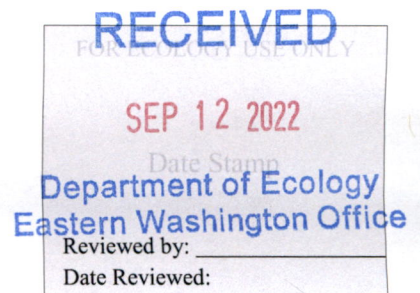


Board Name: SPOKANE
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision



Applicant Name: Robert H. Greiff and Robert W. Greiff

Application Number: SPOK-22-02

This record of decision was made by a majority of the board at an open public meeting of the (Board Name) Spokane County Water Conservancy Board held on (date meeting was held) August 22, 2022. 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.

☒ **Approval:** The (board name) Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on (date report of exam was signed) 8/22/22 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:

Water Conservancy Board Name: Spokane County	Date: <u>8/22/22</u>
Chair Name: Anthony Kiepe	Signature: <u>[Signature]</u>
(choose one) <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)	

Water Conservancy Board Name: Spokane County	Date: <u>8/22/22</u>
Title: Board Member Name: Kelly Williquette	Signature: <u>[Signature]</u>
(choose one) <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)	

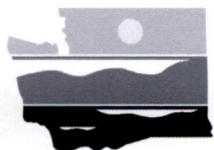
Water Conservancy Board Name: Spokane County	Date: <u>8/22/22</u>
Title: Board Member Name: Christopher Savage	Signature: <u>[Signature]</u>
(choose one) <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)	

Water Conservancy Board Name: Spokane County	Date: <u>8/22/22</u>
Title: Board Member Name: Diana Wilhite	Signature: <u>[Signature]</u>
(choose one) <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)	

Water Conservancy Board Name: Spokane County	Date: <u>8/26/2022</u>
Title: Board Member Name: Kevin Freeman	Signature: <u>[Signature]</u>
(choose one) <input type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input checked="" type="checkbox"/> Other (please explain) <u>Absent due to illness</u>	

Mailed with all related documents to the Dept of Ecology (send to the Regional office below), and any other interested parties.

ECY 040-105 (05/14) If you need this document in a format for the visually impaired, call Water Resources Program at 360-407-6872.
Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.



DEPARTMENT OF
ECOLOGY
State of Washington

Board Name: Spokane County

RECEIVED
DEPARTMENT OF ECOLOGY

SEP 12 2022

WATER RESOURCES PROGRAM
EASTERN REGIONAL OFFICE

WATER CONSERVANCY BOARD

Application for Change/Transfer

OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON

REPORT OF EXAMINATION

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

NOTE TO AUTHOR: Read the instructions for completing a water conservancy board report of examination. Use the Tab key to move through the form or with your mouse, select the fields to enter information.

☐ Surface Water ☒ Ground Water

Date Application Received	February 28, 2022	Water Right Document Number (i.e., claim, permit, certificate, etc.)	GWC 4589-A
Water Right Priority Date	October 8, 1962	Board-Assigned Change Application Number	SPOK-22-02
Name:	Robert H. Greiff and Robert W. Greiff	Phone:	(509) 466-2744
Address (street):	6223 W Ridgeway Rd	City:	Deer Park
		State:	WA
		Zip:	99006
Changes Proposed: <input type="checkbox"/> Change purpose <input type="checkbox"/> Add purpose <input checked="" type="checkbox"/> Add irrigated acres <input type="checkbox"/> Change point of diversion/withdrawal <input type="checkbox"/> Add point of diversion/withdrawal <input checked="" type="checkbox"/> Change place of use <input checked="" type="checkbox"/> Other (Temporary, Trust, Interties, etc.) To enable irrigation of additional acreage.			
SEPA: The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Not Exempt			

BACKGROUND AND DECISION SUMMARY

Please include a map(s) reflecting all referenced existing and proposed point(s) of diversion or withdrawal and place(s) of use (RCW 90.03.260(7); WAC 173-153-070 (6)(c).

