Applicant Name: Berend Friehe (Friehe Farms)  Application Number: GRAN-16-04

This record of decision was made by a majority of the board at an open public meeting of the Board Name Grant County Water Conservancy Board held on (date meeting was held) May 26, 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) May 26, 2022 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: Grant County

Chair Name: David Stevens
Signature: [Signature]

(choose one) ☑ Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ Other (please explain)

Date: 5/26/22

Water Conservancy Board Name: Grant County

Title: Commissioner
Name: Gerald (Spud) Brown
Signature: [Signature]

(choose one) ☑ Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ Other (please explain)

Date: 5/26/2022

Water Conservancy Board Name: Grant County

Title: Commissioner
Name: Ken Enns
Signature: "Ken Enns"

(choose one) ☑ Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ Other (please explain)

Date: 5/26/2022

Water Conservancy Board Name: Grant County

Title: Alternate Commissioner
Name: Alan Dillin
Signature: [Signature]

(choose one) ☑ Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ Other (please explain)

Date: 5/26/2022

Water Conservancy Board Name:

Title: Name:
Signature:

(choose one) ☐ Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ Other (please explain)

Date:

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.
Please check the appropriate Regional Office:

<table>
<thead>
<tr>
<th>State Region</th>
<th>Office Name</th>
<th>Address</th>
<th>City, State, Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northwest</td>
<td>Regional Office</td>
<td>3190 - 160th Ave SE</td>
<td>Bellevue, WA 98008</td>
</tr>
<tr>
<td></td>
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<td></td>
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<tr>
<td>Central</td>
<td>Regional Office</td>
<td>PO Box 47775</td>
<td>Olympia, WA 98504</td>
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<tr>
<td>Eastern</td>
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<td>4601 N. Monroe St.</td>
<td>Spokane, WA 99205</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>Regional Office</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.
Board Name: GRANT COUNTY WCB

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  X  Ground Water

Date Application Received    July 14, 2016
Water Right Priority Date    February 4, 1974
Name: Friehe Farms – Berend Friehe
Address (street): 2498 Road S NE
City: Moses Lake
State: WA
Zip: 98837

Changes Proposed:
☐ Change purpose ☐ Add purpose ☐ Add irrigated acres
☐ Change point of diversion/withdrawal  X Add point of diversion/withdrawal ☐ Change place of use
X Other (Temporary, Trust, Interties, etc.) Intertie Wells

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: X Exempt ☐ 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).

This Amended ROE (GRAN-16-04) supersedes the ROE for CG3-022471C (GRAN-05-04) approved by Grant County Water Conservancy Board on September 22, 2005 and approved under Ecology’s ROD modification letter to dated November 28, 2005.

This ROE is evaluated in conjunction with the application for change under CG3-01215CWRIS (GRAN-16-05), which share common points of withdrawal and overlapping described place of use.

Existing Right (Tentative Determination)

<table>
<thead>
<tr>
<th>Maximum cub ft/second</th>
<th>Maximum gal/minute</th>
<th>2000 gpm</th>
</tr>
</thead>
<tbody>
<tr>
<td>866 AF/yr</td>
<td>Describe Type(s) of use, and period(s) of use</td>
<td>Irrigation of 433 acres – February 1 to November 20</td>
</tr>
</tbody>
</table>

Source: 2 Groundwater Wells (Basalt Aquifer)

<table>
<thead>
<tr>
<th>At a Point Located:</th>
<th>Tributary of (if surface water)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel No.</td>
<td>Section</td>
</tr>
<tr>
<td>181232000</td>
<td>¼</td>
</tr>
<tr>
<td>181279001</td>
<td>¼</td>
</tr>
<tr>
<td>Township N.</td>
<td>19 N.</td>
</tr>
</tbody>
</table>

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

Type detailed legal description of the place of use: 120 acres within the E¾ NE¼, 160 acres within the SE¼, 153 acres within the SW¼; All in Section 17, T 19N., R.30E.W.M.

<table>
<thead>
<tr>
<th>Parcel no.</th>
<th>Township N.</th>
<th>Range</th>
<th>WRIA</th>
<th>County</th>
<th>Grant</th>
</tr>
</thead>
<tbody>
<tr>
<td>181231000, 81233000, 181234000, 312103000.</td>
<td>19 N.</td>
<td>30 E.W.M.</td>
<td>41-Lower Crab</td>
<td>Grant</td>
<td></td>
</tr>
</tbody>
</table>

**Proposed Use**

<table>
<thead>
<tr>
<th>Maximum cub ft/second</th>
<th>Maximum gal/minute</th>
<th>2000 gpm</th>
</tr>
</thead>
<tbody>
<tr>
<td>866 AF/yr</td>
<td>Describe Type(s) of use, and period(s) of use</td>
<td>Irrigation of 433 acres – February 1 to November 20</td>
</tr>
</tbody>
</table>

**Source 6 Groundwater Wells (Basalt Aquifer)**

<table>
<thead>
<tr>
<th>At a Point Located: Parcel No.</th>
<th>Tributary of (if surface water)</th>
</tr>
</thead>
<tbody>
<tr>
<td>181232000 Schmidt Well</td>
<td>NW</td>
</tr>
<tr>
<td>181279001 Schafer Well</td>
<td>NE</td>
</tr>
<tr>
<td>181229000 Spark’s West Well</td>
<td>SW</td>
</tr>
<tr>
<td>181229000 Spark’s East Well</td>
<td>SE</td>
</tr>
<tr>
<td>181240000 Well #5</td>
<td>NW</td>
</tr>
<tr>
<td>181206000 UPDE Grave Well</td>
<td>S½</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Township N.</th>
<th>Range</th>
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</tr>
</thead>
<tbody>
<tr>
<td>181231000, 81233000, 181234000, 312103000.</td>
<td>19 N.</td>
<td>30 E.W.M.</td>
<td>41-Lower Crab</td>
<td>Grant</td>
</tr>
</tbody>
</table>
### Board’s Decision on the Application

<table>
<thead>
<tr>
<th>Maximum cub ft/second</th>
<th>Maximum gal/minute</th>
<th>2000 gpm (note 1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>866 AF/yr (less any quantity used under ECBID WSC’s and are in standby reserve)</td>
<td>Describe Type(s) of use, and period(s) of use</td>
<td>Irrigation of 400 acres – February 1 to November 20 (less any amount of acres in standby reserve that are irrigated under ECBID WSC’s)</td>
</tr>
</tbody>
</table>

#### Source
6 Groundwater Wells (Basalt Aquifer)

<table>
<thead>
<tr>
<th>At a Point Located:</th>
<th>Tributary of (if surface water)</th>
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</thead>
<tbody>
<tr>
<td>Parcel No.</td>
<td></td>
</tr>
<tr>
<td>181232000</td>
<td>Schmidt Well NW 1/4 S½ S½ 1/4 NW Section 17</td>
</tr>
<tr>
<td>181279001</td>
<td>Schafer Well NW 1/4 NE 1/4 SE Section 30</td>
</tr>
<tr>
<td>181229000</td>
<td>Spark’s West Well NW 1/4 N½ SW Section 16</td>
</tr>
<tr>
<td>181229000</td>
<td>Spark’s East Well NW 1/4 NE 1/4 SE Section 16</td>
</tr>
<tr>
<td>181240000</td>
<td>Well #5 NW 1/4 NW Section 20</td>
</tr>
<tr>
<td>181206000</td>
<td>UPDE Grave Well NW 1/4 N½ S½ Section 7</td>
</tr>
</tbody>
</table>

**Note 1:** The total withdrawal under this certificate (G3-22471C) and certificate No. G3-01215C shall be limited to 2000 gallons per minute.

#### LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED

**Type detailed legal description of the place of use:** 114 acres within the E¾ NE¼, 150 acres within the SE¼, 136 acres within the SW¼; All in Section 17, T 19N., R.30E.W.M.

305 acres which are acres currently supplied water under WSC’s will remain in Standby Reserve in the E¾NE¼ SE¼, and SW¼; All in Section 17, T 19N., R.30E.W.M. as existing water right is now having water delivered under ECBID WSC’s 190/50 (10/18/1982), 390-062-809-000 (10/04/2017), and 390-063-809-000 (10/04/2017).

<table>
<thead>
<tr>
<th>Parcel no.</th>
<th>Township N.</th>
<th>Range</th>
<th>Section</th>
</tr>
</thead>
<tbody>
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<td>181231000, 81233000, 181234000, 312103000</td>
<td>19 N.</td>
<td>30 E.W.M. WRIA 41-Lower Crab County Grant</td>
<td>17</td>
</tr>
</tbody>
</table>

#### Description of Proposed Works

**Description of water diversion/withdrawal, conveyance, and distribution system:**

The applicant seeks to add points of withdrawal to the said water rights, effectively allowing for greater flexibility and reliability in water use for this water right. Four additional wells would connect to existing infrastructure and integrated to the current distribution and irrigating system of the water rights. System consists of six wells with associated pumps and booster stations, and five pivots with associated conveyance piping.

#### Development Schedule

<table>
<thead>
<tr>
<th>Begin project by this date (At least 75 days after Board's ROD issuance):</th>
<th>Started</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete project by this date:</td>
<td>Finished</td>
</tr>
<tr>
<td>Complete change &amp; put water to full use by this date:</td>
<td>December 31, 2025</td>
</tr>
</tbody>
</table>
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 June, day 22, year 2016. Name of applicant: Friehe Farms of City: Moses Lake State: WA filed an application for change (to do what e.g., POU, POD, POW, etc) to add 4 additional POW’s under (Water right number, e.g., certificate, permit, claim, superseding document #, cert of change #): CG3-22471C. The application was accepted at an open public meeting on Month June, day: 22, year: 2016, and the board assigned application number(XXXX-YR-##): GRAN-16-04.

Attributes of the water right as currently documented

Name on certificate, claim, permit: Berend Friehe Farms

Water right document number (e.g., cert #, claim #, permit #, superseding document #): G3-22471C


Priority date, first use Date of priority or claimed date water was originally first put to beneficial use: February 4, 1974

Water quantities: Qi (Instant qty): 2000 gpm Qa (Annual qty): 866-acre ft./year

Source (well, river, etc): Two wells.

Point of diversion/withdrawal (Distance from ¼, Section, Township, Range EWM): 

Well #1 (Schmidt Well) - SE¼SW¼NW¼ of Sec. 17, T. 19 N., R. 30 E.W.M.

Well #2 (Schaffer Well) - NW¼NE¼ of Sec. 30, T. 19 N., R. 30 E.W.M.

Purpose of use: Agricultural Irrigation Number of Acres if Irrigation: 433

Period of use: Feb. 1 to Nov. 20

Place of use: 120 acres within the E¼ NE¼, 160 acres within the SE¼, 153 acres within the SW¼; All in Section 17, T 19N., R.30E.W.M.,

Existing provisions (family farm act, interruptible, etc.): 

The total water authorized under Groundwater Certificate No. G3-22471C shall be limited to 2000 gallons per minute, 866 acre-feet per year for the irrigation of 433 acres.

The total withdrawal under this certificate (G3-22471C) and certificate No. G3-01215C shall be limited to 2000 gallons per minute.

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.

The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements.

The water quantities and uses recommended and/or the number of acres to be irrigate may be reduced at the time of issuance of a final water right commensurate with the capacity of the installed system and the use and/or the numbers of acres actually irrigated.

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in questions does not convey a right of access to, or other

right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of land.

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.

Any future test data for a new well shall be submitted as it is obtained to the Department of Ecology.

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 the actual crop grown on the number of acres and the place of use specified.

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.

A superseding certificate of water right will not be issued until a final examination is made.

Nothing in this authorization shall be construed as satisfying other applicable federal, state or local statutes.

All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

In order to protect existing shallow domestic and stock water wells, and springs, casing and sealing requirements will be determined on a case-by-case basis and included as a provision on all new permits issued. New permits will also be conditioned to prohibit cascading water in wells in accordance with Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells). Sealing of required casing shall consist of filling the annular space between casing and well bore with cement grout placed by pumping from the bottom of the casing to land surface. Alternative methods to provide the same protection afforded by casing and sealing may be submitted to the department for review and shall only be used if approved in writing by the department prior to well completion.

At the location of the additional well authorized by this change (NW1/4NE1/4 Section 30, T19N, R30E.W.M.) the altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238 Sheet Three) is 700 feet above sea level (ASL). With a land surface elevation at the same location of 1,350 feet ASL, this puts the top of the Grande Ronde formation at about 650 feet below ground surface and encounters Grande Ronde aquifer heads approximately 200 feet below that. This new well will require approximately 850 feet in casing and sealing in the well to achieve separation of the Wanapum and Grande Ronde aquifer heads.

Any well which is reworked shall be constructed to comply with the casing and sealing provisions of WAC 173-130A-170. Reworking shall include, but not be limited to, reaming to enlarge well diameter or deepening. An airline and pressure gauge shall be installed and maintained in operating condition on all new or reworked wells and equipped with a standard tire valve, placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls. The total length of the airline and any changes in length shall be reported to the department.

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.

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between the applicant and the owner of that land.

This authorization to use public waters of the State is classified as a Family Farm Permit in accordance with Chapter 90.66 RCW (initiative Measure No. 59). This means the land being irrigated under this authorization shall comply with the following definition: Family Farm – a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the State of Washington which are irrigated under water right acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

**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 property currently operates as a farm that utilizes two water rights. These water rights consist of:

<table>
<thead>
<tr>
<th>Water Right No.</th>
<th>Instantaneous Quantity (GPM)</th>
<th>Annual Quantity (Ac-Ft)</th>
<th>Irrigated Acres on Certificate</th>
<th>Certificated Ac-Ft/Acre</th>
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</thead>
<tbody>
<tr>
<td>G3-01215C</td>
<td>2000</td>
<td>800</td>
<td>200</td>
<td>4.00</td>
</tr>
<tr>
<td>G3-22471C</td>
<td>2000 (1)</td>
<td>866</td>
<td>433</td>
<td>2.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2000 (1)</strong></td>
<td><strong>1666</strong></td>
<td><strong>633</strong></td>
<td></td>
</tr>
</tbody>
</table>

(1) The total withdrawal under this certificate (G3-22471C) and certificate No. G3-01215C shall be limited to 2000 gallons per minute.

