Klickitat County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

Applicant: Steve Matsen / Don Slater

This record of decision was made by a majority of the board at an open public meeting of the Klickitat County Water Conservancy Board held on May 12, 2015. The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

X Approval: The Klickitat County Water Conservancy Board hereby grants conditional approval for the water right transfer described and conditioned within the report of examination on May 12, 2015 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ Denial: The (board name) Water Conservancy Board hereby denies conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review.

Signed:

[Signatures and dates]

Date: 5/12/15

Approve □
Deny □
Abstain □
Reconsume □
Other □

Date: 5/12/2015

Approve □
Deny □
Abstain □
Reconsume □
Other □

Date: 5/12/2015

Approve □
Deny □
Abstain □
Reconsume □
Other □

Date: 5/12/2015

Approve □
Deny □
Abstain □
Reconsume □
Other □

Date: 5/12/15

Approve □
Deny □
Abstain □
Reconsume □
Other □

Mailed with all related documents to the Dept of Ecology Central Regional Office, and other interested parties on (date mailed).

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6889 (TTY).

Ecology is an equal opportunity employer.
## BACKGROUND AND DECISION SUMMARY

### Existing Right (Tentative Determination)

<table>
<thead>
<tr>
<th>Source</th>
<th>Groundwater – Wanapum Aquifer System – One Well</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>At a Point Located:</strong></td>
<td>Parcel No. 04200300000300, Section 3, Township N. 4, Range 20E, WRIA 31, County, Kittitas</td>
</tr>
<tr>
<td><strong>Legal Description of Property on Which Water is Used:</strong></td>
<td>All of Section 3; and the N1/2 and SE1/4 of Section 4; all located in Township 4 North, Range 20 East, WM; Kittitas County, Washington; lying within parcel numbers 04200300000100, 04200300000200, 0420000000300, 04200400000100, and 04200400000300: All lying within WRIA 31.</td>
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### Proposed Use

<table>
<thead>
<tr>
<th>Source</th>
<th>Groundwater – Wanapum Aquifer from Two Wells</th>
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</thead>
<tbody>
<tr>
<td><strong>At a Point Located:</strong></td>
<td>Parcel No. 042003000000300, Section 3, Township N. 4, Range 20E, WRIA 31, County, Kittitas</td>
</tr>
<tr>
<td><strong>Legal Description of Property on Which Water is Used:</strong></td>
<td>229.3 acres lying within: All of Section 3; and the N1/2 and SE1/4 of Section 4; all located in Township 4 North, Range 20 East, WM; Kittitas County, Washington; lying within parcel numbers 04200300000100, 04200300000200, 0420000000300, 04200400000100, 04200400000300, 05220500000000, 05220800000100, 05220900000000, 05221000000200, 05221400000200, and 05221500000020: All lying within WRIA 31.</td>
</tr>
</tbody>
</table>

**Record of Examination No. G3-00654C**
### Boards Decision

<table>
<thead>
<tr>
<th>Source</th>
<th>Groundwater – Wanapum Aquifer from Two Wells</th>
</tr>
</thead>
<tbody>
<tr>
<td>At a point located</td>
<td>0420303000000300 05221500000900</td>
</tr>
<tr>
<td>Parcel No.</td>
<td></td>
</tr>
<tr>
<td>Parcel 1/4 NE SW</td>
<td>1/4 45 3 SW 15 SE 20 E 31 Klick</td>
</tr>
<tr>
<td>Parcel 1/4 NE SW</td>
<td>1/4 45 3 SW 15 SE 20 E 31 Klick</td>
</tr>
</tbody>
</table>

