STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

June 25, 2026

Knutzen Farms LP
ATTN: Kraig Knutzen
16505 Peterson Road
Burlington, WA 98233

Email: kraig@knutzenfarms.com

Re: **APPROVED** 2026 Seasonal Change Authorization for CG1-GWC1243, Skagit County, Water Resources Inventory Area 3

Dear Kraig Knutzen:

The Department of Ecology (Ecology) received your application for a seasonal change of Ground Water Certificate 1243 (Control Number G1-*02040C) on April 6, 2026. This is a new request. Your application has been assigned control number **CG1-GWC1243.** Please refer to this number when corresponding with us about this seasonal change authorization.

Background Information

Groundwater Certificate 1243 was issued to Jess A. Knutzen with a priority date of July 23, 1951. It authorizes the withdrawal of 600 gallons per minute (gpm), 440 acre-feet per year (ac-ft/yr) for irrigation of 220 acres from a well. The certificated point of withdrawal (POW) is located within NE quarter of Section 35, Township 35N, Range 3E, W.M., within Skagit County. The certificated place of use (POU) is the NE quarter, part of the NE quarter of the SE quarter, and part of the NW quarter of the SE quarter of Section 35, Township 35N, Range 3E, W.M. The landowner of the existing POU and a portion of the proposed POU is Knutzen Ag Properties LLC. Roger Knutzen signed the application on behalf of Knutzen Ag Properties LLC. Other owners of the proposed place of use who also signed the application are Jon Aarstad, Tony Wisdom, Roseanna Ryan, and Bruce Bright.

Your seasonal change application requests to:

- Change the POU to 116 acres within the NE quarter and 50 acres within the N half of the SE quarter of Section 35, 29 acres within the NE quarter of the SW quarter, and 25 acres

within the W half of the SE quarter of Section 36, all within Township 35N, Range 3E, W.M., within Skagit County.

- Add the POW locations within the SW quarter of the NW quarter and the NW quarter of the NE quarter of Section 36, Township 35N., Range 3E. W.M., within Skagit County.

The maps submitted with this application show specific acreage you would like to irrigate this year with this certificate and which wells you intend to use. The information on this map appears consistent with what you've requested in the application.

Your consultant, Katie Faber of AESI, created a report which you submitted with this seasonal change application. It states:

> "Historical aerial photographs of the POU for Water Right G1-*02040CWRIS from 1937 through 2022 are included as Attachment B. The photos show that the POU has consistently been in cultivated agriculture since at least 1937.
>
> Knutzen Farms has consistently operated a well for the irrigation of the existing POU since at least 1937. A rotation of potatoes (2021-2025), grass (2021-2025), barley (2021, 2025), wheat (2023), spinach (2024), beans (2024) and beets (2024) have been recently grown within the existing POU of water right G1-*02040CWRIS."

This report includes aerial photos from 1956, 1969, 1981, 2004-07, 2010, 2016, 2019, and 2022 to substantiate your claim that the original place of use has consistently been used for irrigated agricultural purposes, specifically since the certificate was issued in 1952. Additionally, Ecology Staff identified and reviewed aerial photos housed by USGS Earth Explorer (accessible at https://earthexplorer.usgs.gov) from 1972, 1998, 2009, 2011, 2013, 2015, 2017, and 2023, which also appear to show irrigated crops.

The 1951 well report associated with this water right certificate indicates that the existing POW is an 8-inch well that is 56-feet deep with casing throughout the entire depth of the well, and with a capable yield of 500 gpm.

The first proposed additional POW is a 6-inch diameter, 72-foot deep well (casing installed to 62 feet), air tested at over 300 gpm. The second proposed additional POW (Ecology Well Tag #BJS639) is an 8-inch diameter, 99-foot deep well (casing installed to 79 feet), air tested at 300 gpm.

The existing and proposed POWs are likely installed in the shallow alluvial aquifer and, therefore, appear to tap the same body of groundwater. No impairment of other rights is anticipated by the proposed seasonal change in POW.

Because the quantities of the water involved will remain unchanged, and because the proposed acreage to be irrigated is equal to what is authorized in GWC 1243, it appears that there will be no increase in use associated with your request.

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted, and used. Notice of this application was published in the *Skagit Valley Herald* on May 1, 2026, and May 8, 2026. Ecology received the affidavit of publication via email on May 22, 2026. No protest was received.

The Washington Department of Fish and Wildlife (WDFW) was provided notice of this water right application via email on April 29, 2026. WDFW did not provide comments for this application.

Consistent with chapter 43.376 RCW and Ecology Guidance 23-11-005, Ecology also provided Tribal notice of this application via GovDelivery. No comments were received.

Department of Ecology Decision – Including Terms and Conditions

Your request for a Seasonal Change Authorization is hereby **APPROVED**, effective as of the issuance of this decision, under the terms and conditions listed below:

- The authorized instantaneous rate (Qi) cannot be exceeded at any time. The total withdrawal rate under this authorization from the authorized points of withdrawal **shall not cumulatively exceed 600 gpm**. You are required to monitor pumping to ensure compliance with this condition.