The history of water uses under water certificate G3-22471C, with a priority date of February 4th, 1974 and G3-01215C with a priority date of August 20, 1965 has been beneficially used to irrigate crops normally grown in the Columbia Basin. The applicant has utilized the water within the described place of use in Section 17. Water has been supplied to the crops utilizing various wells referenced in this change application. Over time, the applicant uses a crop rotation to irrigate and grow crops, including within the footprint of the pivots and on several of the corners within Section 17. This change application is being submitted to bring the water right into compliance with current use of point of withdrawals, and is inferred to be a de facto change in accordance with Ecology’s Water Resource Program Policy for Conducting Tentative Determination of Water Rights (POL-1120) which states: “In some situations, changes to historic uses associated with water rights have been made in the diversion or use of water without first obtaining authorization for the changes pursuant to Chapters 90.03 and 90.44 RCW. Such unauthorized changes to existing water rights are commonly referred to as “de facto, or after the fact changes.” Since the authorization of the previous change under this water right, the problems with the new well authorization occurred and the applicant utilized other existing wells in the immediate area of the site in order to maintain the crop production on the farm.

### G3-01215C

Groundwater Certificate G3-01215C was issued on October 31st, 1974 to Reuben E. Schmidt for irrigation of 200 acres in the amount of 2000 gpm and 800-feet per year. The water right allowed the withdrawal of groundwater from one well and had a priority date of August 20, 1965. The water right was issued for irrigation of 200 acres within the boundaries of Section 17, T. 19 N., R. 30 E.W.M.

A change to the original water right certificate was submitted in March 2004 by Mr. Berend Friehe to add an additional point of withdrawal to the existing certificate. This resulted in an ROE prepared by the Grant County Water Conservancy Board on September 22, 2005 under change GRAN-05-03. Ecology subsequently modified this decision in their ROD modification letter dated November 28, 2005. The change ROE and Ecology ROD approved the addition of one additional well to the certificate.

Certificate G3-01215C has historically been beneficially used to irrigate 200 acres of crops normally grown within the Columbia Basin within the described place of use, as affirmed in the Grant County Water Conservancy Board ROE and Ecology ROD in 2005 approving the full extent and validity of the water right.

### G3-22471C

Groundwater Certificate G3-22471C was issued on December 14th, 1979 to Reuben E. Schmidt & Harold D. Schmidt for irrigation of 433 acres in the amount of 2000 gpm and 866-feet per year. The water right allowed the withdrawal of groundwater from one well and had a priority date of February 4, 1974. The water right was issued as an additional right to increase the irrigation of additional acres and additional annual acre-feet for the 433 acres. However, the right was issued with the provision: “The well under this certificate is also the same well identified under Groundwater Certificate No. G3-01215C. G3-01215C is issued for 2000 gallons per minute; the maximum production capabilities of this well is 2000 gallons per minute. Therefore, the total withdrawal under this certificate and certificate No. G3-01215C shall be limited to 2000 gallons per minute.”

A change to the original water right certificate was submitted in March 2004 by Mr. Berend Friehe to add an additional point of withdrawal to the existing certificate. This resulted in an ROE prepared by the Grant County Water Conservancy Board on September 22, 2005 under change GRAN-05-03. Ecology subsequently modified this decision in their ROD modification letter dated November 28, 2005. The change ROE and Ecology ROD approved the addition of one additional well to the certificate.

Certificate G3-22471C has historically been beneficially used to irrigate 433 acres of crops normally grown within the Columbia Basin within the described place of use, as affirmed in the Grant County Water Conservancy Board ROE and Ecology ROD in 2005 approving the full extent and validity of the water right.
Board on September 22, 2005 under change GRAN-05-04. Ecology subsequently modified this decision in their ROD modification letter dated November 28, 2005. The change ROE and Ecology ROD approved the addition of one additional well to the certificate.

Certificate G3-22471C has historically been beneficially used to irrigate 433 acres of crops normally grown within the Columbia Basin within the described place of use, as affirmed in the Grant County Water Conservancy Board ROE and Ecology ROD in 2005 approving the full extent and validity of the water right.

This change request is seeking to add four additional points of withdrawal to the certificate. The additional wells are all existing wells and have been historically used for irrigation purposes in the vicinity of Section 17. The existing wells were intertied into the existing place of use and have been supplying water to the Section 17 place of use for over 10-years due to the lack of available water from the two existing approved wells. This change authorization is not seeking to install any additional “new” wells.

The existing wells are capable of pumping the maximum instantaneous limit of water allowed by the two current water rights. The wells are all intertied and contain valves to allow for the control of the water source to the pivot irrigation system. The described place of use of the two certificates are shown in the map below:

Water Service Contracts (WSC):
There are three water service contracts issued by the East Columbia Basin Irrigation District on the lands within Section 17, T. 19 N., R. 30 E.W.M. Entities identified under these water service contracts are associated with Berend Friehe.

1) Renewal 190/50, Approved 10/8/1982. This contract was signed on November 1st, 2007. The WSC was issued to Berend and Carla B. Friehe for surface water delivery to irrigate 70 acres within the W1/2 of the SW1/4 of Section 17, T. 19 N., R. 30 E.W.M. The WSC is utilized on the western 1/2 of the pivot in the SW1/4 of Section 17 of which it is appurtenant.
2) WSC-390-062-809-000-00. This contract was signed on October 4th, 2017. The WSC was issued to Wheeler Trust for surface water delivery to irrigate 400 acres within the S½ of Section 16, and the SE¼ of Section 17, T. 19 N., R. 30 E.W.M. The WSC is utilized on the pivot in the SE¼ of Section 17 and a ¼ of the small center pivot (related to these water rights).

3) WSC-390-063-809-000-00. This contract was signed on October 4th, 2017. The WSC was issued to Wheeler Land Holding, LLC for surface water delivery for irrigation of 270 acres within the NW¼ and NE¼ of Section 17, T. 19 N., R. 30 E.W.M. The WSC is utilized on the pivot in the SE¼ of Section 17 (related to these water rights). The WSC is utilized on the two pivots in the N½ of Section 17 and ½ of the small center pivot (related to these water rights).

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**Previous changes**

Describe any previous change decisions associated with the water right:

A change to the original water right certificate was submitted in March 2004 by Mr. Berend Frieho to add an additional point of withdrawal to the existing certificate. This resulted in an ROE being prepared by the Grant County Water Conservancy Board on September 22, 2005 under change GRAN-05-04. Ecology subsequently modified this decision in their ROD modification letter dated November 28, 2005. The change ROE and Ecology ROD approved the addition of one additional well to the certificate.