Existing Right (Tentative Determination)							
Maximum cub ft/second		Maximum gal/minute	50 gpm				
Maximum acre-ft/yr	20 ac-ft/yr	Describe Type(s) of use, and period(s) of use	irrigation of 5 acres during irrigation season				
Source	a well		Tributary of (if surface water)				
At a Point Located:							
Parcel No.	27044.9004	1/4	W1/2	1/4	SE	Section	04
Township N.	27N	Range	42E	WRIA	55	County	Spokane
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
Type detailed legal description of the place of use:							
W1/2SE1/4, Sec. 4, Twp. 27 N., Rge. 42 E.W.M., Spokane County, Washington.							
Parcel no.	27044.9004	1/4	W1/2	1/4	SE1/4	Section	04
Township N.	27N	Range	42E	WRIA	55	County	Spokane

Proposed Use							
Maximum cub ft/second			Maximum gal/minute	50 gpm			
Maximum acre-ft/yr	20 ac-ft/yr		Describe Type(s) of use, and period(s) of use	20 ac-ft/yr for seasonal irrigation of 100 acres Not to exceed 100 acres in combination under SWC 4057, GWC 4589-A, and G3-01333C.			
Source	a well (no change)			Tributary of (if surface water)			
At a Point Located: Parcel No.	27044.9004	1/4	W1/2	1/4	SE	Section	04
Township N.	27N	Range	42E	WRIA	55	County	Spokane
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
Type detailed legal description of the place of use: W1/2SE1/4 Sec. 4 and W1/2NE1/4 Sec. 9, T. 27 N., R. 42 E.W.M.							
Parcel #: 27044.9004, 27091.9036, 27091.9037.							
Parcel no.	See above.	1/4	See above.	1/4	See above.	Section	04, 09
Township N.	27N	Range	42E	WRIA	55	County	Spokane

Board's Decision on the Application							
Maximum cub ft/second			Maximum gal/minute	50 gpm			
Maximum acre-ft/yr	16.5 ac-ft/yr		Describe Type(s) of use, and period(s) of use	16.5 ac-ft/yr (all consumptive) for seasonal irrigation of 100 acres. Not to exceed 100 acres in combination under SWC 4057, GWC 4589-A, and G3-01333C.			
Source	a well			Tributary of (if surface water)			
At a Point Located: Parcel No.	27044.9004	1/4	W1/2	1/4	SE	Section	04
Township N.	27N	Range	42E	WRIA	55	County	Spokane
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
Type detailed legal description of the place of use: W1/2SE1/4 Sec. 4 and W1/2NE1/4 Sec. 9, T. 27 N., R. 42 E.W.M.							
Parcel #: 27044.9004, 27091.9036, 27091.9037.							
Parcel no.	See above.	1/4	See above.	1/4	See above.	Section	04, 09
Township N.	27N	Range	42E	WRIA	55	County	Spokane

Description of Proposed Works
Description of water diversion/withdrawal, conveyance, and distribution system: A 5hp pump delivers water to a pressure-pipe system with risers for connection, primarily, to wheel line / side roll sprinkler irrigation equipment.

Development Schedule	
Begin project by this date (At least 75 days after Board's ROD issuance):	Begun.
Complete project by this date:	Complete.
Complete change & put water to full use by this date:	December 1, 2027

Report

NOTE TO AUTHOR: This form reflects the minimum regulatory requirements as required in WAC 173-153-130(6). In accordance with WAC 173-153-130(5), "It is the responsibility of the water conservancy board 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." **Completion solely of the minimum regulatory requirements may not constitute a fully documented decision.**

BACKGROUND [See WAC 173-153-130(6)(a)]

On Month February, day 28, year 2022.

