



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Eastern Region Office
4601 North Monroe St., Spokane, WA 99205-1295 • 509-329-3400

September 6, 2024

Robert H. Greiff
6223 W. Ridgeway Road
Deer Park, WA 99006

RE: Applications for Change/Transfer under Surface Water Certificate No. 4057, and Ground Water Certificate Nos. 4589-A and G3-01333C.

The above referenced applications were filed with the Department on May 1, 2023. The applications requested to change the place of use and to add acres by increasing the total authorized for irrigation from 37 acres to 100 acres. The applications also proposed to change the place of use to include the lands South of Ridgeway Road located within the W½NE¼ of Section 9, Township 27 N., Range 42 E.W.M. (Spokane County Parcel No. 27091.9037).

In October of 2023, Jaime Short (ERO WR Section Manager) and Gene Drury (NE WA Water Master) discussed your pending applications with your consultant Tim Reiersen. We discussed the problems with the applications, that we must evaluate each water right separately and explained what additional information would be required. It was agreed that there would be no irrigation South of Ridgeway Road for the 2024 season and that only a total of 37 acres would be irrigated North of Ridgeway Road. Water usage would be recorded for both surface water and from the well so we could evaluate the data for the pending applications under each of the water rights. On October 24, 2023, you sent a letter to Jaime Short, stating that you would not irrigate the parcel south of Ridgeway Road. You stated that you would contact Koos Irrigation of Quincy, WA and would install meters on each source and only irrigate a combined total of 37 acres north of Ridgeway Road. You also agreed to leave the wheel lines off to the side of the fields and not use them.

Since this time, you have continued to irrigate the 69 acre parcel South of Ridgeway Road despite being warned multiple times including penalties being issued for this illegal water use. You have also irrigated the parcel North of Ridgeway Road in 2024, far exceeding your existing water right totals. It appears that the information you agreed to provide will not be submitted nor could it be used due to the excessive water usage and illegal irrigation. Any data submitted for the 2024 irrigation season would be considered unacceptable and unusable to process your pending applications. As explained previously, the applications as currently filed are inadequate and without accurate information, they cannot be processed.

Therefore, your Applications for Change/Transfer under the above referenced water rights received by the Department on May 1, 2023, are hereby **REJECTED** and will not be processed.

To assist with future change/transfer applications under Surface Water Certificate No. 4057, Ground Water Certificates No. 4589-A and G3-01333C, the following must be addressed:

Provide documentation to support the validity and extent evaluation for each water right certificate individually:

- Provide data showing the amount of water used separately for each water right. A flowmeter needs to be installed on the spring diversion.
- Include a map describing the place of use and area of irrigation for each water right. For example, specify where the 5, 12 and 20 acres are irrigated under each water right separately.
- An Annual Consumptive Quantity (ACQ) analysis will be required separately for each water right if you intend to increase the number of acres authorized as required under RCW 90.03.380 (1)(c).

Your right to appeal

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

To appeal, you must do all of the following within 30 days of the date of receipt of this decision:

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

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

Filing an appeal

Filing with the PCHB

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

Service on Ecology

Street Address:

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

Mailing Address:

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

E-Mail Address:

ecologyappeals@ecy.wa.gov

More information

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

Americans with Disabilities Act information

Accommodation Requests

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

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Signature

Sincerely,



Jaime Short
Section Manager
Water Resources Program
Eastern Region Office

cc: Tim Reiersen, consultant
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