**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):

---

A SEPA determination evaluates if a proposed withdrawal will cause significant adverse environmental impacts. A SEPA threshold determination is required for:

- Surface water applications for more than 1 cubic feet per second (cfs). For agricultural irrigation, the threshold increases to 50 cfs, if the project isn’t receiving public subsidies.
- Groundwater applications requesting more than 2,250 gpm.
- Projects with several water right applications where the combined withdrawals meet the conditions listed above.
- Projects subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA).
- Applications that are part of several exempt actions that collectively trigger SEPA under WAC 197-11-305.

The board has reviewed the proposed project in its entirety. This application is exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW.

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

In addition to this application for change filed under Ground Water Certificate CG3-22471C, Berend Friehe - Friehe Farms is also applying for the change/transfer of Ground Water Certificate CG3-01215C. Each application will have decisions based on its own respective findings.

The information or conclusions in this section were authored and/or developed by (Name of Person): Gene St.Godard and GCWCB

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

Public notice of the application was given in the (Name of Publication(s): Columbia Basin Herald on Dates Published: 19th and 26th October, 2016. Protest period ended on (end date of protest period): November 25th, 2016. There were # or no X protests received during the 30-day protest period. In addition, no X or # oral and written comments were received at an open public meeting of the board or other means as designated by the board.

Due to an error in the original notice, an Amended Public notice of the application was given in the (Name of Publication(s): Columbia Basin Herald on Dates Published: 17th and 24th June, 2020. Protest period ended on (end date of protest period): July 24th, 2020. There were # or no X protests received during the 30-day protest period. In addition, no X or # oral and written comments were received at an open public meeting of the board or other means as designated by the board.

The public notices were also sent to those interested parties and agencies who have requested to be notified of Board change applications.

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:
No comments or protests were provided at any of the Conservancy Board meetings where this application was on the agenda.

The information or conclusions in this section were authored and/or developed by (Name of Person): Gene St.Godard and GCWCB

INVESTIGATION [See WAC 173-153-130(6)(c)]
The following information was obtained from a site inspection conducted by (person(s)): Ken Enns (GCWCB), Berend Friehe (applicant), and Gene St.Godard (Consultant for applicant) on (date of field exam): August 30th, 2017. technical reports, research of department records (list other references, if any) and conversations with the applicant and/or other interested parties. An additional site visit by Ken Enns of the Board and the applicant occurred on May 19, 2022 to verify the final conclusions of the Board.

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.

The groundwater water right is an irrigation water right. This change is seeking to add four additional wells (for a total of six wells) to allow the property owner to more efficiently irrigate its crops. The location of the wells as requested under this change application are shown in the Figure below. The existing water right is authorized for two points of withdrawal (the Schmidt and Schaefer wells). Table 2 summarizes the existing wells at the site currently and historically being used for CG3-22471C and CG3-01215C. Wells #3-#6 are being added to the existing water right with this change application. Groundwater wells #3 - #6 are all existing wells and have been historically used for irrigation purposes in the vicinity of Section 17. The existing wells were intertied into the existing place of use and have been supplying water to the Section 17 place of use for over 10-years due to the lack of available water from the two existing approved wells. All these wells existed prior to the change authorizations issued in 2005.

Table 2

<table>
<thead>
<tr>
<th>Well</th>
<th>Date Drilled</th>
<th>Latitude</th>
<th>Longitude</th>
<th>Size (in)</th>
<th>Depth (feet)</th>
<th>Casing Depth (feet)</th>
<th>Operating</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-Schmidt</td>
<td>10/23/1972</td>
<td>N47.13771</td>
<td>W119.08100</td>
<td>16</td>
<td>748</td>
<td>16</td>
<td>No</td>
</tr>
<tr>
<td>2-Schaefer</td>
<td>10/27/1967</td>
<td>N47.11525</td>
<td>W119.09767</td>
<td>16</td>
<td>960</td>
<td>31</td>
<td>No</td>
</tr>
<tr>
<td>3-Sparks West</td>
<td>9/18/1974</td>
<td>N47.13737</td>
<td>W119.06655</td>
<td>16</td>
<td>942</td>
<td>22</td>
<td>Yes-400 HP GE Pump</td>
</tr>
<tr>
<td>4-Sparks East</td>
<td>9/12/1974</td>
<td>N47.13741</td>
<td>W119.04900</td>
<td>16</td>
<td>890</td>
<td>27</td>
<td>Yes-400 HP GE Pump</td>
</tr>
<tr>
<td>5- Well #5</td>
<td>10/23/1972</td>
<td>N47.12966</td>
<td>W119.08652</td>
<td>16</td>
<td>1010</td>
<td>41</td>
<td>Yes-200 HP Pump</td>
</tr>
<tr>
<td>6-UPDE Grave</td>
<td>4/18/1975</td>
<td>N47.15057</td>
<td>W119.09737</td>
<td>16</td>
<td>960</td>
<td>31</td>
<td>Yes-400 HP Pump</td>
</tr>
</tbody>
</table>

If groundwater wells identified above require some modifications, and/or replacement wells are installed, then the casing and sealing requirements discussed later in this report are required.

The above listed wells have been historically intertied with various valves. Currently, water is utilized from the four operating wells to irrigate the property. The two wells which are currently not in operation, have mechanical problems and/or pump broken pump shafts in the well which cannot be removed. Proposed plans for the project completion would be to utilize existing wells which are intertied. No new wells are planned for construction.

The use of water will be the same as currently listed on the existing Record of Examinations. The water right will allow for a withdrawal of 2000 gpm, 866 AF/yr, for irrigation. No increase or expansion of the water right will occur under this transfer.
Since acceptance of this change application, there have been some WSC issued for the property by the ECBID. Therefore, the groundwater certificate at the site will be issued for the allowed amount of water authorized minus any quantity of surface water delivered under existing WSC’s by the ECBID, which is held in standby reserve. In addition, any acreage approved under this authorization which is irrigated under WSC’s will be moved to standby reserve.

A review of the irrigation occurring with Section 17 under the two water rights revealed the following:

1) A total of 600 acres are currently being irrigated under four large pivots, one small pivot, and hand lines covering numerous corners around the property (see acreage map below).
2) Surface water being delivered to the properties is being utilized within the pivots on the properties, and being supplemented with groundwater within the SW ¼ of Section 17.
3) Handlines which are irrigating the corners are solely being supplied from groundwater withdrawn from wells.
4) Irrigation uses of the water rights will consist of irrigation for potatoes and winter wheat. Since the previous change authorization was granted in 2005, Berend Friehe has been utilizing the water rights on five pivots and corners totaling 600 acres as shown on the figure above. The two certificates allowed for the irrigation of 633 acres. This analysis has determined that approximately 33 acres of the previously approved certificated acres is not currently being irrigated by groundwater or WSC’s.
5) The following breakdown of irrigated acreage appurtenant to each certificate as defined by the described place of use is as follows:
TABLE 3: IRRIGATED ACREAGE ALLOCATION

