



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

October 7, 2021

Northwest Surf Parks, LLC
Attn: Joey Lawrence
15104 NE 154th St.
Woodinville, WA 98072
Joey@surfbarreled.com

Roy Farms, LLC
Attn: Michael Roy
401 Walters Rd
Moxee, WA 98936
Michael@royfarms.com

RE: Water Right Change Application No. CG4-26958C (YAKI-20-02)

Dear Mr. Lawrence and Mr. Roy:

Pursuant to a settlement of PCHB No. 21-033, and in accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Yakima County Water Conservancy Board (the Board) for the above referenced application for change. Ecology has also considered supplemental information provided through settlement negotiations regarding well use and continued farm operations.

This decision supersedes and replaces the Reversal Order issued on May 7, 2021. Ecology has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

Summary of Ecology's Final Order

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
	1,000	390.62 (350.5 Consumptive Use)	317.47 afy primary irrigation on 88.5 acres (4/1 to 10/31) 17.7 afy frost control 0.92 afy stockwater continuously

Summary of Ecology's Final Order – continued on page 2.

Summary of Ecology’s Final Order – continued from page 1.

MAXIMUM CUB FT/ SECOND		MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR		TYPE OF USE, PERIOD OF USE	
						75 afy (43.65 CU) recreational, domestic, commercial and landscaping use (not to exceed 390.62 afy limit) *Portions to be rerouted into primary irrigation total.	
SOURCE				TRIBUTARY OF (IF SURFACE WATER)			
Two Wells				Groundwater			
¼	¼	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY	
SW	NE	29	13	20 E.W.M.	37	Yakima	
SW or SE	SE	20	13	20 E.W.M.	37	Yakima	
AT A POINT LOCATED:							
PARCEL NO. Replacement Well 1: 20132043001 Well 2: 20132043001 or 20132044001							
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
Existing place of use;							
AND, Parcel 20132043001 (SW¼SE¼ S. 20, T. 13 N., R. 20 E.W.M., Except the West 30 feet; and Except the South 40 feet conveyed to Yakima County for road by Quitclaim Deed recorded October 11, 1972 under Auditor’s File No. 2297778, records of Yakima County WA.)							
AND, Parcel 20132044001 (SE¼SE¼ S. 20, T. 13 N., R. 20 E.W.M., Except the South 40 feet conveyed to Yakima County for road by Quitclaim Deed recorded October 11, 1972 under Auditor’s File No. 2297778, records of Yakima County, WA.)							
AND, Parcels 20132942001 and 20132931404 (The Northwest ¼ of the Southeast ¼, and that portion of the Southwest ¼ of Section 29, Township 13 North, Range 20 E.W.M. owned by Roy Farms, Inc.)							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP	RANGE		
20132911005, 20132912001, 20132914001, 20132913001.		N½	29	13	37		
20132043001 & 20132044001.	SW & SE	SE	20	13	37		
20132942001.	NW	SE	29	13	37		
20132931404.		SW	29	13	37		
DEVELOPMENT SCHEDULE							
BEGIN PROJECT BY THIS DATE:		COMPLETE PROJECT BY THIS DATE:		WATER TO PUT TO FULL USE BY THIS DATE:			
Begun		December 31, 2025		December 31, 2028			

Ecology has **MODIFIED** the decision of the Board as follows:

Pursuant to settlement of PCHB No. 21-033, Ecology has reduced the acreage and maximum annual quantity of the right to reflect peak groundwater use in 2011, with portions of the originally certificated quantities being relinquished due to non-use. As such, the ACQ analysis contained in the Board's record is also modified to reflect these reduced quantities/acreage. A summary of the new analysis is as follows:

1. Primary irrigation of 372 acre-feet on 102 acres of apples
 - a. $3.93 \text{ ac-ft/acre (from ROE) for apples times } 102 \text{ acres} \times 85\% \text{ CU} = 340.7 \text{ afy CU}$
2. Supplemental irrigation of 40 acres of orchard
 - a. Not valid
3. Frost protection (17.7 afy). Same calculation as in ROE.
 - a. $17.7 \text{ afy} \times 50\% = 8.85 \text{ afy CU}$
4. Stockwater (0.92 afy). Reduced for relinquished quantity.
 - a. $0.92 \text{ afy} \times 100\% = 0.92 \text{ afy CU}$
5. **Summing these quantities, the ACQ = 350.5 afy CU.**

Provision No. 5 is modified to reflect the reduced ACQ of 350.5 acre-feet of consumptive use. All other provisions listed the Board's ROE/ROD will remain in effect.

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 of this Decision. 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 appeal and a copy of this Decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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

ADDRESS AND LOCATION INFORMATION	
Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW, Suite 301 Tumwater WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>

If you have any questions or concerns on the above information, please call Benjamin Carr at the Department of Ecology at (509) 490-1936.



Trevor Hutton, Section Manager
Water Resources Program
Central Regional Office

TH:BC:SS/210933

Enclosures: Your Right to Be Heard
Construction Notice

By certified mail: 9489 0090 0027 6130 3002 14 (NW Surf Parks, LLC)
9489 0090 0027 6130 3002 21 (Roy Farms, LLC)

cc: Lawrence Martin, Halverson NW Law Group (ecc)
Michael Roy, Roy Farms, Inc. (ecc)
Dan Haller, Aspect Consulting (ecc)
Phil Rigdon, Superintendent, Natural Resources Department, Yakama Nation (ecc)
Sylvia Cervantes, Yakima County Water Conservancy Board (ecc)
David Turner, Protestant (ecc)
Robert Stonecipher, Protestant (ecc)
Vernon Woods and family, Protestant (ecc)
David and Deanna Dillon, Protestant (ecc)