

STATE

OF

DEPARTMENT

1889

COPY

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

4601 N. Monroe Street Spokane, Washington 99205-1295 (509) 456-2926

August 8, 2001

CERTIFIED MAIL (7000 1670 0009 9552 4610)

Mr. Bernard Erickson

6779-B West Rosenoff Road

Ritzville, WA 99169

Dear Mr. Erickson:

Re: Application for Change/Transfer Under Ground Water Certificate No. 1000A

On June 27, 2001, our office received from the Adams County Water Conservancy Board the Record of Decision for the above-referenced application for change. In accordance with RCW 90.80.080, the Department of Ecology has reviewed the Record of Decision and has considered all comments, protests, objections and other relevant information.

The Department has affirmed the decision of the Board and the proposed change of water right is approved.

The Record of Decision indicates that construction of your project has been completed. Enclosed is a Proof of Appropriation form, which is to be sent to this office when the water has been put to full beneficial use. Please note the form requires your notarized signature.

This Action may be appealed. Your appeal must be filed with the Pollution Control Hearings

Board, P.O. Box 40903, Olympia, WA 98504-0903 within thirty (30) days of the date of mailing of this Action. At the same time, your appeal must also be sent to the Department of Ecology c/o the Appeals Coordinator, P.O. Box 47600, Olympia, WA 98504-7600. Your appeal alone will not stay the effectiveness of this Action. Stay requests must be submitted in accordance with RCW 43.21B.320.

These procedures are consistent with Chapter 43.21B RCW.

Sincerely,

George B. Schlender

Section Manager

Water Resources Program

GBS:mjw

cc:

Adams County Water Conservancy Board

I, Mary Jane Willey, certify that I mailed this letter or an identical copy thereof, postage prepaid, to the above addressee(s) this 8th day of leg , 2001. Mary (Signature) Jane Stelley

SENDER:

I also wish to receive the

Complete items 1 and/or 2 for additional services.

Complete items 3, 4a, and 4b.

following services (for an

Print your name and address on the reverse of this form so that we can return this

extra fee):

card to you.

Attach this form to the front of the mailpiece, or on the back if space does not

1.

Addressee's Address

permit.

Write "Return Receipt Requested" on the mailpiece below the article number.

2.

Restricted Delivery

The Return Receipt will show to whom the article was delivered and the date delivered.

Consult postmaster for fee.

3. Article Addressed to:

4a. Article Number

Bernard Erickson

700016700009 95524610

6779- - B W. Roserhoff RD

4b. Service Type

Registered

Certified

Ritzville , Wa 99169

Express Mail

Insured

Return Receipt for Merchandise

COD

7. Date of Delivery

1000A Change ROD/MJ 8-10-01

5. Received By: (Print Name)

8. Addressee's Address (Only if requested

BERGARD

and fee is paid)

6. Signature (Addressee or Abenth

Receipt

Adams County

Water Conservancy Board

R

5 2001

402 East Main

Ritzville, WA 99169-1338

Phone: (509) 659-1553

EASTERN REGIONAL OFFICE

DEPARTMENT OF ECOLOGY

7/3/2001

To: Department of Ecology (Karen Tusa)

Water Resource Program

4601 N. Monroe, suite 202

Spokane, Wa. 99205-1295

Subject: Erickson ROD Final

In response to your 6/22/2001 correspondence pertaining to the Erickson draft Record of

Decision, (for application for change under Ground Water Certificate No. 1000A

(Bernard Erickson), we have made the suggested changes, and forwarded an "original

board approved "Record of Decision" with all supporting documents including original

notary certified publication information to your department for consideration.

Dennis Swinger indicated you required an accompanying letter to identify the fact that

this was to be the "final" ROD for the Erickson application. Please accept this

correspondence to accompany the previously submitted letter as that required document.

Sincerely,

Say

Gary De Vore

Administrator

ADAMS COUNTY

WATER CONSERVANCY BOARD

Application for Change/Transfer

Certificate of Conditional Approval & Record of Decision

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

Surface Water

(Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)

Ground Water

(Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE

APPLICATION NUMBER

PERMIT NUMBER

CERTIFICATE NUMBER

November 7, 1949

1271

1202

1000A

NAME

Bernard Erickson

ADDRESS (STREET)

(CITY)

(STATE)

(ZIP CODE)

679-B West Rosenoff Road

Ritzville

WA

99169

PUBLIC WATERS TO BE APPROPRIATED

SOURCE

A well

TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND

MAXIMUM GALLONS PER MINUTE

MAXIMUM ACRE FEET PER YEAR

325

320

QUANTITY, TYPE OF USE, PERIOD OF USE

325 gpm, 320 acre-feet/yr for irrigation of 80 acres from February 1, to November 30 each year.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL

2640 feet south and 1320 feet east from the Northwest corner of Sec. 31, within the S1/2S1/2NW1/4 and or

N1/2N1/2SW1/4 of Sec. 31, T.19 N., R. 31 E.W.M.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)

SECTION

TOWNSHIP N.