<table>
<thead>
<tr>
<th>Area</th>
<th>Pivot Acres</th>
<th>G3-01215C</th>
<th>G3-22471C</th>
</tr>
</thead>
<tbody>
<tr>
<td>NW1/4 Pivot</td>
<td>130</td>
<td>130</td>
<td></td>
</tr>
<tr>
<td>NE1/4 Pivot</td>
<td>132</td>
<td>29</td>
<td>103</td>
</tr>
<tr>
<td>SE1/4 Pivot</td>
<td>128</td>
<td></td>
<td>128</td>
</tr>
<tr>
<td>W1/2SW1/4 Pivot</td>
<td>66</td>
<td></td>
<td>66</td>
</tr>
<tr>
<td>E1/2SW1/4 Pivot</td>
<td>65</td>
<td>65</td>
<td></td>
</tr>
<tr>
<td>Center Small Pivot</td>
<td>22</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>N1/2NW1/4 Corners</td>
<td>11</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>NE1/4 Corners</td>
<td>16</td>
<td>5</td>
<td>11</td>
</tr>
<tr>
<td>SE1/4 Corners</td>
<td>16</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>SW1/4 Corners</td>
<td>14</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td></td>
<td>600</td>
<td>200</td>
<td>400</td>
</tr>
</tbody>
</table>

The area is also covered by three WSC’s, and as such, those acres are considered to be within standby reserve under the groundwater certificates. Surface water is delivered to the site via these contracts and as such, when the overlying WSC’s are attributed to the irrigated ground, the remaining acreage is attributed to each certificate, and WSC.

TABLE 4: ACREAGE ALLOCATION UNDER CERTIFICATES AND WSC’s

<table>
<thead>
<tr>
<th>Area</th>
<th>Pivot Acres</th>
<th>G3-01215C</th>
<th>G3-22471C</th>
<th>WSC-390-062-809</th>
<th>WSC-390-063-809</th>
<th>WSC-190/50</th>
</tr>
</thead>
<tbody>
<tr>
<td>NW1/4 Pivot</td>
<td>130</td>
<td>130</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NE1/4 Pivot</td>
<td>132</td>
<td></td>
<td>132</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SE1/4 Pivot</td>
<td>128</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W1/2SW1/4 Pivot</td>
<td>66</td>
<td></td>
<td></td>
<td></td>
<td>66</td>
<td></td>
</tr>
<tr>
<td>E1/2SW1/4 Pivot</td>
<td>65</td>
<td></td>
<td>65</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cntr Small Pivot</td>
<td>22</td>
<td>5</td>
<td>3</td>
<td>6</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>N1/2NW1/4 Corners</td>
<td>11</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NE1/4 Corners</td>
<td>16</td>
<td>5</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SE1/4 Corners</td>
<td>16</td>
<td></td>
<td>16</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SW1/4 Corners</td>
<td>14</td>
<td></td>
<td>14</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>600</td>
<td>35</td>
<td>95</td>
<td>134</td>
<td>270</td>
<td>66</td>
</tr>
</tbody>
</table>

Note: WSC acreage for contracts were estimated at a larger pivot radius with end gun (e.g. 130 ac for SE1/4, and 70 ac for W1/2SW1/4 Pivot

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.

Currently the water right owner uses two water rights to irrigate lands within the groundwater withdrawal and conveyance system. Table 5 summarizes the two water rights. Under this application, water rights CG3-22471C and CG3-01215C are for a total of 2000 gpm, 1666 AF/year, to irrigate 633 acres. The WIG lists a water duty for potato crop of 29.41 inches (2.451 ft) per acre of land and 26.27 inches (2.19 ft) per acre, for grain crops typically grown on this section of land. Therefore, in the opinion of the Board, the water rights have historically been fully perfected each year.

Table 5: Summary of Water Rights for Irrigation

<table>
<thead>
<tr>
<th>Water Right #</th>
<th>Priority Date</th>
<th>Qi (gpm)</th>
<th>Qa (AF/yr)</th>
<th>Acres</th>
<th>Season of Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>G3-01215C</td>
<td>Aug. 20, 1965</td>
<td>2000</td>
<td>800</td>
<td>200</td>
<td>3/1 – 10/31</td>
</tr>
</tbody>
</table>

All existing wells (#3–#6) have met the required water demands. The issues with dropping water tables, or decrease in yields have been observed in wells in the vicinity of the site. As such, the ultimate goal of the property owner is to secure WSC’s or entering into the groundwater replacement program (GWRP) to reduce future withdrawals from the aquifer system.

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.

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. The proposed change is not increasing any quantity of water from the certificated quantities which were perfected. In addition, the board has not received or been notified of any public expression, protest or concerns regarding this proposal, and no findings through investigation indicating any detrimental impact to the public welfare.

The Board concludes that the requested change/transfer is not contrary to the public interest governing water use, in complying with groundwater statutes under the RCW 90.44 title.

To the extent review of public interest is applicable, the Grant County Water Conservancy 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.

The proposed change/transfer will not increase the existing annual consumptive quantity under the water right, or increase the water put to actual beneficial use, or result in an impact on other existing water rights or applications for new water rights. 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.

**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.

The G3-01215C water right is in good standing and the Board has determined that no relinquishment and/or abandonment issues are associated with this water right. The Board reviewed the history of the water right and subsequent water service contracts and has determined that water right G3-01215C is available to irrigate 200 acres of which 165 acres are currently covered by portions of ECBID WSC-390-062-809 and ECBID WSC 390-063-809 both issued on October 4th, 2017.

The G3-22471C water right is in good standing and the Board has determined that a partial relinquishment of acres is associated with this water right. The Board reviewed the history of the water right and subsequent water service contracts and has determined that water right G3-22471C is available to irrigate 400 acres of which 305 acres are currently covered by ECBID WSC 190/50 issued on November 08, 2007, and ECBID WSC’s 390-062-809 and 390-063-809, both issued on October 4th, 2017.

Certificate G3-22471C is in good standing of 2000 gpm and 866 AF/yr for seasonal irrigation from Feb 1 through November 20 of each year for irrigation of 400 acres, less any amounts of surface water delivered under ECBID WSC 190/50 issued on November 08, 2007, and ECBID WSC’s 390-062-809 and 390-063-809, both issued on October 4th, 2017.

The water right will be changed to authorize the withdrawal of groundwater from six (6) wells completed in the basalt aquifer at the following locations:

The approved place of use is: **114 acres within the E¾ NE¼, 150 acres within the SE¼, 136 acres within the SW¾; All in Section 17, T 19 N., R. 30 E.W.M.**

The authorized quantities will be 2000 gpm and 866 AF/yr for seasonal irrigation from Feb 1 through November 20 of each year for irrigation of 400 acres, less any amounts of surface water delivered under ECBID WSC 190/50 issued on November 08, 2007, and ECBID WSC’s 390-062-809 and 390-063-809, both issued on October 4th, 2017. The water and acreage allocated under EDBID WSC’s will be put into standby reserve.

