



State of Washington
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT CHANGE

Changed Place of Use

PRIORITY DATE February 25, 1974	WATER RIGHT NUMBER G3-22607
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MAILING ADDRESS Brady Moore 209 E 10 th Ave Ritzville, WA 99169	SITE ADDRESS (IF DIFFERENT)
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Total Quantity Authorized for Withdrawal

WITHDRAWAL RATE 280	UNITS GPM	ANNUAL QUANTITY (AF/YR) 67.5
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Purpose

PURPOSE	WITHDRAWAL RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON- ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Agricultural irrigation of 27 acres	280		GPM	67.5		04/01 - 10/31

Source Location

COUNTY Adams	WATERBODY GROUNDWATER	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA 41-LOWER CRAB
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SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
A well	2835140102632	BIX616	18 N.	35 E.	14	SE¼SE¼	47.04752	-118.36450
							Datum: NAD83/WGS84	

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

2835130302631

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

That portion of the South Half of Section 13, Township 18 North, Range 35 E.W.M, Adams County, Washington, lying Westerly of State Route No. 261, said land being more particularly described as follows: Beginning at the Southwest Corner of Section 13; thence along the West line of said Section 13 North 00°38'12" West, 1369.22 feet; thence South 88°15'39" East, 271.47 feet; thence North 77°49'10" East, 409.03 feet; thence North 69°17'58" East, 766.51 feet; thence North 70°06'55" East, 759.49 feet to the intersection with the Westerly right of way line of State Route No. 261; thence along said Westerly right of way line South 33°19'12" East, 2387.66 feet to the intersection with the South line of the Southeast Quarter of said Section 13; thence along said South line North 89°57'42" West, 749.06 feet to the Southwest Corner of said Southeast Quarter; thence along the South line of the Southwest Quarter of said Section 13 North 89°57'47" West, 2649.70 feet to the Point of Beginning.

Proposed Works

A well and pivot irrigation system

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Complete	Complete	In use

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Upon request
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm or cfs)

Provisions

If no appeals are filed a Superseding Certificate may be issued upon receipt of appropriate fees.

Wells, Well Logs and Well Construction Standards

All wells constructed in the state must meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard must be decommissioned.

All wells must be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag must remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160-291(3) is required.

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", WAC 173-173, 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 for modifications to some of the requirements. Water use records shall be maintained during the development of this authorization and submitted with the Proof of Appropriation.

Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, will 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.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that there is a water right eligible for change; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No.CG3-22607C@1, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this day of 2022.

Jaime Short, Section Manager

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>.

BACKGROUND

An application for change/transfer was submitted by Brady Moore on March 23, 2022. The applicant proposes to change the place of use to the authorization for change to Ground Water Certificate G3-22607. The proposed place of use is owned by the applicant.

A notice of application was duly published in accordance with RCW 90.03.280 in the Ritzville Adams County Journal on May 11 and 18, 2022 and no protests were received.

This application is categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW.

Attributes of Ground Water Certificate G3-22607 with change dated December 5, 2016

Recorded Name:	Brady Moore
Priority Date(date of first use):	2-25-1974
Instantaneous Quantity – Q(i):	280 gallons per minute
Annual Quantity – Q(a):	67.5 acre-feet per year
Source:	A well
Point(s) of withdrawal:	SE¼SE¼ of Sec. 14, T. 18 N., R. 35 E.W.M.
Purpose of Use:	Irrigation of 27 acres

INVESTIGATION

Certificate G3-22607 together with change authorization dated December 5, 2016 authorized the use of 280 gallons per minute, 67.5 acre-feet per year for irrigation of 27 acres. The well is located as described. The proposed property is being irrigated with a pivot.

A field exam was conducted April 6, 2022. The original change was at Proof Stage. The applicant acquired the services of a CWRE. In review of the record it was determined the pivot was constructed outside of the original authorized place of use. The CWRE recommended Mr. Moore file the change to correct the place of use.

The applicant has developed the change authorization. However the 27 acre pivot was developed on adjacent land in Section 13. All other portions of this authorization have been completed. The change is filed to correct the legal description to properly identify the pivot location.

The property has an existing well used for domestic purposes under Water Right Claim No. 131424. This well is not used for irrigation under this right. A new well was constructed to a depth of 300 feet serving this authorization. A meter is installed on the well. The applicant has installed a 27 acre pivot and is using the water.