**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED**

220.3 acres lying within: All of Section 3; and the N1/2 and SE1/4 of Section 4; all located in Township 4 North, Range 20 East, WM; Klickitat County, Washington. All of Section 5; the NE1/4 of Section 8; All of Section 9; that portion of Section 10 beginning at the Northwest corner of said Section 10, thence running east along the North line of said Section 10 a distance of 52 rods more or less to the rimrock lying East of Willow Creek, thence running Southerwestly for approximately one mile along said rimrock lying East of Willow Creek to the South line of said Section 10 at a point 226 rods more or less, lying East of the Southwest corner of said Section 10, thence running West along the South line of said Section 10 a distance of 226 rods more or less, to the Southeast corner of said Section 10, thence running North along the West line of said Section 10 a distance of 320 rods more or less, to the Northwest Corner of said Section 10, to the point of beginning: the SW1/4 and the SW1/4SE1/4 of Section 14; SW1/4, N1/2NW1/4, N1/2SW1/4NW1/4, N1/2SE1/4NW1/4, SW1/4SW1/4NW1/4, SE1/4SE1/4NW1/4, SW1/4SE1/4NW1/4, SE1/4SE1/4NW1/4, SE1/4SE1/4NW1/4, SE1/4SE1/4NW1/4, N1/2SE1/4SE1/4NW1/4, N1/2SE1/4SE1/4NW1/4, SW1/4NW1/4SE1/4NW1/4 of Section 15; all located in Township 5 North, Range 22 East, WM; Klickitat County, Washington; lying within parcel numbers 0420303000000100, 04200300000200, 04200300000300, 04200400000100, 04200400000300, 052205000000000, 05220800000100, 05220900000000, 05221000000200, 05221400000200, and 05221500000200: All lying within WRIA 31.

### DESCRIPTION OF PROPOSED WORKS

The project entails drilling a new well in the SW1/4SE1/4 of Section 15, Township 5 North, Range 25 East, in Klickitat County, Washington, installing the electrical service to the well, install a turbine pump in the well, install the associated mainlines and irrigation system including any required booster pumps to deliver irrigation water to 510.2 acres of grapes within the proposed place of use.

The applicant is not expanding the currently authorized Qi and Qa. The added point of withdrawal (well) will service the existing and additional places of use without any changes to the total amount of water withdrawn.

### DEVELOPMENT SCHEDULE

<table>
<thead>
<tr>
<th>BEGIN PROJECT BY THIS DATE:</th>
<th>COMPLETE PROJECT BY THIS DATE:</th>
<th>COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:</th>
</tr>
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<tbody>
<tr>
<td>January 1, 2016</td>
<td>January 1, 2019</td>
<td>January 1, 2023</td>
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### REPORT

**BACKGROUND** (See WAC 173-153-130(6)(a))

On May 13, 2014, Steve Matsen and Don Slater of Bickleton, Washington filed an Application for Change/Transfer to add a point of withdrawal, change the place of use, change the period of use and to add irrigable acres under this certificate with the Klickitat County Water Conservancy Board (Board). The application was accepted at an open public meeting of May 13, 2014, and the Board assigned application number KLIC-14-01. The Washington State Department of Ecology (Department) assigned WRATS number CG3-00654C@1 to this change request.

Don Slater owns Ground Water Certificate G3-00654C with a priority date of July 11, 1968, which authorizes the right to develop a system to withdraw water from one (1) well in the amount of 1000 gpm, 800 acre-feet per year for the irrigation of 380 acres. The applicant has applied to change the place of use, add a point of withdrawal, and add acres under the certificate.

The applicant requests to add one point of withdrawal to the existing point of withdrawal under this certificate. The locations of the proposed points of withdrawal are:

Well #1 – NE1/4SW1/4 Section 3, Township 4 North, Range 20 East, W.M., Klickitat County, Washington; lying within parcel number 04203030000300.

040-105(02/08) Record of Examination No. G3-00654C
All lying within WRIA 31.

The applicant requests changes to the place of use.

The existing certificated place of use is: All of Section 3; and the N1/2 and SE1/4 of Section 4; all located in Township 4 North, Range 20 East, WM; Klickitat County, Washington; lying within parcel numbers 042003003000100, 042003000000200, 0420030040000300, 0420040040000100, and 0420040000000300: All lying within WRIA 31.