RANGE. (E. OR W.) W.M.

W.R.I.A.

COUNTY

SW1/4 NW1/4

31

19N

31E

41

Adams

RECORDED PLATTED PROPERTY

LOT

BLOCK

OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

80 acres within the circumference of a center pivot irrigation system located within S 1/2 NE 1/4 sec. 32, N 1/2 SE 1/4
sec. 32 all within T 19 N., R. 31 E.W.M. Adams County, Washington

R

JUN

27

DEPARTMENT OF ECOLOGY

EASTERN REGIONAL OFFICE

ORIGINAL

DESCRIPTION OF PROPOSED WORKS

A well, pumps and pressure distribution system

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:

COMPLETE PROJECT BY THIS DATE:

WATER PUT TO FULL USE BY THIS DATE:

started

completed

REPORT

RECORD OF DECISION & CERTIFICATE OF CONDITIONAL APPROVAL

This Record of Decision and Certificate of Conditional Approval is issued by the Water Conservancy Board of Adams County pursuant to the provisions of Ch. 90.80 RCW and Ch. 173-153 WAC and consists of two elements:

(1) Record of Decision and (2) Certificate of Conditional Approval.

BACKGROUND

An application for change of place of use and change in point of withdrawal to Water Certificate 1000A was submitted to the Department of Ecology by Bernard Erickson on July 23 1998. This pending application for change was forwarded to the Adams County Water Conservancy Board as provided for under RCW 90.80 and Chapter 173-153 WAC and is now the subject of this Record of Decision and Conditional Certificate.

This certificate of Water Right is issued in the amount of 325 gallons per minute, 320 acre feet per year for the irrigation of 80 acres from a well located within the SE 1/4 NE 1/4 of sec. 6 T18 N, R32 E.W.M. The original certificated place of use is the E 1/4 N 1/4 of sec. 6, T18N, R 32 E.W.M. The proposed new place of use will be 80 acres within the S 1/2 NE 1/4 sec.32 and the N 1/2 SE 1/4 sec.32, all within T19N, R31 E.W.M. in Adams County, Washington. The proposed new point of withdrawal will be an existing well located within SW 1/4 NW 1/4 of sec. 31 T19 N, R31 E.W.M. in Adams County, Washington.

A notice of application was duly published in accordance with RCW 90.80.

Protestants or Interveners

This application for change was protested by Jake and Alice Weber on July 18, 2000 following the last date of publication of the public notice and within the 30-day protest period as prescribed in the notice. The Webers stated that their domestic, livestock and irrigation wells have been adversely affected by irrigation wells in the area.

The following information was given to Jake and Alice Weber during an investigative interview conducted on August 17, 2000 by D.O.E. employees James Lyerla and Karen Tusa along with Adams County Water Conservancy Board member Dennis E. Swinger.

The domestic well at their home is drilled to a depth of 556 feet below land surface. The pump was originally set

at 416 feet in 1980 and has since been lowered to 490 feet in 1997 and again to 530 in the summer of 2000. Prior to re-setting the pump this well ran out of water during the summer in 1998 and 1999.

They used their irrigation well south of the freeway during the short time the well was dry to supply domestic and stock water to the house. However, the well south of the freeway is also experiencing production problems. It used to produce 2000 gallons per minute in 1974 and the production has dropped off to 500 gallons per minutes in recent years. This well is 380 feet in depth and has not been re-drilled because the existing turbine pump was stuck in the bottom of the well. The pump and column were removed in January of 2001.

The following is part of a technical report prepared by D.O.E. employee James Lyerla.

This well has been measured annually by the Department of Ecology and it appears that the static water levels have declined from a static water level of 87 feet below land surface in 1975 to 213 feet below land surface in the year 2000. This is a 25-year period of record with an average decline of 5 feet per year. This decline is well within the limits of 10 feet per years as defined in the Management Regulations for the Odessa Sub-area WAC 173-130A.

The Department measures the static water levels of 8 wells (including one of the protestants' irrigation wells) within a 5-mile radius from his domestic well. Water levels in these 8 wells have declined less than 5 feet per year, and in some instances, have no recorded declines over the period of record.

