

From : Tim Reiersen <tim@water-consultant.com>
To : Short, Jaime \ (ECY) <JSHO461@ECY.WA.GOV>
Subject : RE: Response to 10/21 email re: Greiff
Cc : kfreeman@inlandearth.com; Spangle, Herm \ (ECY) <HSPA461@ECY.WA.GOV>; Tolleson, Daniel F. \ (ECY) <DTOL461@ECY.WA.GOV>
Received On : 10/26/2022 2:56 PM
Attachments : [A1_Map.jpg](#)

Thank you for considering my concerns.

On behalf of Mr. Greiff, I will provide the board with the items you mention by separate submittal as a clarification into the record. But I don't see that any of the items has any effect on outcome.

1. Individual water right accounting. As to the individual rights, two of them already overlap completely in place of use and the third overlaps the other two completely, while including additional area. Please see attached map. The high two years of use were all made under irrigation north of the road, within the current places of use, and the rights total to 37 acres.

Because the cropping was all alfalfa hay during the highest two years of use within the past five, the result with individual acres accounted to each water right separately, will by nature of the uniformity of use during those two years, be the same as already presented in a combined approach. There are an infinite number of choices for dividing the three rights individually. I'll just choose one.

If you look at the tentative extent and validity determination by the board, it is separate to each water right. It's just a brute fact. Nevertheless I can prepare a separate discussion for each.

2. Show all five years of cropping. When the highest two years in five are averaged, the result will be identical to the average of the two highest years within the past five. It will be a simple matter to include estimates for the three other lower use years.

3. To what extent can reasonable expansion be made. The justification for the spreading is lower water use crops—on average—and deficit irrigation as needed. Yield can suffer but that is understood by the Greiffs.

4. Ecology's example of Farmer Sam. The relationship illustrated by Ecology's example will be the same, once the water spreading is approved, which was my point in raising the example after being told Ecology did not want to allow such an overlap. If Ecology intends to deny overlapping spreading because Farmer Sam is not the same example, that's a circular argument. Once the spreading is approved, it's the same example.

In sum, I understand the items you are raising but remain unconvinced that there is any substantive issue on any point of law within these three decisions, as they stand. On the plus side, that makes it easy to fill in the blanks for the items you are requesting. I see no reason whatsoever for the board to withdraw these decisions.

My opinions.

Sincerely,

Tim Reiersen

Streamline Water Consulting LLC

Tim Reiersen, PE tim@water-consultant.com

he/him RYE er sun

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Yakima WA 98908 fax (509) 965-6995

From: Short, Jaime (ECY)

Sent: Wednesday, October 26, 2022 2:09 PM

To: Tim Reiersen

Cc: kfreeman@inlandearth.com; Spangle, Herm (ECY) ; Tolleson, Daniel F. (ECY)

Subject: Response to 10/21 email re: Greiff

Dear Mr. Reiersen,

Thank you for reaching out to me regarding the processing of the Spokane County Water Conservancy Board's decisions on Mr. Greiff's applications (SPOK-22-01, 02, 03). I have reviewed the record with my team and can assure you that nothing in our decision making process includes a consideration of your client's integrity or future plans for the property. If we have done anything to give you that impression, I sincerely apologize. That being said, we do have significant concerns with the decisions forwarded to us by the Board with their recommendation to approve.

Three applications came before the Board, all of them proposing to add acres and amend the place of use. Unfortunately, each right was not evaluated on its own merits so the record for each decision is insufficient. I understand that the delivery system for these three rights has been integrated but the rights themselves are assigned individual acres. A record of decision needs to be submitted that includes the location of the acres developed under each right, what specific crops were grown on those acres for the 5 year period being evaluated for ACQ, and to what extent those acres can reasonably be expanded to under the change. The example you cited from Ecology's Guidance 20-11-065 is not relevant as these three rights are not approved for the same number of acres. In this case Mr. Greiff is not "Farmer Sam".

I appreciate your desire to avoid undue influence from agency staff and your ethical obligations to your client. Our liaison to the

Conservancy Board, Herman Spangle, has reached out to Mr. Freeman and will work directly with the Spokane Board to determine next steps. The decisions as submitted cannot be approved so the Board will have to decide if they would like to withdraw and amend the record or leave them as-is. Thank you again for sharing your concerns.