The locations of the proposed places of use are: 220.3 acres lying within: All of Section 3; and the N1/2 and SE1/4 of Section 4; all located in Township 4 North, Range 20 East, WM; Klickitat County, Washington. All of Section 5; the NE1/4 of Section 8; All of Section 9; that portion of Section 10 beginning at the Northwest corner of said Section 10, thence running east along the North line of said Section 10 a distance of 52 rods more or less to the rimrock lying East of Willow Creek, thence running Southeastery for approximately one mile along said rimrock lying East of Willow Creek to the South line of said Section 10 at a point 236 rods more or less, lying East of the Southwest corner of said Section 10, thence running West along the South line of said Section 10 a distance of 236 rods more or less, to the Southwest corner of said Section 10, thence running North along the West line of said Section 10 a distance of 320 rods more or less, to the Northwest Corner of said Section 10, to the point of beginning; the SW1/4 and the SW1/4SE1/4 of Section 14; SW1/4, N1/2NW1/4, N1/2SW1/4NW1/4, N1/2SE1/4NW1/4, SW1/4SW1/4NW1/4, SE1/4SE1/4NW1/4, SW1/4NE1/4, NW1/4NE1/4, SE1/4NE1/4, S1/2NE1/4NE1/4, NE1/4SE1/4, N1/2SE1/4SE1/4, N1/2NW1/4SE1/4, SW1/4NW1/4SE1/4 of Section 15; all located in Township 5 North, Range 20 East, WM; Klickitat County, Washington; lying within parcel numbers 0420030300000010, 0420030030000200, 0420030000000300, 0420040000000100, 0420040000000300, 05220500000000, 052205000000200, 0522050000000100, 0522050000000200, 0522140000000200, and 0522150000000200: All lying within WRIA 31.

The applicant requests to change the period of use.

The existing period of use is April 1 to September 1 annually and it is proposed to change to March 1 to October 31 annually.

Don Slater owns groundwater certificate G3-00564C. The intent of this change is to integrate these water rights, so that common systems with common points of withdrawal can be utilized to serve the irrigated acreage. The result of this change will be to have two common points of withdrawal. The total combined quantities under these 2 water rights, based upon the current and changes would not exceed the following: 1600 gpm, 765.3 acre-feet, and 510.2 acres.

Attributes of the water right as currently documented
Name on certificate, claim, permit: Harland Berk
Water right document number: G3-00654C
As modified by certificate of change number: N/A
Priority date, first use: July 11, 1968
Water quantities: Q1: 1000 gpm Qa:800 acre ft./year
Source: 1 well yielding from the Wanapum Aquifer
Point of diversion/withdrawal: Well #1 located within the NE1/4SW1/4 of Section 3, Township 4 North, Range 20 East, WM, Klickitat County, Washington; lying within WRIA 31.

Purpose of use: Irrigation – 380 Acres
Period of use: April 1 to September 1
Place of use: All of Section 3; and the N1/2 and SE1/4 of Section 4; all located in Township 4 North, Range 20 East, WM; Klickitat County, Washington; lying within parcel numbers 042003003000100, 042003000000200, 042003000000300, 0420040000000100, and 0420040000000300; All lying within WRIA 31.

Existing provisions: See Existing Certificate
Tentative determination of the water right
The tentative determination is provided on the front page of this report.

History of water use
This water right was issued in 1968 and was continuously utilized in the irrigation of crops through 1987 when the parcel was placed in the federal CRP program. The parcel remained in CRP until 2012 when it came out of the program. The five year history of cropping prior to going in to CRP is as follows:

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<tbody>
<tr>
<td>A</td>
<td>Wheat/115.0</td>
<td>Barley/115.0</td>
<td>Pasture/115.0</td>
<td>Pasture/115.0</td>
<td>Pasture/115.0</td>
</tr>
<tr>
<td>B</td>
<td>Wheat/53.0</td>
<td>Barley/53.0</td>
<td>Pasture/53.0</td>
<td>Pasture/53.0</td>
<td>Pasture/53.0</td>
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<tr>
<td>C</td>
<td>Wheat/100.8</td>
<td>Barley/100.8</td>
<td>Pasture/100.8</td>
<td>Pasture/100.8</td>
<td>Pasture/100.8</td>
</tr>
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040-105(02/08) Record of Examination No. G3-00564C
An affidavit attesting to this history was provided along with the application.

Previous changes

None

SEPA

The Board has reviewed the proposed project. This project is not subject to SEPA as the threshold set for changes to groundwater withdrawals has not been met.