Name of applicant: Robert H. Greiff and Robert W. Greiff of City: Deer Park State: WA filed an application for change (to do what e.g., POU, POD, POW, etc) to change the period of use to "seasonal", to increase the irrigation area to be up to 100 ac, and to change the place of use under (Water right number, e.g., certificate, permit, claim, superseding document #, cert of change #): Certificate of Ground Water Right (GWC) No. 4589-A. The application was accepted at an open public meeting

on Month: February, day: 28, year: 2022, and the board assigned application number(XXXX-YR-##): SPOK-22-02.

Attributes of the water right as currently documented

Name on certificate, claim, permit: William H. Greiff

Water right document number (e.g., cert #, claim #, permit #, superseding document #): GWC 4589-A

As modified by certificate of change number: n/a.

Priority date, first use Date of priority or claimed date water was originally first put to beneficial use : October 8, 1962

Water quantities: Qi (Instant qty): 50 gpm Qa (Annual qty): 20 acre ft./ year

Source (well, river, etc): a well

Point of diversion/withdrawal (Distance from 1/4, Section, Township, Range EWM): Approx. 1600 ft north and 2550 ft west of the SE corner of Sec. 04, T27N, R42EWM.

Purpose of use: irrigation Number of Acres if Irrigation: 5 acres (ac)

Period of use: not specified

Place of use: W1/2SE1/4, Sec. 4, Twp. 27 N., Rge. 42 E.W.M., Spokane County, Washington.

Existing provisions (family farm act, interruptable, etc.): none.

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

Describe the historical water use information that was considered by the board:

The applicant filed three closely related change applications on certificates SWC 4057, GWC 4589-A and G3-01333C. Certificate 4057 authorizes an unnamed spring as its source. Certificates 4589-A and G3-01333C each issued for "a well" as source. Historically, a single well has been used to supply both 4589-A and G3-01333C. The spring and well are in close proximity to one another, and are adjacent to Wethey Creek. Wethey Creek is a tributary to Dragoon Creek, which in turn joins the Little Spokane River between river miles 21 and 22.

The applications were given board Nos. SPOK-22-01, SPOK-22-02 and SPOK-22-03, respectively (change applications filed on Ecology Record/Document Nos. S3-*09045CWRIS, G3-*06512CWRIS and G3-01333CWRIS). This report addresses SPOK-22-02, but for convenience all three applications will be discussed together.

The historic water use considered by the board included Washington Department of Ecology (Ecology) public records, information provided by the applicant's consultant, and a site inspection. According to information

provided by the applicant, the lands relating to the change applications have been under cultivation by three generations of the Greiff family. Robert H. Greiff grew up on the farm, and continues to work the farm together with his son Robert W. Greiff. Robert H. Greiff's father William Greiff applied for the earliest water right No. 4057 in 1949. The two well water rights were applied for in 1962 and 1968.

The farm has been consistent in its water use over the years, in a stable rotation of alfalfa hay, grass, oats, small grains, wheat and triticale. For over 50 years the well and spring have been used in combination to supply an integrated system, and the water rights likewise have been used in combination.

The crops have been irrigated by pumping from the sources into a common mainline, with risers to connect to wheel lines which are then moved in sets across the fields.

The cropping program used by the Greiff family allows for water to be used more or less continuously throughout the irrigation season, by arranging the crops so that fields being dried and hayed are alternated in sequence while other fields continue under irrigation.

A complication arises because for the past 50 years the applicant has irrigated more than the total combined limit of 37 acres authorized by the three certificates. The certificates only authorize use of water north of Ridgeway Road, which runs due east and west, but the farm extends to include lands south of the road. Based on aerial photos, water right file documentation, and the first-hand experience related by Mr. Greiff, all of the lands north and south have been irrigated since the 1970s. According to Mr. Greiff, he thought his water rights allowed this. When he received a letter from the Washington Department of Ecology (Ecology) in 2019 inquiring about rights for the land south of the road, he requested assistance from a consultant. The consultant confirmed that the certificates limited the use area to north of Ridgeway Rd. Mr. Greiff then irrigated the 37 acres north of Ridgeway Rd. during 2020-2021.