Sincerely,

Jaime Short (she/her)

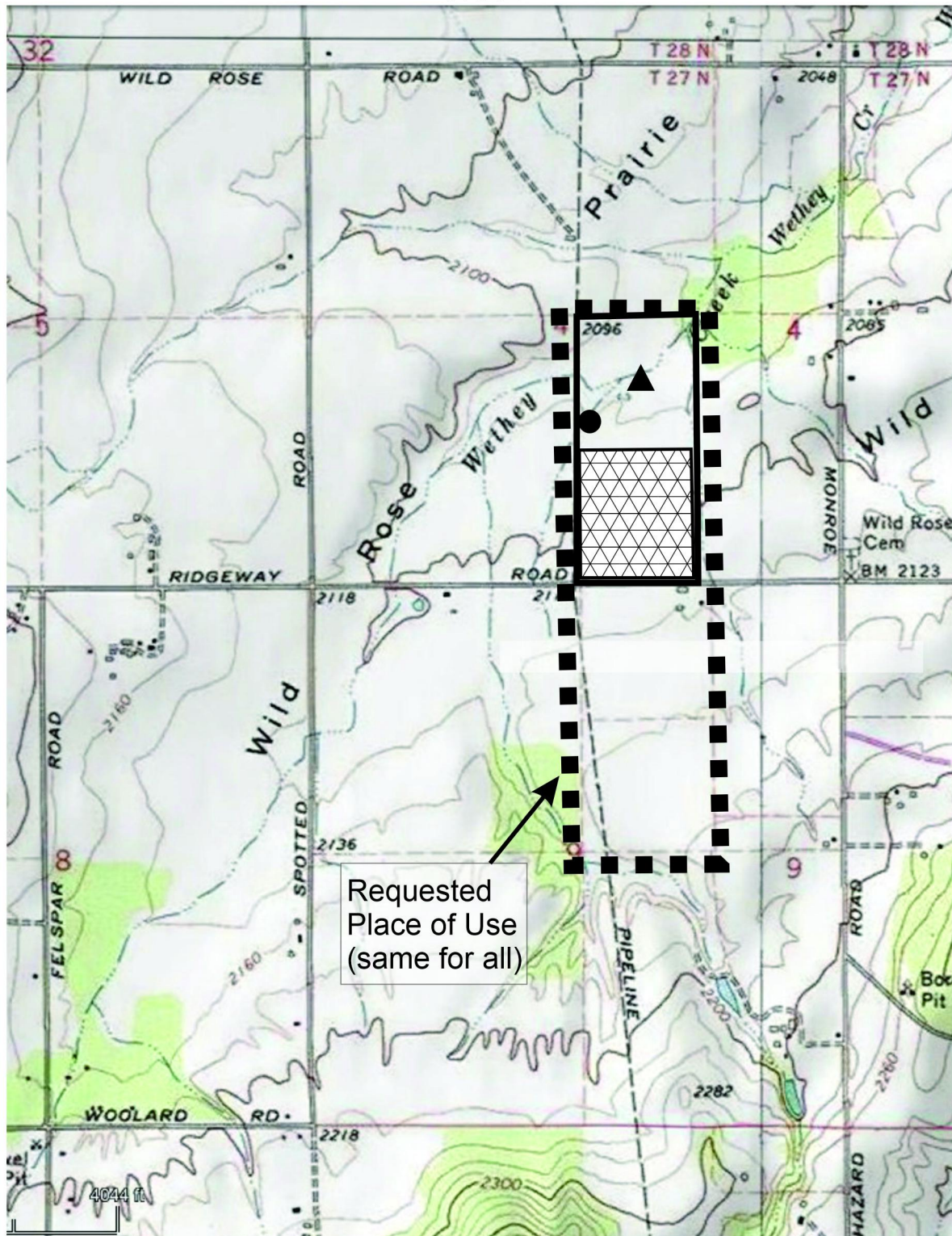
Section Manager, Eastern Regional Office

Water Resources Program, WA Dept. of Ecology

509.990.7636 (cell)

R42E

T28N
T27N



1 mile (approx.)

- ▲ Current Source (Spring) SWC 4057 (no change)
- Current Source (Well) GWC 4589-A and G3-01333C (no change)



- Current Place of Use - SWC 4057 and GWC 4589-A
- Current Place of Use - G3-01333C

Attachment 1 - Map - Change Application Request