The information or conclusions in this section were authored and/or developed by Thomas R. Buchholz PE.

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application was given in The Goldendale Sentinel on June 25 and July 2, 2014. The protest period ended on August 4, 2014. A protest was received from Bob-Lou Farms, dated July 11, 2014 by both the Department of Ecology and the Board. A follow-up letter from Bob-Lou Farms was sent to the Department of Ecology. This letter was not dated. Two protest letters were received from Al Fountain Alderdale Farms dated October 17, 2014 by the Department of Ecology. These protest letters were received after the comment period closed.

The information or conclusions in this section were authored and/or developed by Thomas R. Buchholz PE.

INVESTIGATION [See WAC 173-153-130(6)(c)]

The following information was obtained from a site inspection conducted by members of the Board, and the applicant on July 10, 2014, technical reports, research of Department records, and conversations with the applicant and/or other interested parties.

Proposed project plans and specifications

The project entails drilling a new well in the SW1/4SE1/4 of Section 15, Township 5 North, Range 25 East, in Klickitat County, Washington, installing the electrical service to the well, install a turbine pump in the well, install the associated mainlines and irrigation system including any required booster pumps to deliver irrigation water to 510.2 acres of grapes within the proposed place of use.

The wells, pumps, irrigation systems and pipelines will be maintained and upgraded in the future to optimize irrigation efficiency.

Other water rights appurtenant to the property (if applicable)

Groundwater certificate G3-00896C has the same point of withdrawal as this certificate and has overlapping place of use. The intent of this change is to integrate these water rights and spread water to additional acres based upon those common irrigated acres and the conversion to grapes. An additional common point of withdrawal is included in this change. The result of this change will be to have two common points of withdrawal. The total combined quantities under these2 water rights, based upon the current changes would not exceed the following: 1600 gpm, 765.3 acre-feet, and 510.2 irrigated acres.

Public Interest (groundwater only)

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities.

A recent Washington State Supreme Court ruling has stated that "...a 'public interest' test is not a proper consideration when Ecology acts on a change application under RCW 90.03.380." PUD No. 1 of Pend Oreille County v. Dept’ of Ecology, 70372-8 (2002). By extension, neither does the Board have authority to apply a public interest test when evaluating a change in water right request under RCW 90.03.380. Previous legal review has indicated that the above court case is in reference to surface water changes/transfers, and groundwater-serviced water right changes/transfers are subject to public interest consideration under the purview and scope of the groundwater code. The Board concludes that the requested change/transfer is not contrary to the public interest governing water use. To the extent review of public interest is applicable, the Board finds that the application for change is consistent with public policy objectives of the state to provide for efficient use of water resources, to encourage supply of new or expanding uses through change/transfer of existing water rights, to provide greater operational control to water managers, and to ensure no impairment exists.

Because the proposed action will not increase the existing permitted water use, or increase the water put to actual beneficial use, or result in a measurable impact on other existing water rights or applications for new water rights, it does not change the existing status quo for water use impacts. Thus, no impairment is perceived, because of the change/transfer requested in the application. Water use is provided consistent with statutory requirements for beneficial use.

The proposed action does provide for a continuation of the existing beneficial use as stated within the permit of water right, increasing the economic benefits to the state and local area by allowing for continued use and development of irrigated lands. The development is taking place in the land-use management area of Klickitat County.

040-105(02/08)  Record of Examination No. G3-00864C
This action is consistent with the intent of RCW 90.63.380, 90.44.100, and 90.80 (amended May 10, 2001) and other applicable statutes; and it is consistent with Klickitat County's Comprehensive Land-Use Plan. No impairment is consistent with the public interest; all pertinent water right issues are addressed above; conditions are recommended within this ROE to further protect the public interest consistent with state water law.

The application for change/transfer is consistent with the public interest requirements for beneficial water use, and consistent with the procedural, technical, and legal review requirements by the state.

Tentative Determination

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board’s tentative determination was based upon the following findings:

The water right applicant holds a valid water right in good standing, and it is on file with the Department. The Board confirms that the water right is being used subject to the existing certificate provisions.

