WASHINGTON STATE DEPARTMENT OF ECOLOGY

Walla Walla County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

RECEIVED
FEB 16 2012
DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

For Ecology Use Only
Received: Date Stamp
Reviewed by: _____ Date Reviewed: _____

Applicant: Hydro 9 Application Number: WALL-11-08

This record of decision was made by a majority of the board at an open public meeting of the Walla Walla County Water Conservancy Board held on 2/1/12. 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.

X Approval: The Walla Walla County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on 2/1/12 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The Walla Walla County 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:

Alan Kottwitz, Chair Walla Walla County Water Conservancy Board	Date: 2/1/12	Approve ☒ Deny ☐ Abstain ☐ Recuse ☐ _____ Other ☐
Mike Dobbins, Member Walla Walla County Water Conservancy Board	Date: 02/01/12	Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ _____ Other ☐
Brian Worden, Member Walla Walla County Water Conservancy Board	Date: 2-1-12	Approve ☒ Deny ☐ Abstain ☐ Recuse ☐ _____ Other ☐
(Name), (Title) (Board Name) Water Conservancy Board	Date: _____	Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ _____ Other ☐
(Name), (Title) (Board Name) Water Conservancy Board	Date: _____	Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ _____ Other ☐

Mailed with all related documents to the Dept of Ecology Eastern Regional Office, and other interested parties on

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WASHINGTON STATE DEPARTMENT OF ECOLOGY

Walla Walla County
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF THE STATE OF WASHINGTON

RECEIVED
FEB 16 2012
DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

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 F11 key to move through the form.*

☐ Surface Water ☒ Ground Water

DATE APPLICATION RECEIVED	WATER RIGHT DOCUMENT NUMBER	WATER RIGHT PRIORITY DATE	BOARD-ASSIGNED CHANGE APPLICATION NUMBER
September 7, 2011	GW Cert. No. G3-24503C	May 9, 1975	WALL-11-08

NAME
HYDRO IRRIGATION DISTRICT NO. 9 Attn: Robert M. Berger

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
15 N. Gose Street	Walla Walla	Washington	99362

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

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: ☒ Exempt ☐ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
	100	160	Continuous municipal water supply

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
A well (basalt aquifer)	

AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY
350723520548		SE	23	7	35 E.	32	Walla Walla

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED

The place of use (POU) of this water right is the service area described in the most recent Water System Plan or Small Water System Management Program approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
Various			23 & 26	7	35 E.

Proposed Use

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
	100	160	Continuous municipal water supply

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
Two (2) wells (basalt aquifer)	

AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY
(1) 350723520548		SE	23	7	35 E.	32	Walla Walla
(2) 350723520555	NE	SE	23	7	35 E.	32	Walla Walla

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

The place of use (POU) of this water right is the service area described in the most recent Water System Plan or Small Water System Management Program approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
Various			23 & 26	7	35 E.

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
	100	160	Continuous municipal water supply

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
Two (2) wells (basalt aquifer)	

AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
(1) 350723520548	SE¼ NE¼	SE	23	7	35 E.	32	Walla Walla
(2) 350723520555	NE	SE	23	7	35 E.	32	Walla Walla

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD

The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
Various			23 & 26	7	35 E.

DESCRIPTION OF PROPOSED WORKS

Two (2) basalt aquifer wells, source meters, 120,000 gallon storage reservoir, distribution lines, service meters.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
Started	February 1, 2031	February 1, 2032

REPORT

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

On September 7, 2011, Hydro Irrigation District No. 9 (District) of Walla Walla , Washington filed an application for change with the Walla Walla County Water Conservancy Board (Board) requesting to add a point of withdrawal (POW) under Ground Water Certificate No. G3-24503C (Cert. No. G3-24503C). The application was accepted at an open public meeting of the Board on September 7, 2011, and the board assigned application number WALL-11-08.

Attributes of the water right as currently documented

Name on certificate, claim, permit: Hydro Irrigation District #9

Water right document number: Certificate of Ground Water Right No. G3-24503C

As modified by certificate of change number: Showing of Compliance with RCW 90.44.100(3) Form (10/22/2002)

Priority date, first use: May 9, 1975

Water quantities: Qi: 100 **Qa:** 160 acre ft./ year

Source: A well – Basalt aquifer

Point of diversion/withdrawal: The SE¼ of Sec. 23, T. 7 N., R. 35 E.W.M. (Lot 20, Block 5, of the Plat of Blalock Orchards)

Purpose of use: Municipal water supply

Period of use: Continuous

Place of use: Block 1, 4, 5, 6, 7, 10, 11 and 12 of the Plat of Blalock Orchards within the S½ of Sec. 23 and the N½ of Sec. 26, T. 7 N., R. 35 E.W.M.

Existing provisions:

"Issuance of this certificate shall not be construed as excepting the holder thereof from compliance with any applicable federal, state of local statutes, ordinances, or regulations including those administered by local agencies under the Shoreline Management Act of 1971"

"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 suitable measuring device approved by the Department of Ecology shall be maintained in accordance with WAC 508-64-040."

"Certificate holder shall maintain an access port as described in Ground Water Bulletin No. 1"

"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)."