There are no flow meters to measure use. For this reason, historic water use information considered by the board focused on the crop demand method (AgWeathernet climate data and model), along with hours-run data collected during the 2020-2021 irrigation seasons. The applicant's consultant estimated water use from electrical energy consumption as an independent verification of use. Aerial photos are consistent with the described historic use.

Previous changes

Describe any previous change decisions associated with the water right:

n/a.

SEPA

The board has reviewed the proposed project in its entirety (Provide a detailed explanation of how the board complied with the State Environmental Policy Act):

The project falls under categorical exemption from the State Environmental Policy Act (SEPA). The board considers that SEPA compliance has been met for this project.

Other

Provide any other pertinent information relative to the background of this water right:

n/a.

The information or conclusions in this section were authored and/or developed by (Name of Person): Tim Reiersen, PE, dba Streamline Water Consulting LLC, consultant for applicant in consultation with board member Kevin Freeman.

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

Public notice of the application was given in the (Name of Publication(s): **The Spokesman-Review**
on Dates Published: **April 1 and April 8, 2022**. Protest period ended on (end date of protest period): **on or around May 8, 2022**.

There were # _____ or no ☒ protests received during the 30 day protest period. In addition, no ☒ or # _____ oral and written comments were received at an open public meeting of the board or other means as designated by the board.

Date (protest/comment received): _____

This was recognized by the board as a ☐ Protest ☐ Comment

Name/address of protestor/commenter: _____

Issue (describe issues raised): _____

Board's analysis (board's response to the protest/comment): _____

NOTE to author: Repeat this table as necessary to describe each protest or comment
(attach a separate sheet if needed)

Other

Provide any other pertinent information relative to the comments and protests receive:

n/a.

The information or conclusions in this section were authored and/or developed by (Name of Person): Tim Reiersen in consultation with board member Kevin Freeman.

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

The following information was obtained from a site inspection conducted by (person(s)): **board member Kevin Freeman**
on (date of field exam): **April 29, 2022**, technical reports, research of department records (list other references, if any) _____
and conversations with the applicant and/or other interested parties.

Proposed project plans and specifications

Describe proposed use of water to include # of connections, method of irrigation, type of crop, commercial use, etc. Also describe any issues related to development, such as the proposed development schedule and an analysis of the effect of the proposed transfer on other water rights, pending change applications & instream flows established under state law.

Proposed Use, Irrigation Method, Type of Cropping. The proposed use will be a continuation of the historic farming practices at the farm by resuming irrigation south of Ridgeway Road. The maximum total irrigation area proposed is 100 acres. To accomplish this will require deficit irrigation at times, depending on the acres farmed in a given year and the cropping planted. The applicant intends to continue using wheel line irrigation but would have the option to consider other methods if they so choose. With the benefit of flow meter readings, the applicant will be able to gauge water use through the course of the season to stay within water right limits. For certificate 4057, the annual volume and season of use are unspecified. The applicant proposes a 48 inch average water duty be adopted, for a total of 48 af/yr in annual volume, and to use the standard language of "seasonal" irrigation. For certificate 4589-A, the season of use is not specified and the applicant proposes likewise to use "seasonal" irrigation.

Development Schedule. The applicant requests a five year time frame for adding irrigation acres and gaining experience with a sustainable cropping pattern, under the limitations imposed. Proof of Appropriation would be due December 1, 2027. The project is begun and construction is complete.

Effect of Proposed Change/Transfer. The effect of the proposed change/transfer would be to authorize the farm to return to practices similar to past history, subject to monitoring actual water use by flow meter.

Other Water Availability Considerations. There is a low flow condition within the approval permit that issued for SWC 4057. Mr. Greiff related that the spring source has never had a shortage of water, and that no call has ever been made based on the low flow condition at the mouth of Wetthey Creek. The low-flow condition is noted as a part of the water right authorization limitations, and will continue in force.

