publication must appear in the spaces in the notices over the caption "last date of publication."

The cost of publishing the notices is the responsibility of the water right applicant. To assure accuracy, **it is the responsibility of the applicant to check the notices carefully before having**



Mr. Robert Fancher; Fancher Land Investments, LLC
Applications for Change/Transfer under 399-A(A) & 1747-A
Page 2 of 5
May 4, 2007

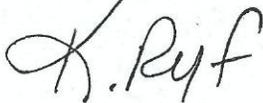
them published. If an error is detected, do not submit the notice for publication, but refer the error to this office for correction and/or resolution.

Please provide us with the **original notarized affidavits** of these publications. Publication should start within thirty days (30) and the affidavit must be received in this office within sixty days (60) from the date of this letter or rejection will be initiated.

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 Washington 98504-7477, Internet: <http://dor.wa.gov/> and E-mail: REETSP@DOR.WA.GOV.

If you have any questions with regards to this letter, please contact our reception line at 509-329-3400 and ask for the Water Resources Program or you may contact me directly at 509-329-3586. **For technical assistance you may contact Lynn Maser, of our Ephrata field office at 509-754-0268.**

Sincerely,



Katherine A. Ryf
Water Resources Program
Eastern Regional Office

KAR:kn

Enclosure

cc: Mr. Ed Kemp, H₂O 4U Consulting, P.O. Box 386, Ephrata, Washington 98823
Mr. Lynn Maser, Department of Ecology, P.O. Box 69, Ephrata, Washington 98823-0069
Mr. Eric Weber, Landau Associates, 950 Pacific Ave., Ste 515, Tacoma, WA 98402

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION FOR CHANGE/TRANSFER OF WATER RIGHT UNDER
ONE (1) GROUND WATER CERTIFICATE

TAKE NOTICE:

That Yahoo! and Fancher Land Investment, LLC of Moses Lake, Washington has made application for change/transfer of water right in order to change the point of withdrawal (POW), change/transfer a portion of the place of use (POU) and change a portion of the purpose of use as granted under Ground Water Certificate No. 399-A together with change authorization dated November 4, 2004.

That said change authorizes the withdrawal of 800 gallons per minute, 320 acre-feet per year, for the irrigation of 80 acres.

That the authorized POW is from one-(1) well located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 7, T. 19 N., R. 27 E.W.M.

That the authorized POU is Gov't Lots 3 and 4, and a portion of the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 7, T. 19 N., R. 27 E.W.M.

That they propose to change the POW to be located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ or NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 9, T. 20 N., R. 24 E.W.M.

That they propose to change a portion of the purpose of use of 500 gallons per minute, 250 acre-feet per year, continuously, for industrial supply.

That they propose to change a portion of the POU to be located within the Lot 2, Port District Industrial Park No. 4 Short Plat, according to the Short Plat thereof recorded in Volume 18 of Short Plats, Pages 62, 63 and 64, records of Grant County, Washington within Sec. 9, T. 20 N., R. 24 E.W.M.

All within Grant County, Washington.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a fifty-dollar (\$50.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty days (30) from

(Last date of publication to be entered above by publisher)

State of Washington
Department of Ecology
Water Resources Program--ERO
PO Box 5218
Lacey WA 98509-5128

Ryf, Katherine A. (ECY)

From: Ryf, Katherine A. (ECY)
Sent: Thursday, May 03, 2007 2:02 PM
To: 'Eric Weber'
Cc: Maser, Lynn (ECY)
Subject: RE: Yahoo!
Attachments: CG3-01104C3 Fancher-Yahoo chg-app 2-7-2007.pdf

Eric,

I have attached a scanned copy of the application submitted by Robert Fancher, a map of the project created by our office and supporting documents on the original water right for your review. In addition I have advised our clerical unit to cc' you on the acknowledgement and publication letter.

Please let me know if you have any questions or need anything further. Katherine

From: Eric Weber [mailto:EWeber@landauinc.com]
Sent: Thursday, May 03, 2007 1:45 PM
To: Ryf, Katherine A. (ECY)
Cc: Beth Clark; Steve Johnston
Subject: FW: Yahoo!

Katherine;

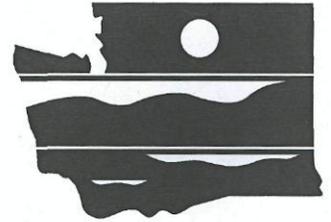
Thanks for your time today. My contact information is below. I appreciate being cc'd on the Publication Notice and also receiving an electronic copy of the transfer application.

Eric Weber, L.Hg.
Landau Associates
950 Pacific Ave., Suite 515
Tacoma, WA 98402
253-926-2493
cell 206-940-2406
www.landauinc.com

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

CALLED BY
 CALLED

TELEPHONE RECORD



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

MR./MS.: Eric Webber, Lanbau Associates

PROJECT: Yahoo project

DATE: May 3, 2007 TIME: 11:17 a.m. STAFF: K.A.Ryf

Assisting Yahoo with water transfer

1:24 p.m. rtn call to Mr. Webber 253-926-2493

Mr. Webber stated that he is assisting Yahoo in overseeing the permitting and engineering of their project in connection with Ed Kemp. Mr. Webber inquired as to the status of the Application for Change/Transfer. I stated that our office received a partial change request from Robert Fancher to transfer a portion of the existing certificate to his property and a portion to Yahoo property. I noted that I had drafted the publication notice and sent it to our clerical staff. I stated that I didn't think the publication notice had gone out of our office yet and would cc' him on the letter. (He would e-mail me his contact information.)