The water right applicant holds valid water right certificates in good standing, and they are on file with the Department of Ecology (Ecology). The water rights are subject to the groundwater code provisions under RCW 90.44, and including RCW 90.14.140, 90.03.615, and 90.03.380 for changes/transfers. The certificates are valid as stands, subject to subsequent change actions by the Grant County Water Conservancy Board and any Ecology administrative changes affecting development.

The Board’s tentative determination of the existing water right is provided on page 1 of this Report of Examination.

**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.

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.

Basalt aquifers of the Odessa Sub-area are part of a large ground water reservoir occurring in a thick series of basalt flows known as the Columbia River Basalt Group. The thickness of these basalts varies from a few hundred feet at the Spokane River to over 10,000 feet in the Pasco Basin. The original points of withdrawal for these change applications are completed within the Grande Ronde formation of the Columbia River Basalt Group.

The following is a summary of hydrogeologic information from readily available data on the Odessa.

- The project lies within the boundaries of the Odessa Sub-area as defined in Chapter 173-128A WAC. The Odessa Sub-area encompasses approximately 2,000 square miles in parts of Grant, Lincoln and Adams Counties. The relatively flat lying land surface slopes in a southwesterly direction and is locally dissected by coulees. The proposed change is subject to the conditions of WAC 173-130A, the management regulation for the Odessa Sub-area.
- The Department of Ecology promulgated the Odessa Groundwater Management Subarea (Chapter 173-128A WAC) under authority and procedures provided in chapters 34.04, 43.21A, 90.03, and 90.44 RCW.
- RCW 90.44.130 directs the Department to designate groundwater subareas that “enclose a single and distinct body of public groundwater. Each such subarea may be so designated as to enclose all or any part of a distinct body of public groundwater, as the department deems will most effectively accomplish the propose of this chapter.” By this rule, the wells producing water from the Columbia River Basalt Group within the Subarea boundary are all producing water from the same body of public groundwater.
The two existing and four additional wells (#3-#6) at the Section 17 area of Friehe Farms are to be constructed in the Columbia River Basalt Group. If, in the future, any of the site wells are proposed to be reconstructed, the applicant is required to discuss reconstruction proposals with Ecology prior to initiating any well construction of the existing wells.

WAC 173-130A-170 Casing and Sealing allows the determination of casing and sealing requirements on a case-by-case basis for wells located within the Odessa Subarea in order to protect existing shallow domestic and stock water wells, and springs.

Aquifer conditions at the place of use at the Section 17 area of Friehe Farms is near to the East Low Canal and have been mapped to contain both Wanapum and Grande Ronde Aquifers. Existing and proposed additional wells at the property are within the Grande Ronde aquifer.

Information on static water levels collected over a number of years by the U.S. Geologic Survey and Ecology indicates that the hydrologic break between the Wanapum and Grande Ronde aquifers typically occurs 200 feet below the geologic division of the Wanapum and Grande Ronde Formations. Based on this knowledge, the below referenced casing and sealing provisions for new wells under this authorization were developed by Ecology.

**Ecology Technical Assistance - 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. Such amendment shall be issued by the Department only on the conditions that; (1) the 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) other existing rights shall not be impaired. The Department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment.

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 2,000 square miles in parts of Grant, Lincoln, and Adams Counties. The relatively flat-lying land surface slopes in a southwesterly direction and is locally dissected by coulees. The proposed change is subject to the conditions of WAC 173-130A, the management regulation for the Odessa Sub-area.

The Department of Ecology promulgated the Odessa Ground Water Management Subarea (Chapter 173-128A WAC) under authority and procedures provided in chapters 34.04, 43.21A, 90.03, and 90.44 RCW.

RCW 90.44.130 directs the Department to designate groundwater subareas that “enclose a single and distinct body of public groundwater. Each such subarea may be so designated as to enclose all or any part of a distinct body of public groundwater, as the department deems will most effectively accomplish the purposes of this chapter.” By this rule, the wells producing water from the Columbia River Basalt Group within the Subarea boundary are all producing water from the same body of public groundwater.

WAC 173-130A-170 Casing and Sealing allows the determination of casing and sealing requirements on a case-by-case basis for wells located within the Odessa Subarea in order to protect existing shallow domestic and stock water wells, and springs. Any new well construction associated with this change application will need to be completed within the Grande Ronde aquifer to provide vertical separation between the new well and existing domestic and stock water wells that are in the area.

The four additional existing wells are all constructed in the Columbia River Basalt Group. If the existing wells (#3 through #6) which are approved under this authorization are modified or replaced, they will be required to be constructed into the same Columbia River Basalt Group Grande Ronde aquifer. Some of the existing wells may be double completed into both the Wanapum and Grande Ronde aquifer. If, in the future, any of these existing wells are proposed to be reconstructed or replaced, the applicant is required to meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells). WAC 173-160-181(3) does not allow the interchange of aquifer waters.
Information on static water levels collected over a number of years by the U.S. Geologic Survey and Ecology indicates the hydrologic break between the Wanapum and Grande Ronde aquifers typically occurs 200 feet below the geologic division of between the Wanapum and Grande Ronde Formations. Based on this knowledge, we propose the following casing and sealing provisions for any new wells constructed in association with this change application:

Well 3 - The altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238, Sheet Three) for a well in the NW¼SW¼ of Section 16, T. 19 N. R. 30 E.W.M. is 845'. With a land surface of ~1440', this puts the top of the Grande Ronde at 595' below land surface. The casing call for a well at this site would be 795' below land surface for a Grande Ronde well at this location. Well #3 appears to be constructed to 942' and has 22' of casing.

Well 4 - The altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238, Sheet Three) for a well in the NE¼SE¼ of Section 16, T. 19 N. R. 30 E.W.M. is 850'. With a land surface of ~1440', this puts the top of the Grande Ronde at 590' below land surface. The casing call for a well at this site would be 790' below land surface for a Grande Ronde well at this location. Well #4 appears to be constructed to 899' and has 27' of casing.

Well 5 - The altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238, Sheet Three) for a well in the NW¼NW¼ of Section 20, T. 19 N. R. 30 E.W.M. is 810'. With a land surface of ~1415', this puts the top of the Grande Ronde at 620' below land surface. The casing call for a well at this site would be 820' below land surface for a Grande Ronde well at this location. Well #5 appears to be constructed to 1010' and has 41' of casing.

Well 6 - The altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238, Sheet Three) for a well in the N½ S½ of Section 7, T. 19 N. R. 30 E.W.M. is 805'. With a land surface of ~1415', this puts the top of the Grande Ronde at 610' below land surface. The casing call for a well at this site would be 810' below land surface for a Grande Ronde well at this location.

To properly construct a well in the Grande Ronde Aquifer, the driller will need to case and seal the wells as mentioned above to allow for production from only the Grande Ronde Aquifer. The annular space would need to be a minimum of 4-inches greater than the permanent casing. After casing is sealed in place, the well may be completed by drilling out of the casing until sufficient water is obtained. Sealing shall be placed from the bottom of the well to the top until undiluted sealing material returns to the surface.