Other water rights appurtenant to the property (if applicable)

Describe any other water rights or other water uses associated with both the current and proposed place of use and an explanation of how those other rights or uses will be exercised in conjunction with the right proposed to be transferred.

There are no other state-issued water rights associated with the current and proposed places of use. There are two residences and a farm museum within the properties owned by the applicant, served by their own wells under the permit exemption at RCW 90.44.050.

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. Provide an analysis of the transfer as to whether it is detrimental to the public interest, including impacts on any watershed planning activity. Public interest is not considered if the proposed water right is authorized under RCW 90.03.380 exclusively.

Applicable to groundwater rights only. For GWC 4589-A and G3-01333C, the board finds that the project is a continuation of longstanding agricultural practices, consistent with land use designations for the area. Provided that the quantity of water used is not increased, and the consumptive use of water is not increased, no impacts will occur on any watershed planning activity. The project is located within the area of the Little Spokane Watershed Plan (Water Resource Inventory Area [WRIA] 55), which was recently subject of a Watershed Plan Implementation Assessment (Ecology Publication 22-11-008 dated February 2022). The assessment contains links to extensive information about watershed planning activities within WRIA 55.

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. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. 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. Describe any information indicating that an existing water right or portion of a water right has been relinquished or abandoned due to nonuse and the basis for the determination.

Technical information provided by the applicant was referenced by the board to evaluate the facts of historic water use for purposes of making a tentative determination of extent and validity for the water rights as described next.

Instantaneous pumping capacity. The applicant's consultant related that the 10hp pump is used at the spring, and a 5hp pump from the well which when operated together can produce the 204 gpm total authorized by the water rights.

Well source for GWC 4589-A. A gap in time was noted between certificate issuance (August 1963) and final construction of the well source (summer 1965). The applicant's consultant provided information from Mr. Greiff about these circumstances within a May 23, 2022 Technical Memorandum, and submitted a legal opinion from attorney Tom McDonald dated August 1, 2022 about the validity of the water right for purposes of the

application for change. The board concurs that the water right certificate can be evaluated based on beneficial use from the well.

Annual volume by crop demand method. Cropping over the long-term history has been similar to the present. The tentative determination considers the combined authorization of the certificates, which is limited to 37 acres. The years 2020-2021 were confined to 37 acres located as authorized, within the portion of the farm north of Ridgeway Rd. Crop irrigation requirements (not including application efficiency) were obtained from AgWeatherNet model results for the Green Bluff climate station, located 10 miles easterly. An irrigation season from April 1 through October 1 was used. Specific designations for oats and triticale are not given within AgWeatherNet but can be approximated under Spring Grains or Winter Wheat, depending on planting times. The crop irrigation requirement, expressed in inches of water applied over an area, is then divided by the application efficiency of the irrigation equipment to arrive at the total irrigation requirement. Ecology guidance document GUID 1210 states the average/typical total application efficiency for wheel lines is 75%. This factor was used to calculate the total irrigation requirement each year, for each crop. The values, paired with the crop requirement, are as follows:

Alfalfa:	2017 (42in, 56in); 2018 (40in, 53in); 2019 (38in, 51in); 2020 (40in, 53in); 2021 (44in, 58in).
Grass (Pasture/Turf):	2017 (37in, 49in); 2018 (35in, 46in); 2019 (33in, 44in); 2020 (35in, 47in); 2021 (38in, 51in).
Spring Grains:	2017 (22in, 30in); 2018 (22in, 29in); 2019 (22in, 29in); 2020 (20in, 27in); 2021 (26in, 35in).
Winter Wheat:	2017 (15in, 20in); 2018 (16in, 21in); 2019 (16in, 22in); 2020 (15in, 20in); 2021 (19in, 26in).