Mr. Webber stated he was expecting a copy of the application from Mr. Kemp. I stated I would scan a copy of the application and e-mail it to him.

Ryf, Katherine A. (ECY)

From: Ryf, Katherine A. (ECY)
Sent: Monday, April 30, 2007 9:54 AM
To: 'ed kemp'
Subject: FYI: Fancher changes

Ed,

Below are the foot distances for the Yahoo proposed wells.

Proposed Point of Withdrawal 1980 ft east, 658 ft south from the NW corner of Sect 09

Alternative Proposed Point of Withdrawal 660 ft east, 658 ft south from the NW corner of Sec 9

From: Ryf, Katherine A. (ECY)
Sent: Monday, April 16, 2007 4:12 PM
To: Maher, Andy (ECY); Darnell, Richard (ECY)
Subject: RE: Yahoo

It would be under a state certificate and actually, I must have sent it to Rick. Oops sorry Andy.

Should be 1749-A or 399-A

From: Maher, Andy (ECY)
Sent: Mon 4/16/2007 4:10 PM
To: Ryf, Katherine A. (ECY)
Subject: RE: Yahoo

I don't remember doing a Yahoo change app, do you remember the number.

From: Ryf, Katherine A. (ECY)
Sent: Monday, April 16, 2007 4:04 PM
To: Maher, Andy (ECY)
Subject: FW: Yahoo

Andy could you check into this for me. This would be one of the gps coordinates I gave you for the Yahoo change applicaiton. THANKS

From: ed kemp [mailto:ekemp@homenetnw.net]
Sent: Sun 4/15/2007 8:44 PM
To: Ryf, Katherine A. (ECY)
Subject: Yahoo

Katherine:

Would you be so kind as to look on the maps you have and see if you can determine the distance from the NW Cor to the east side of the farm stead on hte Yahoo property. That is where they are going to have their well.

Thanks

4/30/2007

Ryf, Katherine A. (ECY)

From: Landis, Johnnie I. (ECY)
Sent: Monday, April 23, 2007 10:42 AM
To: Ryf, Katherine A. (ECY)
Subject: RE: Quincy Industrial & Municipal WWTP Request

I would normally say that this would be "after" the request date, but in this case, I'm sure it's something they are after in the first place, so if it's ready within the next 20 business days, that will be fine.

Thanks for checking with me,
Johnnie

From: Ryf, Katherine A. (ECY)
Sent: Monday, April 23, 2007 10:18 AM
To: Landis, Johnnie I. (ECY)
Subject: RE: Quincy Industrial & Municipal WWTP Request

I am working on the Application for change/transfer and drafting the publication notice. Once it gets issued (hopefully this week) I will have the file routed to you.

From: Landis, Johnnie I. (ECY)
Sent: Monday, April 23, 2007 9:28 AM
To: ECY DL ERO ALL
Subject: Quincy Industrial & Municipal WWTP Request

IF YOU DO NOT WORK WITH QUINCY IND OR MUNI WASTEWATER TREATMENT PLANTS, YAHOO, INTUIT, OR MICROSOFT QUINCY LOCATION, YOU MAY DELETE NOW.

For those of you who are working on this request, please let me know how much exempt or Attorney Client Privileged documents there might be for this. I am suggesting that we have this material together by May 18th, if at all possible. There is some clarification below for this request.

Please reply, via email as to how much material could be considered exempt or ACP.

Thank you,
Johnnie

The below descriptions are intended to spell out in a little more detail, the records I am requesting:

All public records, including all files, electronic data and records (yes, including e-mail) and monitoring data (but excluding engineering files; i.e., drawings, plans) in the possession of the Department of Ecology, its employees, officers, agents, and consultants from January 1, 2005 to the date of response related to:

1. The City of Quincy, Washington, industrial wastewater treatment plant; and
2. The City of Quincy, Washington, domestic wastewater treatment plant; and
3. The use or proposed use of the City of Quincy, Washington industrial wastewater treatment plant and/or domestic wastewater treatment plant by the following:

- 3.A. Microsoft Corporation
- 3.B. Yahoo!
- 3.C. Intuit

Including, without limitation, all public records and communication (including all public records located on any personal computers of DOE employees, agents, consultants, etc.) concerning:

- Copies of all permits issued or requested for each plant;
- Compliance of the wastewater treatment plants with the permits issued for each; and
- All designed, operating, requested and projected wastewater flow measurements and/or estimates for each plant.

-----Original Message-----

From: Landis, Johnnie I. (ECY) [mailto:JOHH461@ecy.wa.gov]
Sent: Tuesday, April 17, 2007 8:25 AM
To: Tim Reiersen
Subject: RE: Quincy Industrial & Municipal WWTP Request

Tim, I sent this out to the entire office and it's looking like it may take 2 months to gather everything together for this request, as written below. By correspondence, I'm assuming you also want emails and electronic documents? If you could narrow down your request a bit, then it might not take as long to get everything together.

Thanks,
Johnnie

From: Landis, Johnnie I. (ECY)
Sent: Monday, April 16, 2007 4:54 PM
To: ECY DL ERO ALL
Cc: Powell, Becky (ECY)
Subject: Quincy Industrial & Municipal WWTP Request

I've received a request for the following from Tim Reiersen in Yakima:

A. Request copies of correspondence files only (not engineering files) from January 1, 2005 to present (4/16/07) for:

City of Quincy Industrial WWTP
City of Quincy Municipal WWTP (domestic)

B. AND... If there are separate files, request the same documents as in "A".

Microsoft Corp
Yahoo
Intuit

If you are handling these, please send me an email to let me know what volume of material you will have for this request.