During the previously approved change decision, a casing and sealing requirement for well #2 (NW1/4NE1/4 Section 30, T19N, R30E.W.M.) was also provided. At the well #2 location, the altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238 Sheet Three) is 700 feet above sea level (ASL). With a land surface elevation at the same location of 1,350 feet ASL, this puts the top of the Grande Ronde at 650 feet below ground surface and encounters Grande Ronde aquifer heads approximately 200 feet below that. This new well will require approximately 850 feet in casing and sealing in the well to achieve separation of the Wanapum and Grande Ronde aquifer heads.

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

The authorized quantities will be 2000 gpm and 866 AF/yr for seasonal irrigation from Feb 1 through November 20 of each year for irrigation of 400 acres, less any amounts of surface water delivered under ECBID WSC 190/50 issued on November 08, 2007, and ECBID WSC's 390-062-809 and 390-063-809, both issued on October 4th, 2017. The water and acreage allocated under EDBID WSC's will be put into standby reserve.

The information or conclusions in this section were authored and/or developed by (Name of Person): Gene St.Godard and GCWCB.

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.

The Board has determined that the water right G3-22471C is in good standing and that the water right attributes are:
Priority date: February 4, 1974
Qi = 2000 gpm
Qa = 866 acre-feet
Period of Use – 2/1 – 11/20
Type of Use – Irrigation of 400 acres
Approved Points of Withdrawal: Six (6) wells located within the Odessa aquifer. Well Location Information:

<table>
<thead>
<tr>
<th>Well #</th>
<th>Location Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1 - Schmidt</td>
<td>S½S½NW¼ Section 17 T. 19 N., R. 30 E.W.M.</td>
</tr>
<tr>
<td>#2 - Schafer</td>
<td>NW¼NE¼ Section 30 T. 19 N., R. 30 E.W.M.</td>
</tr>
<tr>
<td>#3 - Sparks West</td>
<td>NW¼SW¼ Section 16 T. 19 N., R. 30 E.W.M.</td>
</tr>
<tr>
<td>#4 - Sparks East</td>
<td>NE¼SE¼ Section 16 T. 19 N., R. 30 E.W.M.</td>
</tr>
<tr>
<td>#5</td>
<td>NW¼NW¼ Section 20 T. 19 N., R. 30 E.W.M.</td>
</tr>
<tr>
<td>#6 - UDPE Grave</td>
<td>N½S½ Section 7 T. 19 N., R. 30 E.W.M.</td>
</tr>
</tbody>
</table>

The approved place of use is: 114 acres within the E¾ NE¼, 150 acres within the SE¼, 136 acres within the SW¼; All in Section 17, T 19N., R.30E.W.M.

The authorized quantities will be 2000 gpm and 866 AF/yr for seasonal irrigation from Feb 1 through November 20 of each year for irrigation of 400 acres, less any amounts of surface water delivered under ECBID WSC 190/50 issued on November 08, 2007, and ECBID WSC's 390-062-809 and 390-063-809, both issued on October 4th, 2017. The water and acreage allocated under EDBID WSC’s will be put into standby reserve.

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.

The water right is in good standing and the Board has determined that a partial relinquishment and/or abandonment issues are associated with the water right.

The analysis of Certificate No. G3-22471C revealed that 33 acres of irrigable land have been relinquished. It is the Board's decision that the water right is in good standing, to the full recommended certificated amounts, document in the conclusions above.

Of the 400 acres attributed to certificate G3-22471C, 305 acres are currently covered by ECBID water service contracts as defined above, and as such shall be placed in standby reserve.

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

The proposed withdrawals are all within the properties operated by Friehe Farms. The applicant has also relayed to the Board that the ultimate goal of lands irrigated in this area is to cover all lands with future water service contracts, and/or transfer to lands where water service contracts may be available on the new proposed laterals from the canal. No concerns of impairment were developed by this Board.
Consideration of comments and protests
Discuss the board's conclusions of issues raised by any comments and protests received.

No comments and or protests were received related to this proposed change application, both during the original public notice, or at open public meetings.

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

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 flow 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 under this application have been in use for over 10 years, and is being requested as a de facto change. Since the water has been utilized, there have been no concerns or protests that impairment to local and/or regional wells. Therefore, it is summarized that the existing and proposed additional existing wells will not impair existing water rights.

The proposed change in place of use will not enlarge the quantity of water identified above. Because the proposed action will not increase the existing certificated water use, or increase the water amount allowed for beneficial use, or likely affect other existing water rights (or applications for new water rights), no impairment is perceptible. The applicant's technical information has been reviewed on water use within the same body of water for management purposes and potential impairment.

The Board has published public notice of the proposed action and reviewed any potential technical issues concerning impairment. The change/transfer request is consistent with net beneficial use and return flow considerations contained in RCW 90.03.380, RCW 90.44.100 and other applicable statutes. The change will not increase water withdrawals or net depletions from the ground source. More specifically, the subject 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, and to provide greater operational control to water managers.

Given the fact that no increase in water withdrawal from the existing ground/surface water management source will occur relative to that permitted and allowed for beneficial use, there is no reason to expect any impairments to other water sources, consistent with the conditions and provisions provided under the existing water right modification order granted by Ecology. Also, because the change/transfer proposed by the applicant does not affect withdrawals from new water sources or increase existing allowed net annual withdrawals from that currently permitted, the change/transfer request does not affect local conditions surrounding the status quo for water use, as permitted by Ecology.

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.

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. The proposed change is not increasing any quantity of water from the certificated quantities which were perfected. In addition, the board has not received or been notified of any public expression, protest or concerns regarding this proposal, and no findings through investigation indicating any detrimental impact to the public welfare. The application is seeking to add additional wells at which locations no impairment to other water rights is inferred.

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.
The conclusions in this Report of Examination were developed by Grant County Water Conservancy Board members, with the applicant or applicant’s representative providing support information as requested. The Board based this analysis on past use, water system configuration and efficiencies, projected service area growth, and the hydrogeologic data provided for this application.

The board also considered the previous provisions, RCW 90.03.380, RCW 90.44.10, and Ecology Policy’s 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)]

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

The Board has examined water right Certificate No. G3-22471C relevant to the request to add four points of withdrawal (for a total of 6) to the water right. The Board has determined that 2000 gpm and 866 acre-feet per year of water is in good standing for the change request by the applicant. This withdrawal is issued for agricultural irrigation to be used within 114 acres within the E¾ NE¼, 150 acres within the SE¼, 136 acres within the SW¼; All in Section 17, T 19N., R.30E.W.M. Based on the above investigation and conclusions, the GCWCB recommends that the request for change to Groundwater Certificate No. G3-22471C be approved in the amounts and within the limitations listed below and subject to the provisions. 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. The amount of water recommended for G3-22471C shall be:

Qi - 2000 gpm (The total withdrawal under this certificate (G3-22471C) and certificate No. G3-01215C shall be limited to 2000 gallons per minute.)

Qa - 866 acre-feet per year, minus any water delivered under WSC’s that is in standby reserve.