The consumptive use, which is needed for the annual consumptive quantity estimate, is calculated using a percentage of the total irrigation requirement, and is specific to the irrigation equipment and management practices. Ecology guidance document GUID 1210 states the typical/average percent consumptive use is 85% of the total irrigation requirement. For the annual consumptive quantity estimate, the five-year look-back was limited to irrigated farmland north of the road and limited to 37 acres. For the time period from 2017-2021 these lands were farmed in alfalfa hay. In 2020, there was a planting of oats, which was then overplanted with a new stand of alfalfa that year. Results for alfalfa cropping on 37 acres, using the total crop requirement water duties given above are: 2017 (173af total, 147af consumptive); 2018 (164af total, 140af consumptive); 2019 (157af total, 134 af consumptive); 2020 (164af total, 140 af consumptive); 2021 (180af total, 153af consumptive).

Total annual volume by hours-run method. As an independent method to estimate water use on the 37 acres of alfalfa during 2020-2021, the applicant kept records of wheel line run times. The applicant ran two wheel lines at approximately 180 gpm each, 2733 hrs during 2020 and 4309 hrs during 2021, equating to 91 af (30 inch average duty) in 2020 and 143 af (46 inch average duty) in 2021. The 2021 use represented full use of the water rights but supplying only 80% of the irrigation demand for maximum crop production, based on the year 2021 AgWeatherNet prediction for alfalfa. During 2020, the applicant had mechanical and electrical problems, causing significant interruption in supply and reducing the amount of water used.

Total annual volume by pump energy use method. The applicant's consultant estimated water use from electrical energy consumption as another independent verification of use. Based on average operating conditions of 90 psi discharge pressure, 30 feet lift and losses, and wire to water efficiency of 65%, the following estimates of total annual volume were made: 2015 (147af), 2016 (98af), 2017 (75af), 2018 (122af), 2019 (114af), 2020 (87af), and 2021 (143af). All years except 2020 and 2021 reflect irrigation both north and south of Ridgeway Rd. The estimates are in reasonable agreement with the hours-run method for 2020-2021.

The applicant's consultant recommended the following estimates for total beneficial use:

90 af for the year 2020 and 136 af for the year 2021 (limited to 136 af by water rights).

After review of information provided by the applicant's consultant about annual cropping, irrigation equipment, specific on-farm irrigation practices, AgweatherNet model estimates of crop demand, energy consumption by pumping equipment, and irrigation wheel line run-time data, the board finds tentatively that the following quantities are valid:

SWC 4057. 0.12 cfs, 48 ac-ft/yr for seasonal irrigation of 12 acres.

GWC 4589-A. 50 gpm, 20 af/yr for seasonal irrigation of 5 acres.

G3-01333C. 100 gpm, 68 af/yr for irrigation of 20 acres from April 1 to October 1 each year.

All quantities are additive.

1(a). Quantification of current water right:

SWC 4057. 0.12 cfs, 48 ac-ft/yr for seasonal irrigation of 12 acres.

GWC 4589-A. 50 gpm, 20 af/yr for seasonal irrigation of 5 acres.

G3-01333C. 100 gpm, 68 af/yr for irrigation of 20 acres from April 1 to October 1 each year.

1(b). Quantification of transferable quantities:

SWC 4057. 0.12 cfs, 40 ac-ft/yr (total and consumptive) for seasonal irrigation of 100 acres.

GWC 4589-A. 50 gpm, 16.5 ac-ft/yr (total and consumptive) for seasonal irrigation of 100 acres.

G3-01333C. 100 gpm, 56.5 ac-ft/yr (total and consumptive) for irrigation of 100 acres from April 1 to October 1 each year.

2. Source locations for change/transfer (no change):

SWC 4057.

within NW1/4SE1/4 Sec. 4, T27N, R42EWM.

Approx. 1850 feet N and 2150 feet W of the SE corner of Sec. 4.

Within Parcel No. 27044.9004. Lat/Long: 47.865218°, -117.506528°.

GWC 4589-A.

within W1/2SE1/4 Sec. 4, T27N, R42EWM.

Approx. 1600 feet N and 2550 feet W of SE corner of Sec. 4.

Parcel No. 27044.9004. Lat/Long: 47.864486°, -117.508096°.