The certificate is valid as stands, subject to subsequent change actions by the Board and any Department administrative changes affecting development.

Under the change request, the total amount of water withdrawal from the existing source cannot exceed the amount within the certified water right. The change/transfer request must not exceed the existing water right limits; no enlargement of the water right is allowed.

The change/transfer request must be consistent with RCW 90.03.380, and related water code statutes. The required annual consumptive quantity (beneficial use) analysis indicates the following:

- This water right has been certificated, and is in good standing.
- The water under this certificate is being beneficially utilized for the irrigation of crops. Continued beneficial use will be completed based upon the development schedule outlined in the "Board Decision" above.
- The Board has determined that the full amount of the said water right available for change/transfer is presented within the above "Board Decision" summary, and should be the amount not exceeded by the applicant within the proof of appropriation filing and within the final certificate issued by the Department. The applicant's request for a change is allowed under the water code and case law.

Geologic, Hydrogeology, or other scientific investigations (if applicable)

Based on a detailed technical review of the applicant’s submittal, it is concluded that the requested change/transfer will withdraw water from the same body of water (and management area) as that allowed under the existing water right—and per applicant discussions with Department staff. A detailed report was prepared by Kevin Lindsey, LHG, of GSI Water Solutions Inc. detailing this finding, and was included with the application. An additional Technical Memorandum prepared by Mr. Lindsey and Mr. Travis of GSI Water Solutions Inc. providing further details is attached to this ROE. Additionally, a letter provided to Mr. Matsen from Steve Germiah, LHG, of Aspect Consulting LLC is attached to this ROE documenting that there are no identified flow barriers between the existing and the proposed wells.

The added change cannot create impairment. The Board has reviewed the applicant’s technical information on potential impairment, and concludes that impairment is not an issue for the water right change/transfer see the Impairment Analysis G3-00654C & G3-00896C Attachment. The attached Technical Memorandum prepared by GSI Water Solutions Inc, further documents that there will be no impairment associated with this proposed change.

It is noted and concluded from existing WA State water law, Department water right data, the applicant's technical information (impairment analysis attached), and previous discussions with Department staff, that:

1) Impairment means that other water right holders are unable to use their water rights (whole or in part), given reasonable pumping lift with the construction of qualifying diversion works.

2) For this immediate area, no record/affirmation of impairment has been noted by the Board or Department.

3) The Department staff impairment concerns are addressed in the attached Impairment Analysis and Technical Memorandum.

4) The Board has required the applicant to consider impairment issues for the applicant's change request, including technical consultations with the Board. There is no indication that the change action will impair other water rights. The Board has attached the formal impairment analysis prepared by a qualified Professional Engineer, and the associated Technical Memorandum prepared by a Licensed Hydrogeologist.

040-105(02/08) Record of Examination No. G3-00654C
5) Based on the public notice of this change request, the Board has received four impairment issue protests, and no other comments from other existing water right holders, including those who withdraw water from sites close to the applicant's proposed well sites. The protests have been addressed in the "Consideration of comments and protests" section.

The Board concludes that the proposed action will not create impairment to other water rights per the provisions and conditions established under the existing permit/change order and the conditions provided within this ROE/ROD; impairment is not an issue for the specific action related to this water right change.

Annual Consumptive Quantity (ACQ)

An ACQ analysis has been prepared as part of this change. That analysis is as follows:

**ANNUAL CONSUMPTIVE QUANTITY (ACQ)**

For this determination the Washington Irrigation Guide (WIG) will be utilized to determine the Consumptive Use (CU) which will be based upon an irrigation efficiency of 80% with 5% return flows for high pressure center pivot systems. The Crop Irrigation Requirement (CIR) will be used to determine the Total Irrigation Requirement (TIR). The result of the average of the two highest annual ACQs (CU) over the most recent 5 continuous years of irrigation will be compared to the 10" that will be utilized in the future for wine grapes, to determine water available to be spread. Bieldton WIG information will be utilized as the closest data source to the project.