Irrigation of 400 acres from six (6) wells, (less any acreage irrigated from WSC’s that is in standby reserve):

<table>
<thead>
<tr>
<th>Well #1-Schmidt</th>
<th>S½S½NW¼ Section 17</th>
<th>T. 19 N., R. 30 E.W.M.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Well #2-Schafer</td>
<td>NW½NE¼ Section 30</td>
<td>T. 19 N., R. 30 E.W.M.</td>
</tr>
<tr>
<td>Well #3-Sparks West</td>
<td>N½SW¼ Section 16</td>
<td>T. 19 N., R. 30 E.W.M.</td>
</tr>
<tr>
<td>Well #4-Sparks East</td>
<td>NE¼SE¼ Section 16</td>
<td>T. 19 N., R. 30 E.W.M.</td>
</tr>
<tr>
<td>Well #5</td>
<td>NW½NW¼ Section 20</td>
<td>T. 19 N., R. 30 E.W.M.</td>
</tr>
<tr>
<td>Well #6-UDPE Grave</td>
<td>N½S½ Section 7</td>
<td>T. 19 N., R. 30 E.W.M.</td>
</tr>
</tbody>
</table>

The approved place of use is: **114 acres within the E¾ NE¼, 150 acres within the SE¼, 136 acres within the SW¼; All in Section 17, T 19N., R.30E.W.M.**

The authorized quantities will be 2000 gpm and 866 AF/yr for seasonal irrigation from Feb 1 through November 20 of each year for irrigation of 400 acres, less any amounts of surface water delivered under ECBID WSC 190/50 issued on November 08, 2007, and ECBID WSC’s 390-062-809 and 390-063-809, both issued on October 4th, 2017. The water and acreage allocated under EDBID WSC’s will be put into standby reserve.
Provide any other pertinent information relative to the board's decision.

There are three water service contracts issued by the East Columbia Basin Irrigation District on the lands within Section 17, T. 19 N., R. 30 E.W.M.

1) Renewal 190/50, Approved 10/8/1982. This contract was signed on November 1st, 2007. The WSC was issued to Berend and Carla B. Friehe for surface water delivery to irrigate 70 acres within the W½ of the SW¼ of Section 17, T. 19 N., R. 30 E.W.M. The WSC is utilized on the western ½ of the pivot in the SW¼ of Section 17 of which it is appurtenant.

2) WSC-390-062-809-000-00. This contract was signed on October 4th, 2017. The WSC was issued to Wheeler Trust for surface water delivery to the S½ of Section 16, and the SE¼ of Section 17, T. 19 N., R. 30 E.W.M. The WSC is utilized on the pivot in the SE¼ of Section 17 and ¼ of the small center pivot (related to these water rights).

3) WSC-390-063-809-000-00. This contract was signed on October 4th, 2017. The WSC was issued to Wheeler Land Holding, LLC for surface water delivery for irrigation of 270 acres within the NW¼ and NE¼ of Section 17, T. 19 N., R. 30 E.W.M. The WSC is utilized on the pivot in the SE¼ of Section 17 (related to these water rights). The WSC is utilized on the two pivots in the N½ of Section 17 and ½ of the small center pivot (related to these water rights).

The information or conclusions in this section were authored and/or developed by (Name of Person): Gene St.Godard and GCWCB

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.

All conditions and requirements contained in reports of examination or permits previously issued apply to this superseding certificate unless specifically noted below.

The total water authorized under Groundwater Certificate No. G3-22471C shall be limited to 2000 gallons per minute, 866 acre-feet per year for the irrigation of 433 acres.

The total withdrawal under this certificate (G3-22471C) and certificate No. G3-01215C shall be limited to 2000 gallons per minute.

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.

The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some requirements. Installation, operation and maintenance requirements are enclosed as a document entitled “Water Measurement Device Installation and Operation Requirements.

The water quantities and uses recommended and/or the number of acres to be irrigate may be reduced at the time of issuance of a final water right commensurate with the capacity of the installed system and the use and/or the numbers of acres actually irrigated.

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in questions does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of land.

This authorization to use public waters of the State is classified as a Family Farm Permit in accordance, with Chapter 90.66 RCW (Initiative Measure No. 59). This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the State of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.
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.

Any future test data for a new well shall be submitted as it is obtained to the Department of Ecology.

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 the actual crop grown on the number of acres and the place of use specified.

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.

A superseding certificate of water right will not be issued until a final examination is made.

Nothing in this authorization shall be construed as satisfying other applicable federal, state or local statutes.

All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

In order to protect existing shallow domestic and stock water wells, and springs, casing and sealing requirements will be determined on a case-by-case basis and included as a provision on all new permits issued. New permits will also be conditioned to prohibit cascading water in wells in accordance with Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells). Sealing of required casing shall consist of filling the annular space between casing and well bore with cement grout placed by pumping from the bottom of the casing to land surface. Alternative methods to provide the same protection afforded by casing and sealing may be submitted to the department for review and shall only be used if approved in writing by the department prior to well completion.

Any well which is reworked shall be constructed to comply with the casing and sealing provisions of WAC 173-130A-170. Reworking shall include, but not be limited to, reaming to enlarge well diameter or deepening."

An airline and pressure gauge shall be installed and maintained in operating condition on all new or reworked wells and equipped with a standard tire valve, placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls. The total length of the airline and any changes in length shall be reported to the department."

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.

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between the applicant and the owner of that land.

**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.

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**No mitigation is required**

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**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.

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| Begin project by this date (At least 75 days after Board's ROD issuance): | **Started** |
| Complete project by this date: | **Completed** |
| Complete change & put water to full use by this date: | December 31, 2025 |
Provide any other pertinent information relative to provisions

The following casing and sealing provisions for any new wells constructed in association with this change application:

Well 3 - The altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238, Sheet Three) for a well in the N½S/W¼ of Section 16, T. 19 N. R. 30 E.W.M. is 845'. With a land surface of ~1440', this puts the top of the Grande Ronde at 595' below land surface. The casing call for a well at this site would be 795' below land surface for a Grande Ronde well at this location. Well #3 appears to be constructed to 942’ and has 22’ of casing.

Well 4 - The altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238, Sheet Three) for a well in the NE¼SE¼ of Section 16, T. 19 N. R. 30 E.W.M. is 850'. With a land surface of ~1440', this puts the top of the Grande Ronde at 590' below land surface. The casing call for a well at this site would be 790' below land surface for a Grande Ronde well at this location. Well #4 appears to be constructed to 899’ and has 27’ of casing.

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Well 6 - The altitude of the Grande Ronde Basalt Member (from the USGS WRI Report 87-4238, Sheet Three) for a well in the N½ S½ of Section 7, T. 19 N. R. 30 E.W.M. is 805'. With a land surface of ~1415', this puts the top of the Grande Ronde at 610' below land surface. The casing call for a well at this site would be 810' below land surface for a Grande Ronde well at this location.

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 Ephrata, Washington
This 26th day of May 2022

Name of Board Representative: Gerald Brown
Name of Water Conservancy Board: Grant County
Signature: [Signature]