Rights Appurtenant to the current Place of Use

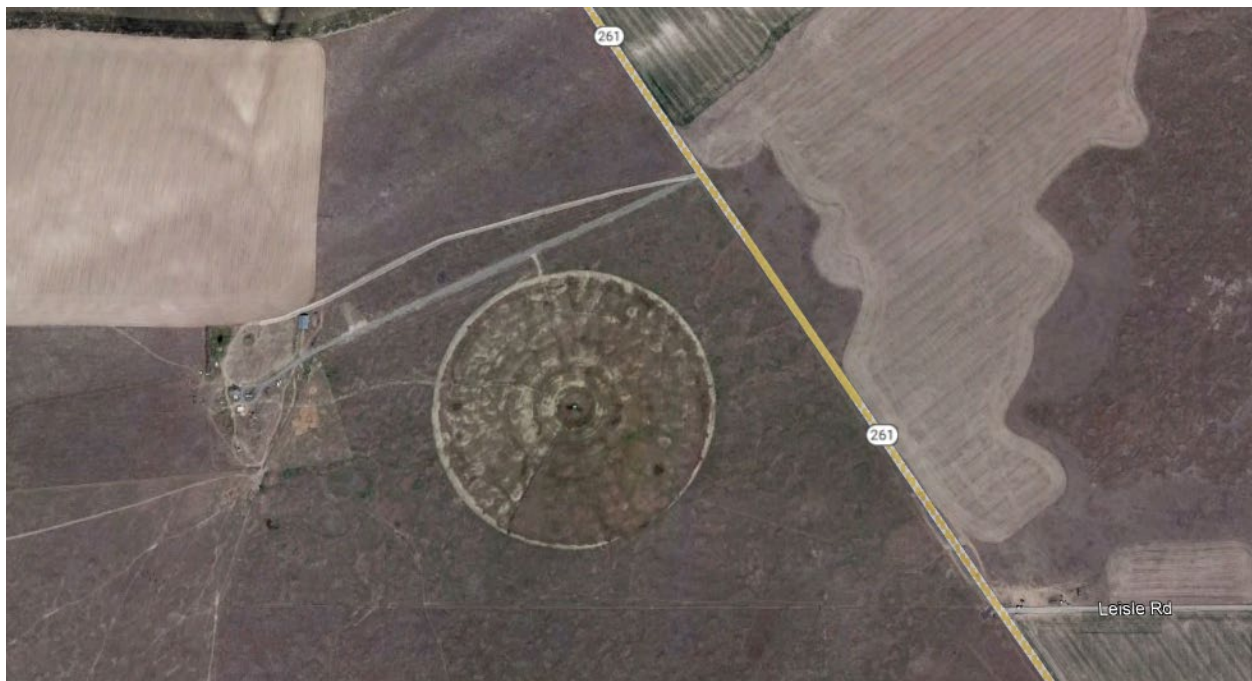
Ground Water Claim 131424 was filed by Pat Twyman during the claim registration period ending in 1974. The document claims a use for domestic, stock and lawn and garden irrigation. The claimed place of use is described as “4 acres of well location”. The claimed well location is within the NE¼SE¼SE¼ of Section 14. The old house was taken down. New buildings have been constructed. Stock is on the property.

The intent of the Claims Registration Act, Chapter 90.14 RCW, was to document those uses of surface water in existence prior to the adoption of the State Surface Water Code, Chapter 90.03 RCW, which was adopted in 1917, and those uses of ground water in existence prior to the adoption of the State Ground Water Code, Chapter 90.44 RCW, which was adopted in 1945. Since each code(s) adoption, the only means of acquiring a water right within the state is by filing for, and receiving, a permit from the Department of Ecology or one of its predecessors or by establishing a right under the “domestic exemption” under the ground water code (RCW 90.44.050). The Department of Ecology recognizes that the final determination of the validity and extent associated with a claim registered in accordance with RCW 90.14 ultimately lies with the Superior Court through the general adjudication process provided for by Sections 90.03.110 through 90.03.240 RCW.

Evaluation of the Water Right and Beneficial Use Analysis

The Washington State Supreme Court, in *Okanogan Wilderness v. Town of Twisp and Department of Ecology*, 133 Wn.2d 769, 947 P.2d 732 (1997), found that applications for change may be granted only to the extent the water has been historically put to beneficial use, as beneficial use determines the measure of a water right. They also found that the existence and quantification of a water right must be determined, including whether or not the water right has been lost for non-use before the Department can approve a change or transfer of the water right.

Ground Water Certificate G3-22607 together with change authorization dated December 5, 2016 authorized the use of 280 gallons per minute, 67.5 acre-feet per year for irrigation of 27 acres. Aerial photo review of the property confirmed that approximately 27 acres has been developed under the change authorization.



Based on this analysis, 280 gallons per minute, 67.5 acre-feet per year for the irrigation of 27 acres appears to be valid for the purposes of this change request.

Hydrologic/Hydrogeologic Evaluation

Applications for change of water right permits and certificates are governed by RCW 90.44.100, which states in part that the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Any amendment shall be issued by the Department of Ecology (Ecology) only under the conditions that (1) an additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) all existing water rights shall not be impaired. Ecology may specify an approved manner of well construction and shall require a showing of compliance with the provisions of the amendment.