I will be sending the requestor a 5-day letter tomorrow, but will need to know what time frame to give him.

Thank you,
Johnnie

4/30/2007

H2O 4U Consulting
P.O. Box 386
Ephrata, WA 98823

APR 18 2007

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

April 9, 2007

Department of Ecology
Attention Katherine Ryf
4601 N Monroe, Suite 202
Spokane WA 99205-1295

Subject: Confirmation of Yahoo and Central Terminals Proposed Transfer Information

Dear Ladies and Gentlemen:

Following is confirmation of the issues discussed and agreed upon during my meeting with Lynn Maser and Katharine Ryf on April 4, 2007.

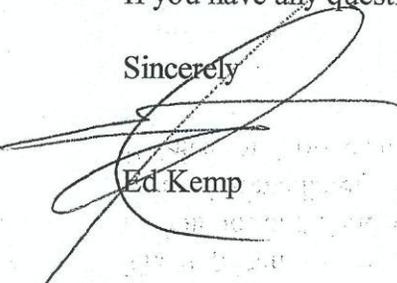
The proposed transfer of Certificate 1747A should be from Fancher Land Investments, LLC. To Central Terminals, LLC. The draft Publication Notice is correct except the applicant should be modified to read Central Terminals, LLC.

The applicant for the proposed transfer of 250 ac.ft., 500 gpm, portion of Certificate 399A should be Yahoo! and Fancher Land Investment, LLC. Yahoo's intent is to refurbish the existing well located immediately East of the homestead site and use it as their point of withdrawal. The Publication Notice states that the proposed POW is in the NE1/4NW1/4 of Section 9. I believe this is not correct in that the map I have indicates that the well is approximately 1,330 feet east of the NW Cor. of Section 9. If this is correct the legal should be the NW1/4NE1/4. I would appreciate it if you could check it against the aerial you have. All other data in the draft Publication Notice is correct; except that the reference to non-agricultural irrigation should be delete.

The applicant for remaining balance of original Certificate 399A (300 gpm, 70 acre feet, for the irrigation of 17.5 acres), should be Central Terminals, LLC. Other than the correction the draft Publication Notice is correct.

If you have any questions or need additional information please feel free to contact me.

Sincerely



Ed Kemp

COPY

Ryf, Katherine A. (ECY)

From: ed kemp [ekemp@homenetnw.net]
Sent: Monday, April 16, 2007 9:49 PM
To: Ryf, Katherine A. (ECY)
Subject: Re: Yahoo

Katherine:

Sent the letter to you yesterday. Based upon my drawing it looked like the well head was 1330 feet from the NW Cor. so I referenced the NW1/4NE1/4. However, because of the scale of the drawing I have I would appreciate it if you could check it out. If I am not correct use the info you come up with and send an E-mail to me and I will sent back a concurrence note.

Ed

----- Original Message -----

From: Ryf, Katherine A. (ECY)
To: ed kemp
Sent: Tuesday, April 17, 2007 9:52 AM
Subject: RE: Yahoo

I asked our mapper to check into this further. He was out of the office yesterday and today. I'll try to get back to you as soon as he gets into the office. K

From: ed kemp [mailto:ekemp@homenetnw.net]
Sent: Sunday, April 15, 2007 8:45 PM
To: Ryf, Katherine A. (ECY)
Subject: Yahoo

Katherine:

Would you be so kind as to look on the maps you have and see if you can determine the distance from the NW Cor to the east side of the farm stead on hte Yahoo property. THat is where they are going to have their well.

Thanks

Ed

Ryf, Katherine A. (ECY)

From: ed kemp [ekemp@homenetnw.net]
Sent: Wednesday, April 11, 2007 11:16 PM
To: Ryf, Katherine A. (ECY)
Subject: Re: QB-104 & QB-1313 Boorman proposed change app.s

Katherine:

Based upon your aerial photos or maps, how far is the house from the NW Cor. of Section 9?

Ed

----- Original Message -----

From: Ryf, Katherine A. (ECY)
To: ed kemp
Sent: Wednesday, April 11, 2007 10:03 AM
Subject: RE: QB-104 & QB-1313 Boorman proposed change app.s

looks good. I would suggest you request the proposed yahoo well to be located in either the NENE or NWNE of Sec. 9.

From: ed kemp [mailto:ekemp@homenetnw.net]
Sent: Tuesday, April 10, 2007 3:39 AM
To: Ryf, Katherine A. (ECY)
Subject: Re: QB-104 & QB-1313 Boorman proposed change app.s

Katherine:

I forgot to have you look at a draft letter I prepared in response to meeting last Wensday.

Let me know what you think:

April 9, 2007

Department of Ecology

Attention Katherine Ryf

4601 N Monroe, Suite 202

Spokane WA 99205-1295

Subject: Confirmation of Yahoo and Central Terminals Proposed Transfer Information

Dear Ladies and Gentlemen:

Following is confirmation of the issues discussed and agreed upon during my meeting with Lynn Maser and Katharine Ryf on April 4, 2007.

The proposed transfer of Certificate 1747A should be from Fancher Land Investments, LLC. To Central Terminals, LLC. The draft Publication Notice is correct except the applicant should be modified to read Central Terminals, LLC.