G3-01333C.

w/in SW1/4NW1/4SE1/4 Sec. 4, T27N, R42EWM.

As described on face of certificate: 1140 feet south and 300 feet east from the center of Sec. 4;

More accurately described as: Approx. 1600 feet N and 2550 feet W of SE corner Sec. 4.

Parcel No. 27044.9004. Lat/Long: 47.864486°, -117.508096°.

3. Place of use for change/transfer:

SWC 4057, GWC 4589-A and G3-01333C (same description for all).

W1/2SE1/4 Sec. 4 and W1/2NE1/4 Sec. 9, T. 27 N., R. 42 E.W.M.

Parcel Nos. 27044.9004, 27091.9036, 27091.9037.

Provide any other pertinent information relative to the board's decision.

n/a.

The information or conclusions in this section were authored and/or developed by (Name of Person): Tim Reiersen in consultation with board member Kevin Freeman.

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

Conditions and limitations

Identify any conditions and limitations recommended as part of an approved transfer, and/or any other corrective action necessary to maintain the water use in compliance with state laws and regulations.

Combined use limit. The quantities authorized are not to exceed 113 ac-ft/yr for irrigation of 100 acres in combination among the following: Surface Water Certificate (SWC) 4057, Ground Water Certificate (GWC) 4589-A and certificate G3-01333C. The annual quantity is considered all consumptive use.

Annual Consumptive Quantity. The above information provides the necessary estimates for calculating the annual consumptive quantity (RCW 90.03.380). The highest two years of annual use are taken from the year 2020-2021 due to the acreage limitation of the water rights, for an estimate of:

$$(90\text{af} + 136\text{af})/2 = 113\text{af}.$$

Under Ecology procedure PRO 1210, Paragraph 6, "The permit writer has discretion to add a reasonable return flow for the the new use, provided that the quantity does not exceed the authorized amount of the water right." Considering that deficit management practices have been in use, the consumptive use factor is taken as 90% for evaluating past irrigation practice, year 2021 use accounting at 136af, resulting in 125 af/yr. Because this exceeds the annual consumptive use result (with 2-year averaging) of 113 af/yr it indicates that consumptive use will not be increased due to the change. The applicant's consultant estimated that future total use be considered 95-100% consumptive due to deficit irrigation. The 113 af/yr combined limit is distributed to the original rights by reducing the annual volume for each in proportion to 113af:136af. The board finds tentatively that the following quantities are valid, incorporating the annual consumptive quantities at 100% consumption and with the acreage increase shown:

SWC 4057. 0.12 cfs, 40 ac-ft/yr (total and consumptive) for seasonal irrigation of 100 acres.

GWC 4589-A. 50 gpm, 16.5 ac-ft/yr (total and consumptive) for seasonal irrigation of 100 acres.

G3-01333C. 100 gpm, 56.5 ac-ft/yr (total and consumptive) for irrigation of 100 acres from April to October 1 each year.

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

Describe the results of any geologic, hydrogeologic, or other scientific investigations that were considered by the board and how this information contributed to the board's conclusions.

May 23, 2022 -- Technical Memorandum; water right study by consultant Tim Reiersen, PE to estimate valid extent of water rights, annual consumptive quantity, and review water spreading proposal. The board considers this work to represent the most current available estimates of historic use, total and consumptive use, annual consumptive quantity for purposes of RCW 90.03.380 requirements to increase irrigation area, and statement of the applicant's plan for expansion of acres without increasing consumptive use.

Other

Provide any other pertinent information relative to the investigation of this application.

n/a.

The information or conclusions in this section were authored and/or developed by (Name of Person): Tim Reiersen in consultation with board member Kevin Freeman.

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

Tentative determination (validity and extent of the right)

Describe whether, and to what extent, a valid water right exists.

It is tentatively determined that valid rights exist as follows:

SWC 4057. 0.12 cfs, 48 ac-ft/yr for seasonal irrigation of 12 acres.