The Department does not take dynamic pumping measurements during the irrigation season, but it is likely that these dynamic water levels are getting deeper each year during the pumping season due to additional stress on the aquifer system as a result of deepening or reconstruction of existing irrigation wells and installation of larger irrigation pumps. These irrigation wells are typically uncased and are completed into the Grande Ronde aquifer system. The shallower water table common to the Wanapum aquifer system (which includes the upper portions of the protestants' irrigation and domestic wells) is allowed to flow down the well bore continuously, thereby lowering the water level in the Wanapum aquifer system. The bottom of the Wanapum formation is at 375 feet

ORIGINAL

Continued

below land surface in this area. De-watering of the Wanapum aquifer system is the primary cause of loss of water in the Weber Wells and is exaggerated during the irrigation season due to pumping interference from deeper, large

capacity wells used for irrigation. The protestant's domestic well (556 feet deep) is completed into both the Grande Ronde and Wanapum aquifer systems and the irrigation well south of the highway (371 feet deep) is probably completed in the Wanapum aquifer system. In any case, these two wells are competing for the same source of ground water that supplies the local, composite head, irrigation wells.

These wells are completed into both aquifer systems, typically being 900 to 1400 feet in depth. The applicant is proposing to transfer the water right from an existing well located within the SE 1/4 NE 1/4 of Sec. 6, T. 18N, R. 32 E.W.M. to an existing well located within the SW1/4NW1/4 of Sec. 31, T. 19N., R 31 E.W.M. The well in Sec. 6 was drilled to a depth of 410 feet in 1950 and is completed into the top of the Grande Ronde formation. However, at the time of drilling, this well displayed a static water level of 76 feet, which is typical of the Wanapum aquifer system. The well in Sec. 31 was drilled in 1977 to a depth of 970 feet below land surface and is completed in both the Grande Ronde and Wanapum aquifer systems. This is an uncased well with a static water level of 160 feet on the date of drilling. The Department does not measure the water levels in either well and information on the static water levels does not exist with the exception of the driller's reported static water levels. It is very likely that the static water level in both of these wells dropped since they were drilled and is now much deeper as a result of local irrigation pumping.

The Odessa computer model was used to evaluate the additional stress during the pumping season that the well at the new location would have on the protestant's wells if this change in point of withdrawal and place of use were issued. The well at the new location would be pumped at 325 gallons per minute, for an annual withdrawal of 200-acre feet per year. The pumping stress in the model was limited to 200 acre feet per year as opposed to the 320 acre feet Certificated, because the Odessa Sub-area regulations limit the annual withdrawal of ground water to 2.5 acre feet per acre. The model predicted that in 3 years the additional decline in the protestant's wells would be .12 feet or approximately .04 feet per year.

It appears that declines in the protestant's wells will continue due to large-scale irrigation withdrawals in the area and continual downhole flow in these uncased wells. It is only a matter of time before the protestant will be required to deepen these wells in order to compete with the larger production irrigation wells. The additional decline of 0.04 feet per year resulting from this change of point of withdrawal does not appear to be unreasonable

considering the historic declines recorded to date.

Verification of Existing Right and Water Use:

Victor Franz submitted a signed affidavit stating that he had irrigated all of this property prior to placing it in the Conservation Reserve Program in 1987. Bernard Erickson submitted Seasonal Use and Point of Withdrawal Changes issued by the Department of Ecology for each of the following years: 1998, 1999, 2000, and 2001.

Copies of the Conservation Reserve Program contracts numbered 304 and 509 were submitted.

Compliance with State Environmental Policy Act:

This application is categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW. This application for change is exempt under the Family Farm Water Act of 1977, Chapter 90.66 RCW.

INVESTIGATION

Field Examination for Existing Use and Site of Change/Transfer:

Dennis E. Swinger, Adams County Water Conservancy Board member and Bernard Erickson, applicant, conducted a field examination of the irrigation facilities in sec. 30, 31, 32 and 33 T19N, R31E.W.M. Adams County Wa. On January 10, 2001. A pumping station was observed with one main line supplying Bureau of Reclamation Water, a deep well, a deep well turbine/ pump assembly, two booster pumps, two flow meters, various control panels, miscellaneous valves and wiring and two parallel mainlines distributing water to eleven center pivot irrigation systems of various sizes.

DOE employees James Lyerla and Karen Tusa along with Adams County Water Conservancy Board member Dennis E. Swinger inspected the well site in Sec. 6 T. 18N, R32 E.W.M. Adams County, Washington on August 17, 2000. An unused, uncapped well, a control panel, stacked column and drive shaft and miscellaneous irrigation equipment were observed at this site.