The two water rights are partially overlapping and as such the acreage noted was irrigated with a combination of the two rights. No specific designation was made at the time of certification of the specific irrigated acres that were tied to specific water rights. Thus this analysis will not identify specific irrigated acres associated with each water right, but will determine the ACQ of the two water rights together, and will then determine specific numbers assigned to each water right based upon prorated shares based upon face plate numbers.

Circle A Grass CIR = 28.77"  Spring Wheat CIR = 26.00"  Spring Barley CIR = 26.00"

For crop years 1983 and 1984 the TIR would be:
115.0X26.00/0.8/12=311.46 ac-ft

The Consumptive Use (CU) = TIRX.95=295.89 ac-ft

For crop years 1985 through 1987 the TIR would be:
115.0X28.77/0.8/12=344.64 ac-ft

The Consumptive Use (CU) = TIRX.95=327.41 ac-ft

Circle B Grass CIR = 28.77"  Spring Wheat CIR = 26.00"  Spring Barley CIR = 26.00"

For crop years 1983 and 1984 the TIR would be:
53.0X26.00/0.8/12=143.54 ac-ft

The Consumptive Use (CU) = TIRX.95=136.36 ac-ft

For crop years 1985 through 1987 the TIR would be:
53.0X28.77/0.8/12=158.83 ac-ft

The Consumptive Use (CU) = TIRX.95=150.89 ac-ft

Circle C Grass CIR = 28.77"  Spring Wheat CIR = 26.00"  Spring Barley CIR = 26.00"

For crop years 1983 and 1984 the TIR would be:
100.8X26.00/0.8/12=273.00 ac-ft

The Consumptive Use (CU) = TIRX.95=259.35 ac-ft

For crop years 1985 through 1987 the TIR would be:
100.8X28.77/0.8/12=302.69 ac-ft

The Consumptive Use (CU) = TIRX.95=286.98 ac-ft

The two highest water duty years are therefore 1985 and 1986, and the associated ACQs result in the following 2 year average:
Average = (327.41+150.89+286.98)/2=765.28 ac-ft

Certificated for 1370 ac-ft, therefore the use has been less than the certificated amount

Total Acreage Currently Irrigated = 268.8 acres

Certificated for 880 acres, therefore currently irrigating less than the certificated acreage

040-105(02/08)  Record of Examination No. G3-00854C
All water to be transferred to grapes at 1.5 ac-ft/acre

Irrigable acres - 765.28/1.5 =510.2 acres

Additional acres based upon spreading – 510.2 - 268.8 = 241.4 acres

Grand Total gpm – 1600

Grand Total ac-ft – 765.28

Grand Total acres – 510.2

To determine the final totals associated with each water right it will be assumed that each water right provided a prorated share of the water for the historical water use. The prorated share covered by each water right is therefor as follows:

G3-00654C
1. Fully utilized the 1000 gpm under the right
2. 800/1370X765.2=446.9 acre-feet prorated
3. 389/800X510.2=220.3 acres prorated

G3-00896C
1. Fully utilized the 600 gpm under the right
2. 570/1370X765.2=318.4 acre-feet prorated
3. 500/800X510.2=289.9 acres prorated

The information or conclusions in this section were authored and/or developed by Thomas R. Bachholz, PE.

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

The certificate of water right is verified and in good standing per Department records.

Reinishment or abandonment concerns:

As part of this change there will be no change in the instantaneous allocation, there will be a relinquishment of 353.1 acre-feet of water annually and a net reduction of 279.7 acres after the water spreading is taken into account.

Hydraulic analysis

Based on a detailed technical review of the applicant’s submittal, it is concluded that the requested change/transfer will withdraw water from the same body of water (and management area) as that allowed under the existing water right—and per applicant discussions with Department staff. A detailed report was prepared by Kevin Lindsey, LHG, of GSI Water Solutions Inc. detailing this finding, and was included with the application.

The added change cannot create impairment. The Board has reviewed the applicant’s technical information on potential impairment, and concludes that impairment is not an issue for the water right change/transfer see the Impairment Analysis G3-00654C & G3-00896C Attachment, and the associated Technical Memorandum.