This change application does not propose a change in the well location.

The proposed project lies within the boundaries of the Odessa Sub-area as defined in Chapter 173-128A WAC. The Odessa Sub-area encompasses approximately 2000 square miles. The relatively flat-lying land surface slopes in a southwesterly direction and is locally dissected by coulees. The basalt aquifers of the Odessa Sub-area are part of the aforementioned Columbia River Basalt Group.

This right lies within the Odessa Sub Area and could potentially be eligible for replacement water at some time in the future. The applicant does not desire replacement water from the ECBID nor is he within reach of the proposed replacement program. However since all ground water rights within the Odessa Sub area could potentially be transferred for “infill” purposes the following provision will be added to the water right. Should future changes transfer this right closer to the canal and be replaced with surface water, water use under this right would then be subject to the following provision:

In accordance with RCW 90.44.510, Ecology “shall issue a superseding water right permit or certificate for a groundwater right where the source of water is an aquifer for which the department adopts rules establishing a groundwater management subarea and water from the federal Columbia Basin project is delivered for use by a person who holds such a groundwater right. The superseding water right permit or certificate shall designate that portion of the groundwater right that is replaced by water from the federal Columbia Basin project as a standby or reserve right that may be used when water delivered by the federal project is curtailed or otherwise not available.”

This water right authorizes use of groundwater in the Odessa Ground Water Management Subarea.

This provision is being added to clarify that this right will be a standby reserve right that is entirely supplemental to Columbia Basin Project water. Groundwater withdrawn under this authorization shall only be used when delivery of Project water is interrupted during the Project’s irrigation season. Groundwater shall not be used before Project water delivery begins each season and after Project water delivery ends each season.

Should the contract/delivery of water from the Project be terminated by the water right holder, landowner or successor, this standby/reserve right shall be subject to cancellation. However, such cancellation shall not occur if the contract/delivery of water from the Project is terminated as a result of an action outside of the control of the water right holder, landowner or successor, such as the failure of the United States Bureau of Reclamation and an irrigation district to renew their contract.

Transfer of this standby reserve water right to other lands, or change in the nature or purpose of use of this right is prohibited.

Impairment Considerations

“Impair” or “impairment” means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection and/or 2) to prevent the beneficial use of the water to which one is entitled, and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below instream flows levels established by rule (POL-1200); and/or 4) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

The proposed changes in place of use will not enlarge the quantity of water withdrawn from the aquifer, nor increase the irrigated acres. It is not anticipated that the proposed change would cause any impairment to existing water rights.

Public Interest Considerations

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be detrimental impact to the public welfare through issuance of the proposed change.

CONCLUSIONS

It is the conclusion of this examiner that, in accordance with Chapters 90.03 and 90.44 RCW, a valid right exists. This application for change to the place of use will not enlarge the quantity of water identified, nor will it impair existing rights or be detrimental to the public welfare provided the terms and conditions are followed.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the request for change to Ground Water Certificate G3-22607 be approved in the amounts and within the limitations listed below and subject to the provisions.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

- 280 gpm
- 67.5 acre-feet per year
- Agricultural irrigation of 27 acres

Point of Withdrawal

- SE¼SE¼ of Section 14, T. 18 N., R. 35 E.W.M.