The applicant owns and operates a farm that has 7 irrigation circles serviced with ground water and 4 irrigation circles serviced with Bureau of Reclamation Water. This farm has parallel, but separate, transmission systems. System number 1 supplies Bureau of Reclamation water to four of the circles. System number 2 supplies ground water to six of the circles. Each system consists of separate pumps, control panels, meter, electric service,

underground delivery system and circles. No mixing of ground water and Bureau of Reclamation water takes

ORIGINAL

Continued

place. Existence of the parallel systems was verified by Terry Kilmer, the earth works contractor, and Lad Irrigation, the materials and welding contractor. A map detailing the two systems was submitted. System number 1, Bureau of Reclamation water, has been inspected, approved and has been issued a service contract. The well located in SW 1/4 NW 1/4 of Sec. 31. T19 N., R. 31 E.W.M. was drilled in 1977 to 970 feet with a diameter of 20 inches. The static water level in 2000 is unknown. The well is equipped with a 500 hp turbine pump, two 125 hp booster pumps and a digital, differential pressure flow meter. This well is cased to 40 feet. A driller's well log for both wells has been submitted.

Associated Water Rights and Uses Related to Current and Proposed Action(s):

The following Ground Water Certificates, (1) G3-21031-C, (2) G3-20795-C, and (3) 4370-B, held by the applicant, have a common point of withdrawal, the well located in SW 1/4 NW 1/4 of Sec. 31 T. 19 N, R 31 E.W.M. Adams County, Washington. A copy of each Ground Water Certificate has been submitted.

The following Ground Water Certificates, (1) 3335-A, (2) G3-01227C, and (3) G3-01228C, held by Gene Kagele and Pattie Kagele Farms are used on a seasonal change basis to withdraw water from the well located in SW 1/4 NW 1/4 of Sec. 31 T 19 N, R 31 E.W.M. Adams County, Washington to supply the number 2 system, the Ground Water system.

The applicant proposes to add Ground Water Certificate 1000A to the well located in SW 1/4 NW 1/4 of Sec. 31 T 19 N, R 31 E.W.M. Adams County, Washington to supply ground water to a circle located within the S 1/2 NE 1/4 Sec. 32, N 1/2 SE 1/4 Sec. 32 all within T19N, R 31 E.W.M. Adams County, Washington. No change in number 2 system, Ground water, will be required. The withdrawal, 325 gallons per minute and 320 acre feet per year as authorized under Ground Water Certificate 1000A, is presently being withdrawn from an existing well located in SW1/4NW1/4 of sec. 31 T 19N, R 31 E.W.M. Adams County, Washington to supply ground water under seasonal changes. Total withdrawal shall be limited to 4 AF/yr or a total of 320 acre feet

CONCLUSIONS & CONDITIONAL DECISION

Victor Franz submitted a signed affidavit stating that he had irrigated all of this property prior to placing it in the Conservation Reserve Program in 1987. Bernard Erickson submitted Seasonal Use and Point of Withdrawal Changes issued by the Department of Ecology for each of the following years: 1998, 1999, 2000, and 2001. Copies of the Conservation Reserve Program contracts numbered 304 and 509 were submitted.

The technical report prepared by D.O. E. employee James Lyerla indicated that no impairment or encumbrances, beyond the Odessa Sub-Aquifer Management Rules will be imposed on area wells by this change.

Recommendations

This application for change of point of withdrawal, and place of use of 325 gpm and up to 320 acre-feet per year should be approved subject to the following provisions:

Provisions

"Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities."

"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, ordinances, or regulations."

"An approved measuring device shall be installed and maintained in accordance with TCW 90.03.360 and/or WAC 508-64-020 through WAC 508-64-040." (Installation, operation and maintenance requirements attached hereto)."

"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."

"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 applicant and owner of that land."

"This authorization to make use of public waters of the State is subject to existing rights, including any existing

rights held by the Untied /states for the benefit of Indians under treaty or otherwise."

ORIGINAL

Continued

"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 173-160-285 (Minimum Standards for Construction and Maintenance of Water Wells)."

The Adams County Water Conservancy Board hereby accepts conditional approval for the water right change/transfer described within this record of decision and submits this certificate and record of decision for conditional approval to the Director of the Washington State Department of Ecology for final review.

Accepts

Rejects

Dale Gelloods

Dale Galbreath, Chairman

Signed this 25TH day of June , , 2000

Adams County Water Conservancy Board

Accepts

Rejects

Orm John

Signed this 25th day of June ,

2000

Orman Johnson

Adams County Water Conservancy Board

Accepts

Rejects

Dennis Swingwoke Signed this 25th day of June 200g

Dennis E. Swinger, Sr.

Adams County Water Conservancy Board

ORIGINAL