The applicant for the proposed transfer of 250 ac.ft., 500 gpm, portion of Certificate 399A should be Yahoo! and Fancher Land Investment, LLC. Yahoo's intent is to refurbish the existing well located immediately East of the homestead site and use it as their point of withdrawal. The Publication Notice states that the proposed POW is in the NE1/4NW1/4 of Section 9. I believe this is correct based on the drawing that I have, but would appreciate it if you could check it against the aerial you have. All other data in the draft Publication Notice is correct; except that the reference to non-agricultural irrigation should be delete.

The applicant for remaining balance of original Certificate 399A (300 gpm, 70 acre feet, for the irrigation of 17.5 acres), should be Central Terminals, LLC. Other than the correction the draft Publication Notice is correct.

If you have any questions or need additional information please feel free to contact me.

Sincerely

Ed Kemp

----- Original Message -----

From: Ryf, Katherine A. (ECY)

To: ed kemp

Sent: Thursday, March 29, 2007 1:45 PM

Subject: QB-104 & QB-1313 Boorman proposed change app.s

Hi Ed,

After further review of the two change/transfer applications under QB-104 (Milbrandt-Metro Farms) and QB-1313 (D.Milbrandt) to Cliff Boorman, I have a few questions.

The proposed place of use for transfer under QB-104 is 6 acres and QB-1313 is 4 acres; BOTH WITHIN the SW¼ of 34-19-25. Grant County Assessor records indicate the SW¼ of 34-19-25 is owned by Exchange 1031 Services, LLC.

Does Mr. Boorman have a contract to utilize this land? Or is Mr. Boorman associated with the Exchange 1031 Services, LLC.?

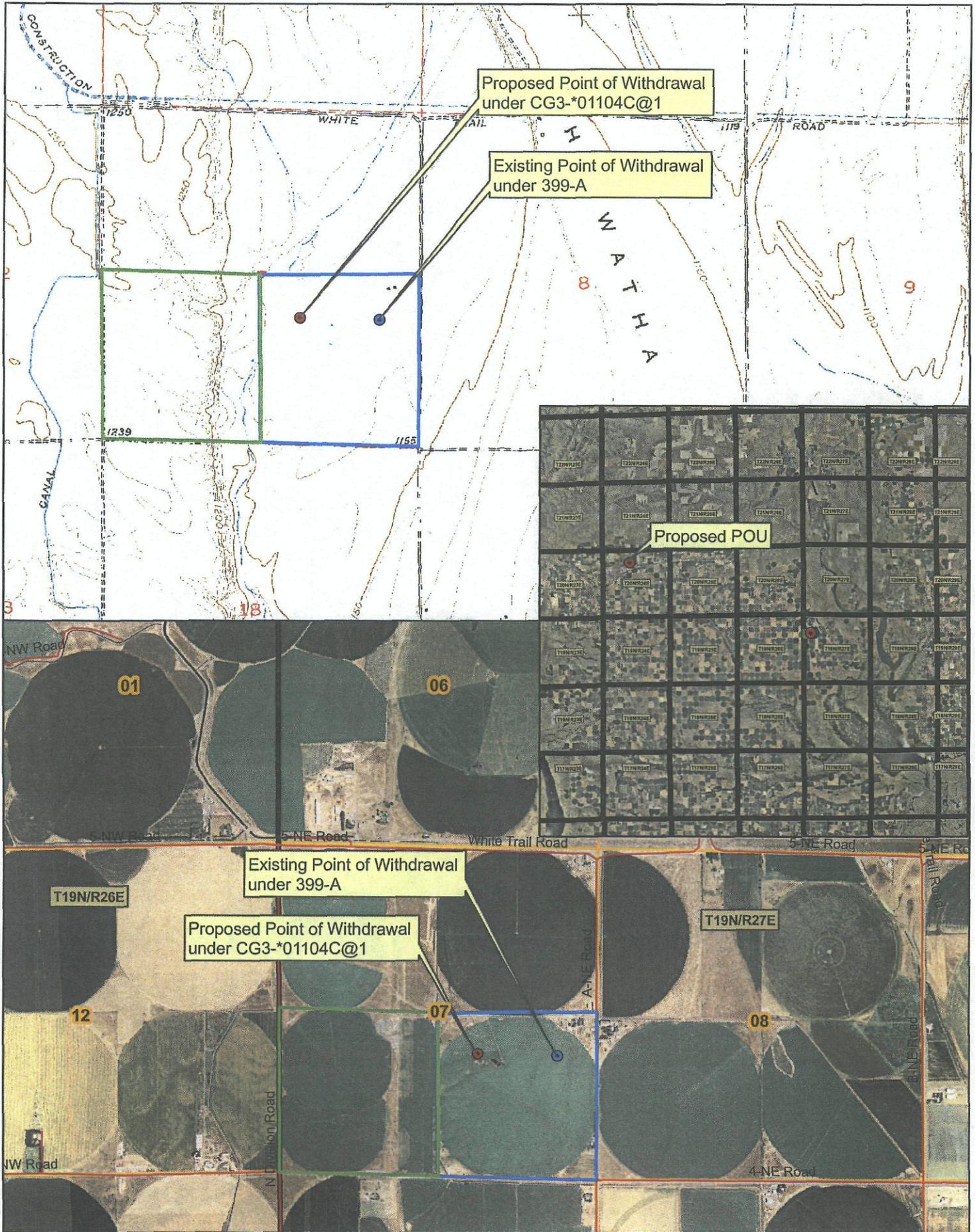
In addition under the QB-1313 change/transfer application the proposed wells for Boorman are to be located within the NE¼SW¼ and SW¼SW¼ of 34-19-25. **Is this the same for the QB-104 change/transfer application?**