It is noted and concluded from existing WA State water law, Department water right data, the applicant’s technical information (impairment analysis attached), and previous discussions with Department staff, that:

1) Impairment means that other water right holders are unable to use their water rights (whole or in part), given reasonable pumping lift with the construction of qualifying diversion works.

2) For this immediate area, no record/affirmation of impairment has been noted by the Board or Department.

3) The Department staff impairment concerns are addressed in the attached Impairment Analysis and Technical Memorandum.

4) The Board has required the applicant to consider impairment issues for the applicant’s change request, including technical consultations with the Board. There is no indication that the change action will impair other water rights. The Board has attached the formal impairment analysis prepared by a qualified Professional Engineer, and the associated Technical Memorandum prepared by Licensed Hydrogeologist.

5) Based on the public notice of this change request, the Board has received no impairment issue protests or comments from other existing water right holders, including those who withdraw water from sites close to the applicant’s proposed well sites.

The Board concludes that the proposed action will not create impairment to other water rights per the provisions and conditions established under the existing permit/change order and the conditions provided within this ROE/ROD; impairment is not an issue for the specific action related to this water right change.

040-105(02/08) Record of Examination No. G3-00654C
Consideration of comments and protests

Public notice of the application was given in The Goldendale Sentinel on June 25 and July 2, 2014. The protest period ended on August 4, 2014. A protest was received from Bob-Lou Farms, dated July 11, 2014 by both the Department of Ecology and the Board. A follow-up letter from Bob-Lou Farms was sent to the Department of Ecology. This letter was not dated. Two protest letters were received from Al Fountain Alderdale Farms dated October 17, 2014 by the Department of Ecology. These protest letters were received after the comment period closed.

There were four main items that were brought up in the protest letter from Bob-Lou Farms. The items and associated responses follow:

There will be no impairment to the neighboring wells at the new withdrawal point.

The Impairment Analysis G3-00654C & G3-00896C Attachment, and the associated Technical Memorandum indicates that there will be no impairment as per Department of Ecology guidelines. Impact does not imply impairment. An Aquifer Test Data Report was prepared by Aspect Consulting. That report indicates that existing wells near the proposed new well location were not impacted during the testing procedure. The results of that testing lend one to consider that the potential impacts of the new well on the wells lying to the NE may be somewhat limited.

That the current point of withdrawal and the new point of withdrawal are within the same body of water which is presumed to be the Wanapum aquifer.

GSI Water Solutions, Inc. prepared a Hydrostratigraphic Assessment for Water Rights Transfer, Water Right Certificate G3-00654C (Note that the existing well serves G3-00896C also) that indicates that they believe that the existing point of withdrawal and the proposed additional point of withdrawal would have wells yielding from the Wanapum Basalt aquifer.

That there is continuity between both withdrawal points and no interfering faults.

There has been no definitive information presented in either the GSI report, the Aquifer Test Data Report prepared by Aspect Consulting or any information presented by Department of Ecology staff that would indicate that there are any faults that have been identified between the two points of withdrawal that would indicate that there is any potential impact to continuity between the two wells. As a follow-up Steve Germull, LHG of Aspect Consulting, LLC has provided a letter documenting this.

That they have a third party present if chips samples are acquired and tested.

Chips samples will be collected and third parties will be invited to observe their collection. Samples will be delivered to WSU for analysis to verify that the new production well does not penetrate the Grande Roade Aquifer if requested by the Department of Ecology.

A second letter from Bob-Lou Farms was received by the Department of Ecology. This letter is not dated, nor does it have a Department of Ecology date stamp, and as such it is unknown if it was received with the official protest period. However, the following is a response to that letter:

The premise of this second letter is that static water elevations should be the same anywhere within the same body of groundwater. This is true only on a localized basis. The body of water that is being considered under this application is hundreds of square miles in extent. There can be significant differences in static water elevations within the same body of groundwater. Water is moving at varying rates from higher static water level elevations to lower static water elevations within the same body of groundwater.

Two letters were received from Al Fountain Alderdale Farm by the Department of Ecology. These letters were received after the official protest period. Since these letters were received after the protest period no official response is required. However, the following will address the comments presented:

The first concern is that the depth of the existing well (274') is not in the same body of groundwater as the proposed well. As per the original GSI report and the subsequent GSI Technical Memorandum, and the letter prepared by Aspect Consulting all indicated that both the existing well and the proposed well are and will produce water from the same body of groundwater.