Place of Use

- See above

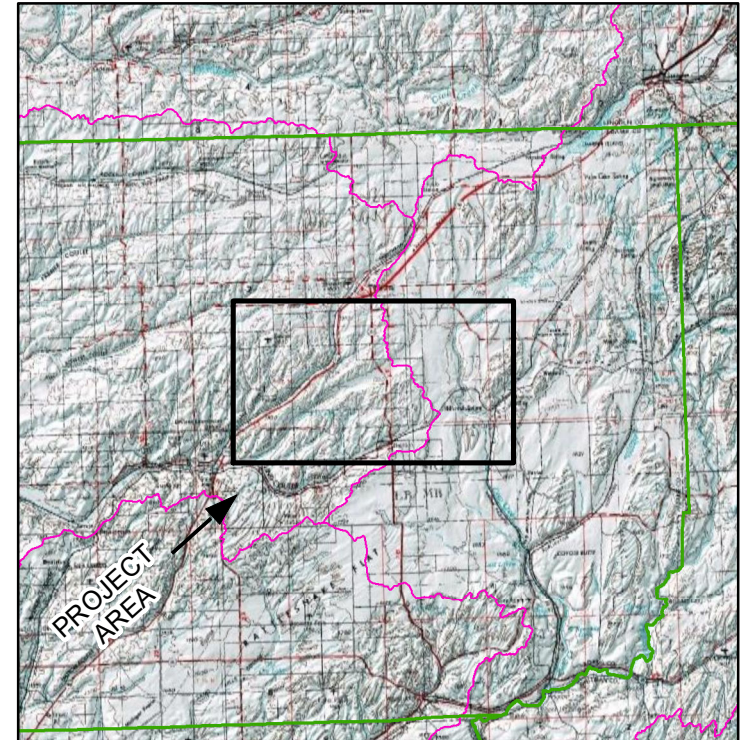
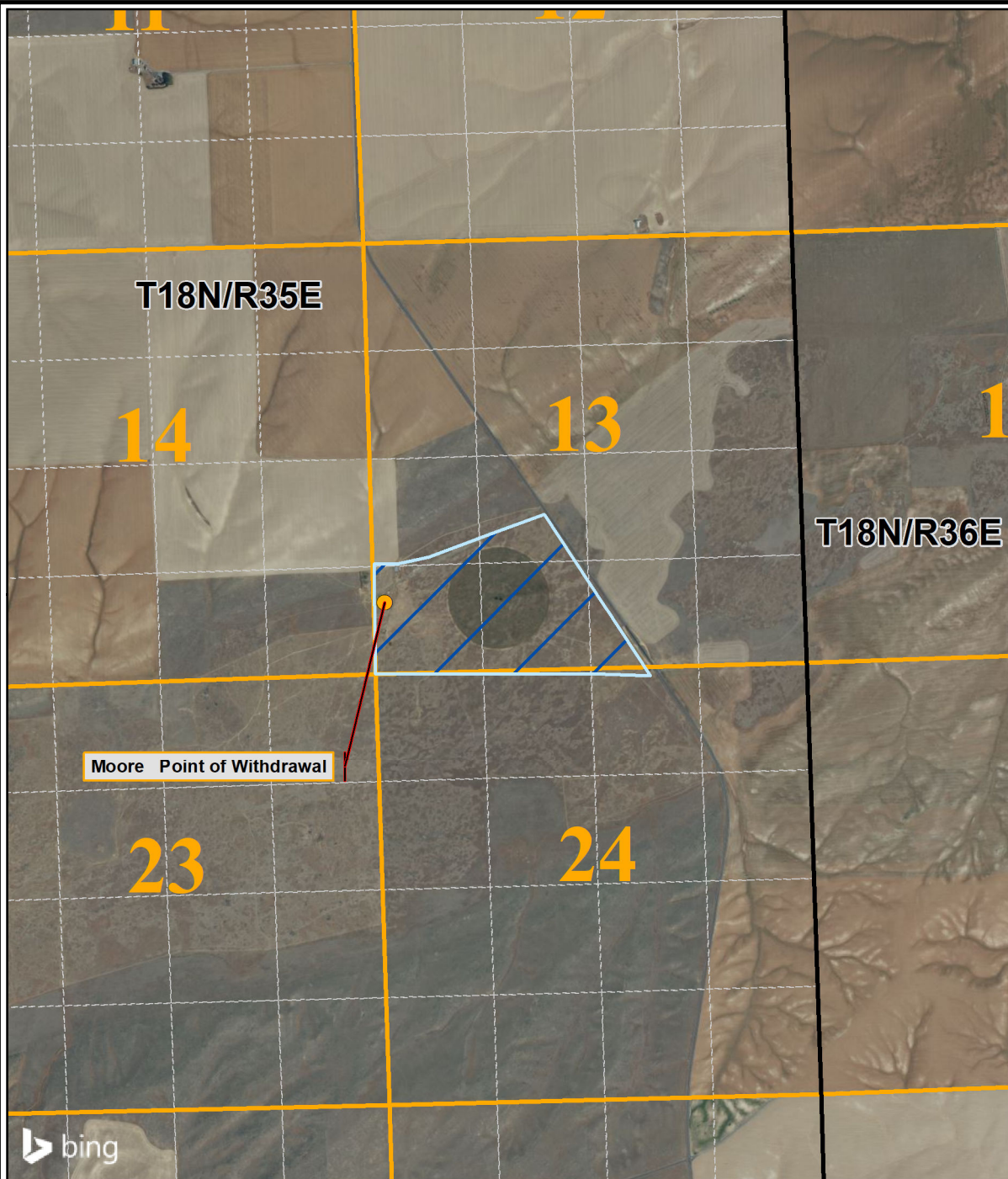
Report by: _____

Kevin Brown
Water Resources Program

Date

Brady Moore
Water Right Number G3-22607
WRIA 41 / Adams County
T18N/R35E-14

ATTACHMENT 1



Legend



Authorized Place of Use

Townships

Sections

Qtr Qtr

Water Right Sources

Well

(Source locations may vary in their accuracy and precision as stated within the body of the report.)

0 1,320 2,640 5,280 Feet

Basemap - (NAIP 2019 Air Photo)



Map Date: 6/29/2022



Comment:

Place of use and source locations are as defined within the Report of Examination for the Water Right specified in the header above.