Also, you stated in an earlier telephone conversation that Mr. Boorman intends to put a 10-acre pivot circle within the SW¼ 34-19-25. **Is Mr. Boorman only intending to irrigate 10 acres or the entire 160 acres?**

Let me know, Katherine

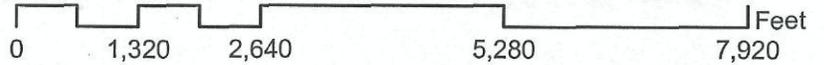


Map based on Application for Change/Transfer of Water Right Received 02/07/2007



Legend

- Section
- Township / Range
- County
- WRIA
- Proposed Point of Withdrawal
- Existing Point of Withdrawal
- Proposed Place of Use CG3-*01104C@3
- Change/ROE CG3-*01104C@1
- GWC00399-A

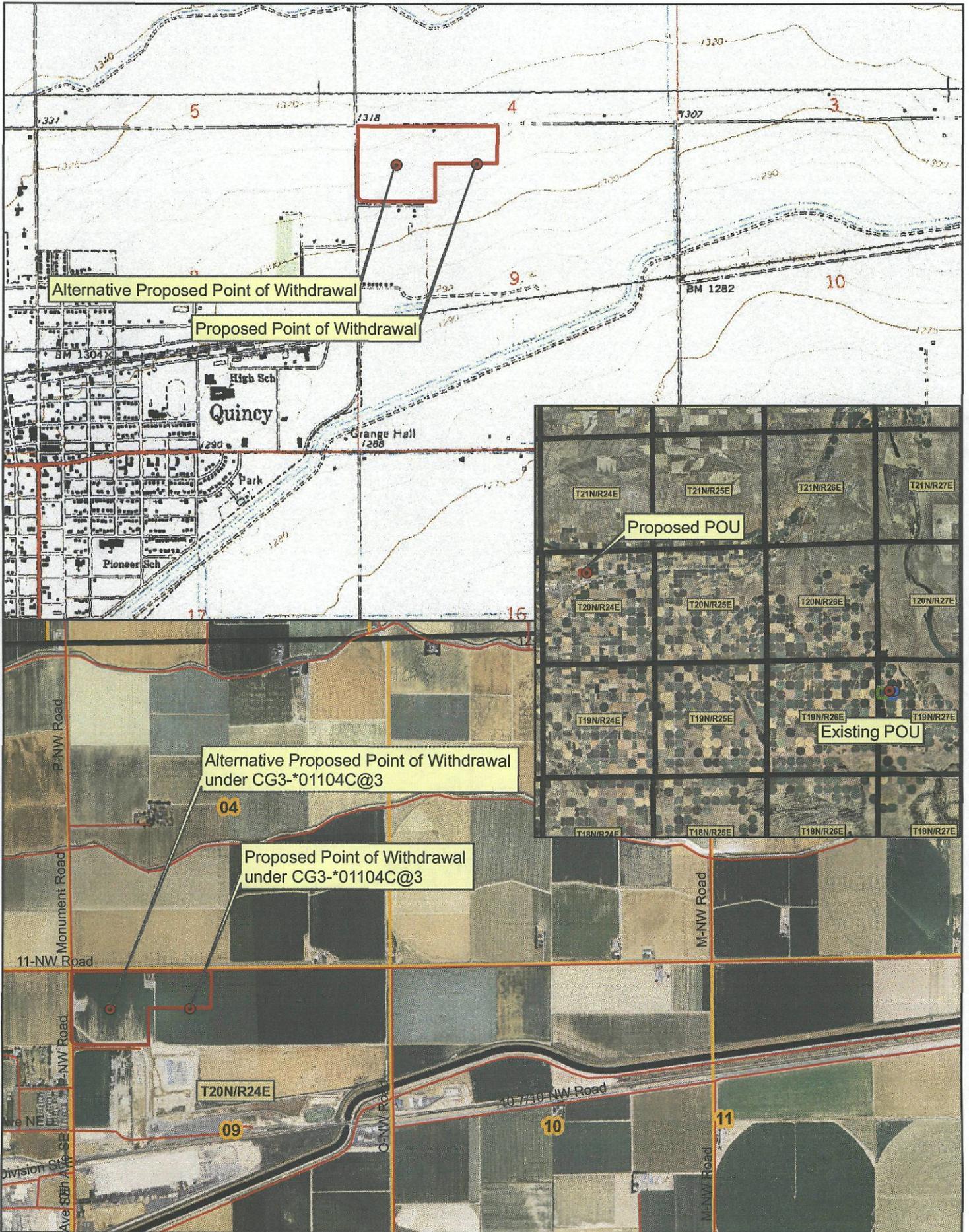


Comments:

2006 Aerial Photo Mapped 4/03/2007

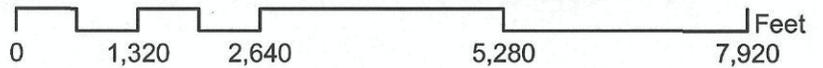


Map based on Application for Change/Transfer of Water Right Received 02/07/2007



Legend

- Section
- Township / Range
- County
- WRIA
- Proposed Point of Withdrawal
- Existing Point of Withdrawal
- Proposed Place of Use CG3-*01104C@3
- Change/ROE CG3-*01104C@1
- GWC00399-A



Comments:

Ryf, Katherine A. (ECY)

From: ed kemp [ekemp@homenetnw.net]
Sent: Friday, March 30, 2007 12:21 AM
To: Ryf, Katherine A. (ECY)
Cc: Maser, Lynn (ECY)
Subject: Re: 399-A(A) & 1747-A Fancher Chg/Tnsf App.'s

Katherine:

I stand corrected, there are three applications.