The second concern is that the Wanapum aquifer doesn't start until a depth of 700' as that is where McBride's first hit water. The Wanapum aquifer is not based upon where water is encountered, but rather where specific basalt flows are encountered. The Wanapum Basalts are several hundred feet thick with varying thicknesses of the Saddle Mountain Basalts overlying them depending upon location. The cross section of the basalts lying in the vicinity of the existing and proposed wells is shown in the GSI Technical Memorandum. As provided in the Impairment Analysis and the associated Technical Memorandum the existing water rights will not be impaired by the proposed change.

The third concern is that they have had to lower their pumps and add horsepower in order to maintain pumping volumes owing to declining water levels. The Department of Ecology has not declared this location to be in a critical groundwater area. Based upon the findings of GSI and Aspect the existing well is currently producing from the same body of water as the proposed well. As such the overall impact to the annual declines associated with adding the proposed point of withdrawal will be minimal. As per the Impairment Analysis and the associated Technical Memorandum, the existing water right holders near the proposed additional point of withdrawal will not be impaired from the proposed change.

Impairment

There will be no impairment of existing water rights or the holder of those rights associated with this change. See Impairment Analysis G3-00654C & G3-00896C Attachment, and the associated GSI Technical Memorandum.
Public Interest

The Board concludes that the requested change/transfer is not contrary to the public interest governing water use. To the extent review of public interest is applicable, the Board finds that the application for change is consistent with public policy objectives of the state to provide for efficient use of water resources, to encourage supply of new or expanding uses through change/transfer of existing water rights, to provide greater operational control to water managers, and to ensure no impairment exists.

Annual Consumptive Quantity (ACQ)

When the last 5 years of history has been reviewed the 1000 gpm instantaneous rate under G3-00654C has been affirmed. The annual acre-footage of 446.9 acre-feet for the irrigation of 220.3 acres under G3-00654C has been affirmed. This results in a relinquishment of 353.1 acre-feet and 159.7 acres.

Other

The board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision.

DECISION [See WAC 173-153-130(6)(e)]

The Klickitat County Water Conservancy Board hereby RECOMMENDS APPROVAL of the water right change/transfer described within this Record of Examination and Record of Decision as summarized in the Board Decision section of this report, and submits this report for conditional approval to the Director of the Washington State Department of Ecology.

The information or conclusions in this section were authored and/or developed by Thomas R. Buchholtz PE.

PROVISIONS [See WAC 173-153-130(6)(f)]

Conditions and limitations

The applicant's water right change is conditioned by all provisions of the existing G3-00654C certificate. These include and are not limited to:

- The total withdrawal under Certificates G3-00654C and G3-00896C shall not exceed the following annual quantities: 1600 gpm, 765.3 acre-feet, for the irrigation of 510.2 acres.
- An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.
- Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.
- The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for actual crop growth on the number of acres and place of use specified.
- A superseding certificate of water right will not be issued until a final examination is made.
- The water quantities and uses recommended and/or the number of acres to be irrigated may be reduced at the time of issuance of a final water right commensurate with the capacity of the installed system and the uses and/or the number of acres actually irrigated.
- Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes.
- All wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 and Chapter 173-160 WAC.
- Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation.
- This authorization to make use of public waters of the state is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

Construction Schedule

The Applicant will begin the work required to fulfill the requirements of this change by January 1, 2016. Work will be completed to fulfill the requirements of this change by January 1, 2019. The water authorized under this change shall be put to full beneficial use by January 1, 2023.

The information or conclusions in this section were authored and/or developed by Thomas R. Buchholtz PE.
The undersigned Board Commissioner certifies that he/she understands the Board is responsible “to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the Board’s evaluation process, are thoroughly evaluated and discussed in the board’s deliberations. These discussions must be fully documented in the report of examination.” [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report’s conclusions.

Signed at Goldendale, Washington
This 12th day of May, 2015

[Signature]
J.P. Enderby, Chairman
Klickitat County Water Conservancy Board