- **The authorized annual quantity (Qa) used for irrigation shall not exceed 440 ac-ft** under this seasonal change authorization. You are required to monitor pumping to ensure compliance with this condition.

- **The authorized total number of irrigated acres shall not exceed 220 acres under this seasonal change authorization.**

- The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of this seasonal change authorization by this Department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between the applicant and owner of that land.

- **An approved measuring device must be installed and maintained to measure water used from each source identified in this water right**. Chapter 173-173 WAC Requirements for Measuring and Reporting Water Use describes requirements

for data accuracy, device installation and operation, information collection and reporting, and your right to request a variance.

- **When you use water under this seasonal change authorization, you must record your water use (volume withdrawn and maximum pumping rate) for each day, from each source.** In addition to the preceding metering provision, WAC 173-173-080 allows the Department of Ecology to modify reporting requirements on a case-by-case basis. This provision is written justification and notification to you, the water user. **The Department of Ecology is requiring additional water use data collection under this seasonal change authorization because one of the authorized water sources (Well BJS639) will also be used by another water user.**

- For more information on how to follow the terms of this permit, including forms to complete and how to report water use, refer to our Recording and Reporting Water Use webpage: ecology.wa.gov/record-report-water-use.

- Knutzen Farms LP, as an operator of the sources specified in this seasonal change authorization, shall submit an annual written report on the following conditions: a summary of water use under this seasonal change authorization including volume diverted from each source, peak pumping rate from each source, and any reasons for non-compliance and corrective action that will be taken to prevent that from happening in the future. This report shall be submitted by **January 31, 2027**, by mail or electronically, to the Department of Ecology, Water Resources Program, Northwest Region Office.

- To set up an internet reporting account, please contact a Metering Coordinator with questions about this provision: email wrnwro@ecy.wa.gov or call 206-594-0193.

- **Installation of the measuring devices must be completed prior to irrigation under this seasonal change authorization.**

- **Within thirty (30) days of installing the approved measuring devices**, fill out and return the enclosed "Measuring Device Information" form for each measuring device.

- **Water use under this seasonal change authorization may not occur without operable measuring devices.**

- **This seasonal change authorization shall be in effect through October 1, 2026** (unless canceled sooner), at which time the subject right will automatically revert back to the original attributes described in GWC 1243.

- This seasonal change is subject to existing rights, including any rights held by the United States for the benefit of tribes under treaty or settlement. By ensuring no

enlargement of the rate of water use or the number of irrigated acres, this authorization should have no greater impact on tribal rights than the original authorization.

- If it can be shown that water use authorized by this seasonal change is causing impairment of existing rights or is being used illegally, this authorization will be immediately canceled.

- Violation of any of the terms and conditions of this seasonal change authorization will result in this authorization being immediately canceled, issuance of administrative orders to cease and desist, and may also subject the violator to civil penalties.

- 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.

- Ecology assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this seasonal change authorization.

- Ecology staff may field verify this seasonal change authorization at any time for compliance with the terms and conditions of this authorization.

- THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) CHANGE AUTHORIZATION WILL ISSUE FOR THE FUTURE USE OF THE WATER HEREIN AUTHORIZED.

Contact information

Please direct all questions about this letter to:

Kellie Gillingham
Water Master
Water Resources Program
Northwest Region Office

Phone: 425-429-4270
Email: kellie.gillingham@ecy.wa.gov

Your right to appeal

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. 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 all of the following within 30 days of the date of receipt of this decision:

- File your notice of appeal and a copy of this decision with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this decision on the Department of Ecology by mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: https://eluho.wa.gov/ or call: 360-664-9160.

Service on Ecology

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-Mail Address:

ecologyappeals@ecy.wa.gov

More information

- **Pollution Control Hearings Board Website**
  https://eluho.wa.gov/
- **Chapter 43.21B RCW – Environmental Hearings Office – Pollution Control Hearings Board**
  http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B
- **Chapter 371-08 WAC – Practice And Procedure**
  http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08
- **Chapter 34.05 RCW – Administrative Procedure Act**
  http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05
- **Ecology's Laws, Rules & Rulemaking**
  https://www.ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking#ws

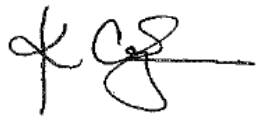
Americans with Disabilities Act information

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit https://ecology.wa.gov/accessibility. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

Signature

Sincerely,



Kasey Cykler
Section Manager
Water Resources Program
Northwest Region Office

Sent by Certified Mail: 9171 9690 0935 0233 1549 28

Enclosures: **Measuring Device Information**
https://apps.ecology.wa.gov/publications/documents/ecy070170.pdf

Telemetered Meters
https://apps.ecology.wa.gov/publications/documents/1911083.pdf

ecc: Katie Faber, kfaber@aesgeo.com
Amy Trainer, atrainer@swinomish.nsn.us
Larry Wasserman, wasser.swinomish@gmail.com
Scott Schuyler, sschuyler@upperskagit.com
Allen Price, aprice@sauk-suiattle.com