All of Fancher's interest in 1747A (362.5 gpm, 160 ac.ft. for the Irrigation of 40 acres) is being transferred to the old Sugar Plant land (Central Terminals is the Owner) of which Fancher is a principal. In other words the water right should be in Fancher Land and the place of use will be Central Terminals.

The same applies to the 300 gpm, 70 ac.ft., irrigation of 17.5 acre portion of Certificate 1747A, that being Fancher Land the owner of the right, and Central Terminals the land owner.

The other portion (500 gpm, 250 ac.ft.) of Certificate 399A is being transferred to Yahoo for continuous industrial, landscape maintenance. The owner of the right should remain Fancher Land, and the land owner will be Yahoo. Upon further determinations that portion of 399A will most likely will be assigned to Yahoo along with additional rights yet to be determined.

Ed

----- Original Message -----

From: Ryf, Katherine A. (ECY)
To: ed kemp
Cc: Maser, Lynn (ECY)
Sent: Friday, March 30, 2007 9:23 AM
Subject: 399-A(A) & 1747-A Fancher Chg/Tnsf App.'s

Ed,

In response to our recent e-mails regarding the 2-applications under 399-A(A) and the 1-application under 1747-A submitted by Fancher Land Inv., LLC on February 7, 2007, I need further clarification.

Our records show we have the following proposed applications. **Please confirm the proposed gpm, AF/Y, purpose of use and place of use are all correct.**

App No.	Applicant	GPM	AF/Y	Acres	Purpose of Use	Place of use
399-A(A)	Fancher Land Inv., LLC	300	70	17.5	Irrigation	SW¼NW¼ of 29-19-29 (Ethanol Plant)
399-A(A)	Fancher Land Inv., LLC	500	250		Industrial use and non-ag. irrigation	Lot 2, Port Dist. Ind. Park No. 4 SP, according to the SP thereof recorded in Vol. 18 of SP, Pg. 62, 63 & 64 of 9-20-24 (Yahoo)
1747-A	Fancher Land Inv., LLC	362.5	160	40	Irrigation	SE¼NW¼ and N½NE¼SW¼ of 29-19-29 (Ethanol Plant)

According to your previous e-mail wherein you stated "...Fancher is a principle in Central Terminals. He bought the Hellewell water (1747A and 399A) for use elsewhere's, but apparently someone contacted him about assisting Yahoo with start-up water. Therefore, he sold his interest in 399A to Yahoo and retained the remainder under 1747-A which is being moved lands owned by Central terminals..."

My question is, did Mr. Fancher sale ALL of his interest in 399-A(A) to Yahoo? **I'm not clear on who has interest in 399-A(A).** The applicants are Fancher Land Inv., LLC only; however, per your previous e-mail it appears Mr. Fancher sold all his interest to Yahoo. **If that is not the case, please let me know.** Also, if the intent is to issue a portion of 399-A(A) to Yahoo, we will need a representative of Yahoo's signature on the application.

Katherine

Ryf, Katherine A. (ECY)

From: Ryf, Katherine A. (ECY)
Sent: Friday, March 30, 2007 10:23 AM
To: 'ed kemp'
Cc: Maser, Lynn (ECY)
Subject: 399-A(A) & 1747-A Fancher Chg/Tnsf App.'s

Ed,
In response to our recent e-mails regarding the 2-applications under 399-A(A) and the 1-application under 1747-A submitted by Fancher Land Inv., LLC on February 7, 2007, I need further clarification.

Our records show we have the following proposed applications. **Please confirm the proposed gpm, AF/Y, purpose of use and place of use are all correct.**

App No.	Applicant	GPM	AF/Y	Acres	Purpose of Use	Place of use
399-A(A)	Fancher Land Inv., LLC	300	70	17.5	Irrigation	SW $\frac{1}{4}$ NW $\frac{1}{4}$ of 29-19-29 (Ethanol Plant)
399-A(A)	Fancher Land Inv., LLC	500	250		Industrial use and non-ag. irrigation	Lot 2, Port Dist. Ind. Park No. 4 SP, according to the SP thereof recorded in Vol. 18 of SP, Pg. 62, 63 & 64 of 9-20-24 (Yahoo)
1747-A	Fancher Land Inv., LLC	362.5	160	40	Irrigation	SE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of 29-19-29 (Ethanol Plant)

According to your previous e-mail wherein you stated "...Fancher is a principle in Central Terminals. He bought the Hellewell water (1747A and 399A) for use elsewhere's, but apparently someone contacted him about assisting Yahoo with start-up water. Therefore, he sold his interest in 399A to Yahoo and retained the remainder under 1747-A which is being moved lands owned by Central terminals..."

My question is, did Mr. Fancher sale ALL of his interest in 399-A(A) to Yahoo? **I'm not clear on who has interest in 399-A(A).** The applicants are Fancher Land Inv., LLC only; however, per your previous e-mail it appears Mr. Fancher sold all his interest to Yahoo. **If that is not the case, please let me know.** Also, if the intent is to issue a portion of 399-A(A) to Yahoo, we will need a representative of Yahoo's signature on the application.