GWC 4589-A. 50 gpm, 20 af/yr for seasonal irrigation of 5 acres.

G3-01333C. 100 gpm, 68 af/yr for irrigation of 20 acres from April 1 to October 1 each year.

All quantities are additive.

Relinquishment or abandonment concerns

Describe any relinquishment or abandonment of the water right associated with the water right transfer application as discussed in the investigation section of this report.

n/a.

Hydraulic analysis

Describe the result, as adopted by the board, of any hydraulic analysis done related to the proposed water right transfer.

n/a.

Consideration of comments and protests

Discuss the board's conclusions of issues raised by any comments and protests received.

n/a.

Impairment

Describe how or if the transfer proposal will impair existing rights of others.

The transfer proposal will not impair existing rights of others because the historic sources will continue to be used, but in lowered overall quantities. In addition, the consumptive use will not be increased, with the conditions and limitations included within the board's decision. Verification of consumptive use can be made using the same estimates as described within Ecology GUID 1210, combined with metering being added from the sources going forward.

Public Interest

If the proposed transfer is authorized pursuant to RCW 90.44.100, describe whether it is detrimental to the public interest. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively.

n/a for SWC 4057. For GWC 4589-A and G3-01333C the board concludes that the changes will not be detrimental to the public interest.

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. Provide any other pertinent information relative to the board's conclusions.

SWC 4057. The Wethey Creek minimum flow provision within the original permit is included, along with an updated fish screening provision.

SWC 4057, GWC 4589-A, G3-01333C. Up-to-date provisions for flow metering, site access and final proof inspection are added.

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

Provide a complete description of the board's decision, fully and comprehensively addressing the entire application proposal.

The board's decision is to conditionally approve the requested change/transfer proposal, in full description as follows:

Measurements, Monitoring, Metering, and Reporting. An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", chapter 173-173 WAC, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology (Ecology) for modifications to some of the requirements.

Recorded water use data shall be submitted electronically by January 31 each year. To set up an Internet reporting account, contact the Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Regional Office for forms to submit your water use data.

Proof of Appropriation. Consistent with the development schedule given in this report (unless extended by Ecology), the water right holder must file a Notice of Proof of Appropriation (PA) of Water with Ecology. The PA documents the project is complete and all the water needed has been put to full beneficial use (perfected). In order to verify the extent of water use under this permit, an inspection of water use is typically required, known as a "proof exam". After filing the PA, the water right holder's next step is to hire a Certified Water Rights Examiner (CWRE) to conduct this proof exam. A list of CWREs is provided to the water right holder upon filing the PA with Ecology. The final water right document, a water right certificate, then may issue based upon the findings of the CWRE. Statutory county and state filing fees may apply prior to certificate issuance.

Schedule and Inspections. Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Provisions applicable to SWC 4057 only:

SWC 4057 only. Fish Screening Criteria. The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria.
<http://wdfw.wa.gov/about/contact/>.

SWC 4057 only. It is also provided that no diversion shall be made when the flow of Wethey Creek recedes to 0.75 c.f.s. as measured at its mouth.

Mitigation (if applicable)

Describe any requirement to mitigate adverse effects of the project. Mitigation may be proposed by the applicant or the board and be required in the board's decision.

n/a.

Construction Schedule

Provide a schedule for development and completion of the water right transfer, if approved in part or in whole that includes a definite date for completion of the transfer and application of the water to an authorized beneficial use.

The project is begun and construction is complete. Proof of Appropriation shall be due December 1, 2027 unless extended by Ecology.

Other

Provide any other pertinent information relative to provisions

n/a.

The information or conclusions in this section were authored and/or developed by (Name of Person): Tim Reiersen in consultation with board member Kevin Freeman.

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

Spokane Valley,

Washington

This

26th
Date (Day)

day of

August
(Month)

2022
(Year)

Name of Board Representative: Kevin M. Freeman

Name of Water Conservancy Board: Spokane County Water Conservancy Board

Signature: [Signature]