Katherine

Tracking: Recipient Read
'ed kemp'
Maser, Lynn (ECY) Read: 4/2/2007 10:07 AM

Ryf, Katherine A. (ECY)

From: ed kemp [ekemp@homenetnw.net]
Sent: Thursday, March 29, 2007 7:14 AM
To: Ryf, Katherine A. (ECY)
Subject: Re: Fancher change/transfer applications

Katherine:

A short answer to your questions is **399A to Yahoo/Fancher Land** and 1747A to Central Terminals/Fancher land.

Three applications?????? There should only be two. Both 399A and 1747A were obtained by Fancher Land for a project down by Potholes and/or for use at the sugar plant.

At some later date a deal was struck to provide Yahoo part of the start-up water they need by conveying all of Fanchers interest in 399A (399A was split between the previous owners 80 ac. Hellewell and 80 ac. Hintz) In other words the old Hellewell portion is being transferred to Yahoo as described in the proposed transfer application. The names on the superceding Permit should be **Yahoo! / Fancher Land Investment, LLC**. (I am actively trying to find water for the City of Quincy, Microsoft, Intuit, and Yahoo)

1747A is a long story, but the bottom line is that Herm previously determined that only 40 acres of the original Certificate was in good standing and was eligible for transfer. Hallowell made application to change place of use but has not proofed the water yet, basis being is that he had some well problems and has not installed a meter. I believe his development period is through 2008. However, Hellewell choose to convey all of his interest in 1747A to Fancher Land, and Fancher land in turn is going to allow Central terminals to use this water and proof it on their land until Fancher Land needs it for someother project. As you are aware of Fancher is a principal in Central Terminals.

What tangled webs we weave.

The plan as I know it is for Central Terminals, Maiers Enterprises, or Fancher Land is to buy sufficient State and/or ASGW to fulfill their development needs for the next decade or two. They have several proposed projects that will need substantial quantities of water. Case in point is the proposed ethanol plants requirement of up to 4,000 acre feet, and possibly a similar amount needed for another project at the same general location, WOW!!!!

Ed

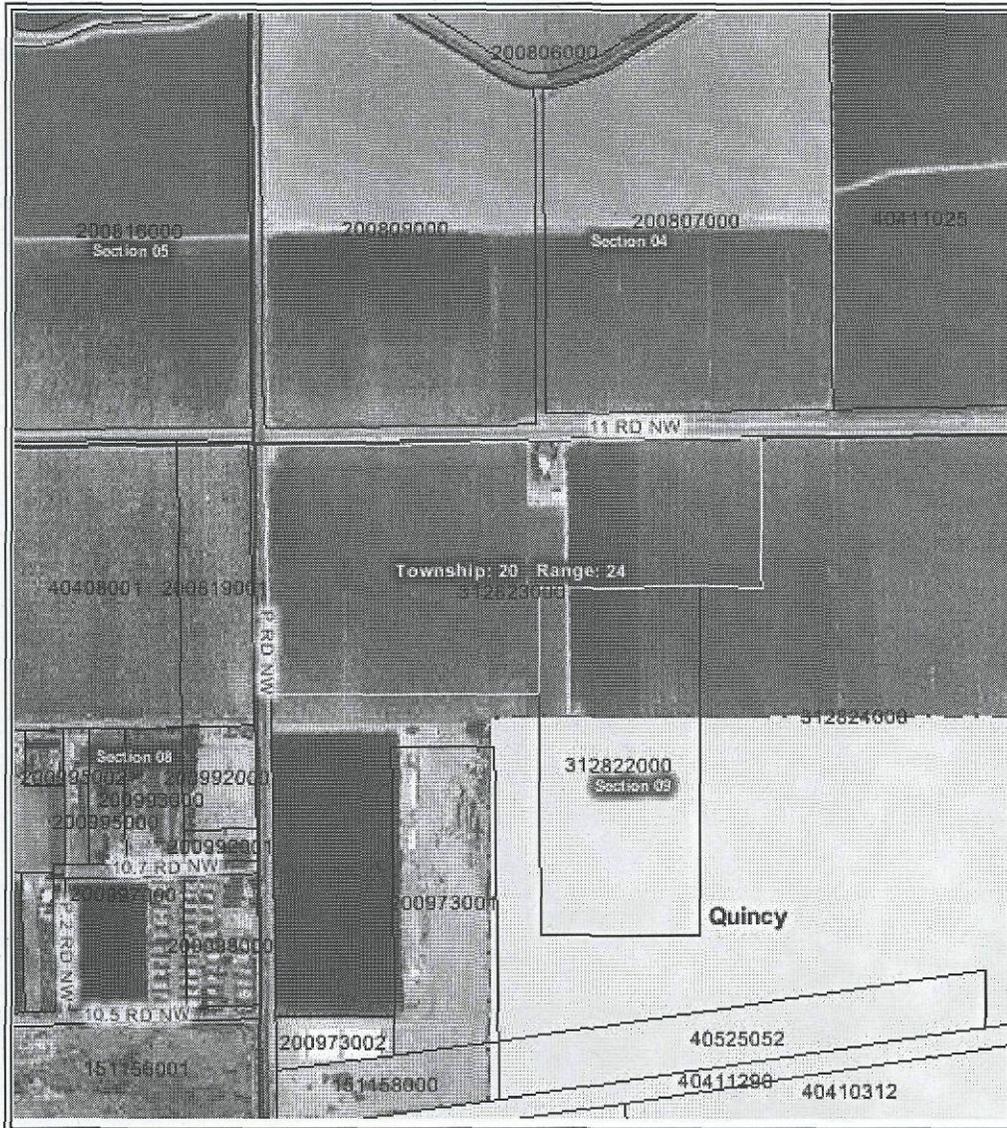
----- Original Message -----

From: Ryf, Katherine A. (ECY)
To: ed kemp
Sent: Thursday, March 29, 2007 2:58 PM
Subject: Fancher change/transfer applications

Hi Ed,

I have a question the 3-applications we received in our office under 399-A(A) and 1747-A are all in the name of Fancher Land Investments, LLC. Should the applications be amended to reflect the name of Central Terminals, LLC?

Let me know, Katherine




Grant County
35 C St. / PO Box 37
Ephrata, WA 98823
(509) 754-2011

Legend

- Roads
- Township/Range
- Parcels
- Sections
- Hydro
- Cities
- Aerial Photography
- County Boundary

SITE INFORMATION

Parcel #: 312823000	Reval: 5	Zoning:	Fire:
Legal: LOT 2;PORT DISTRICT INDUSTRIAL PARK NO 4 SP;FKA FU 324,325 & 326 MEMO	Year Built: 1961	Comp Plan:	Port: 1
Imp Acres: 50.00	Sq Ft.: 01902	Shoreline:	Park:
Uimp Acres: 0	# Rms: 09	Sensitive:	Library: L
Land Value: \$505,000	# BdRms: 03	Critical:	Cemetery: 1
Imp Value: \$212,900	# BthRms: F-2 H-1		Mosquito:
Land Use: OTHER TRANSPORT,COMM,UTILITIES	Quality: 03	Tax Status: Taxable	
Owner: YAHOO, INC	Assoc MH: 0	Taxcode: 0023	Appraised Value: \$717,900 (2005 value for 2006 tax year)
Address: ATTN: REAL ESTATE MGR	T/R/S:	City/County: Quincy	Tax Value: (2004 value for 2005 tax year due to changing of the tax rolls)
SUNNYVALE CA 94089	X Coord:	School: Quincy School District (144)	Levy:
Situs: 00001115 INDUSTRIAL LOOP RD	Y Coord:	Hospital: 2	***Tax Amount:

Base Tax Amount NOT valid for paying taxes. Does not include Special Asssments and/or changes. Contact Treasurer's Office for current tax amount.

DISCLAIMER

These maps should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general information purposes only, and you are urged to consult your own lawyer concerning your own situation and any specific questions you may have. Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation and verification. All of the data provided represents current information in a readily available format. While the data is generally believed to be accurate, occasionally it proves to be incorrect; thus its accuracy is not warranted. Prior to making any property purchases or investments based in full or in part upon the material provided, it is specifically advised that you independently field verify the information contained in county records.

This page was generated on: 3/29/2007

COPY



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

February 16, 2007

CERTIFIED MAIL: (7003 1680 0007 1563 1257)

Mr. Ed Kemp, Jr.
H₂O 4U Consulting
P.O. Box 386
Ephrata, Washington 98823-0386

Dear Mr. Kemp:

RE: Ground Water Certificate Nos. 399-A and 1747-A
WRIA 41 – Grant County

Our office received two assignments, three applications for change/transfer and the associated fees in the amount of \$250.00 (CK No.'s 2421, 2422, 2423, 2424 & 2425) on February 7, 2007 under the above referenced Ground Water Certificates.

Please note water right certificates are a part of a property's legal record and do not require assignments (water right *applications* or *permits* may be assigned to a new property owner). Therefore, we are returning your checks (2421 & 2425) in the amount of \$50.00/each to you. Also note, since Mr. Vern Hellewell signed on behalf of the land owner of existing place of use for the applications for change/transfer submitted by Mr. Robert Fancher under 399-A and 1747-A, the assignments are not necessary.

On another matter, Grant County Water Conservancy Board Application for Change/Transfer Record of Examination under Ground Water Certificate No. 399-A was issued on September 23, 2004, which states the development schedule, is as follows:

- Complete project by December 1, 2007;
- Complete change and put water to full use by December 1, 2007.



Mr. Ed Kemp; H₂O 4U Consulting
Ground Water Certificate Nos. 399-A & 1747-A
February 16, 2007
Page 2 of 2

Therefore your extension request received in our office on December 11, 2006 is unnecessary. The change/transfer request is in good standing, no extension is required at this time. You have until December 1, 2007 in which to develop the proposed well and file Proof of Appropriation under 399-A.

If you have any questions with regards to this letter please contact our reception line at 509-329-3400 and ask for the Water Resources Program or you may contact me directly at 509-329-3586. **For technical assistance, you may also contact Lynn Maser of our Ephrata Field Office at 509-754-0268.**

Sincerely,



Katherine A. Ryf
Water Resources Program
Eastern Regional Office

KAR: kla

Enclosure: Check No. 2425 (\$50.00) and Check No. 2421 (\$50.00)

cc: Mr. Lynn Maser, Department of Ecology
P.O. Box 69, Ephrata, Washington 98823-0069

Mr. Robert R. Fancher, Fancher Land Investments, LLC
P.O. Box 1245, Moses Lake, Washington 98837-1245

Mr. Vern Hellewell
4496 Road "A" NE, Moses Lake, Washington 98837

I certify that I mailed ~~this~~ letter or an identical copy thereof; postage prepaid to the above addressee(s) this 16th day of Feb, 2007. Water Resources Program; Office Assistant Kimberley Alexander 