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

Hydro Irrigation District No. 9 was formed in the early 1900's for the purpose of supplying water for domestic purposes and small-scale irrigation; primarily lawns and gardens, with a few truck farm plots. The District currently serves water for in-house domestic supply and irrigation of non-commercial lawns and gardens.

Water use has grown over the years consistent with build out of the District's service area. Water use records show total maximum water use of 121 acre-feet in the drought year of 1991, to a current use of 210 acre-feet in 2009. The number of service connections has grown from 75 in 1980, to 95 in 1999, and a current total of 100. The District is currently approved by the Department of Health for a total of 250 connections.

Previous changes

A previous change was applied for and approved for Cert. No. G3-24503C, although it was never completed through to certificate. Legislative changes to municipal water law enacted in 2003, most provisions of which were upheld by the Washington State Supreme Court in 2010 *(Lummi Indian Nation v. State of Washington, No. 81809-6)* made it advantageous to

the District to cancel the previous change authorization and re-file under provisions of the new law.

The District has also filed a 'Showing of Compliance with RCW 90.44.100(3)' form to add a well (Well No. 2) to Cert. No. G3-24503C. In the 1990's, the District had two basalt aquifer wells, located about 50 feet apart, installed to serve their system. In 1994-1995, the casing of the original well (Well No.1) authorized for use under Cert. No. G3-24503C had deteriorated to the point where shallow groundwater was infiltrating into the well and running down the casing. This interchange of water resulted in Cryptosporidium contamination of the well. Use of the well was discontinued, and the well was permanently decommissioned in early 1995. Well No. 2 was then used as the exclusive source of water under Cert. No. G3-24503C, until a third well was drilled in 2002. It is this third well that is being proposed to be added to Cert. No. G3-24503C through this application.

SEPA

The board has reviewed the proposed project in its entirety. A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- It is a surface water right application for more than 1 cubic feet per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gallons per minute;
- It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions it is categorically exempt from SEPA and a threshold determination is not required.

Statutory Requirements/Authorities for Proposed Change

The following is a list of pertinent Washington State Statute and Case Law requirements that must be considered prior to authorizing the proposed change in place of use and point of withdrawal:

The Washington Supreme Court has held that when processing an application for change to a water right, a tentative determination of extent and validity of the claim or right is required. This is necessary to establish whether the claim or right is eligible for change. *R.D. Merrill v. PCHB* and *Okanogan Wilderness League v. Town of Twisp.*

RCW 90.03.570(1) and (2) state that if specific conditions are fulfilled, a municipal water supplier is eligible for a change of water right as provided by RCW 90.03.380. This provision of law applies even if the right is unperfected (not put to full beneficial use).

RCW 90.03.380(1) states that a water right which has been put to beneficial use may be changed. The point of diversion, place of use, and purpose of use may be changed if it would not result in harm or injury to other water rights.

RCW 90.03.386(2) states that a municipal water supplier may change its service area through the water system plan approval process. As long as the municipals water supplier is in compliance with the approved plan, the place of use for the water right is the service area defined in the approved plan.

RCW 90.03.386(3) requires a municipal water supplier to apply cost-effective water conservation measures as part of its water system planning. The water supplier must also evaluate the effects of delaying the use of inchoate water rights before it may increase use of those inchoate rights. RCW 90.03.320 requires the consideration of the public water supplier's use of conserved water when establishing a surface or ground water right construction schedule.

RCW 90.44.100 allows amendment of a ground water right to (1) allow the user to construct a replacement or additional well at a new location outside of the location of the original well, or to (2) change the manner or place of use of the water, if:

- The additional or replacement well taps the same body of public ground water as the original well. RCW 90.44.100(2)(a).
- Where a replacement well is approved, the user must discontinue use of the original well and properly decommission the original well. RCW 90.44.100(2)(b).
- Where an additional well is constructed, the user may continue to use the original well, but the combined total withdrawal from all wells shall not enlarge the right conveyed by the original permit or certificate. RCW 90.44.100(2)(c).
- Other existing rights shall not be impaired. RCW 90.44.100(2)(d)

When changing or adding points of withdrawal to groundwater rights, the wells must withdraw from the same body of public groundwater (RCW 90.44.100). Indicators that wells tap the same body of public groundwater include:

a. Hydraulic connectivity
b. Common recharge (catchment) area

c. Common flow regime
d. Geologic materials that allow for storage and flow, with recognizable boundaries or effective barriers to flow (same aquifer).

Other

There is a companion right to Cert. No. G3-24503C, which is owned by the District and shares the same place of use and point of withdrawal as Cert. No. G3-24503C. This right, Ground Water Declaration Certificate No. 813-D, authorizes the withdrawal of 500 gallons per minute, 301 acre-feet per year, for municipal supply. The quantities allocated in Cert. No. G3-24503C are additive to those authorized under Declaration Cert. No. 813-D. An Application for Change has also been filed with the Walla Walla County Water Conservancy Board for Declaration Cert. No. 813-D requesting the same change as that applied for herein, and was assigned application number WALL-11-07.

The information or conclusions in this section were authored and/or developed by Bill Neve.

COMMENT AND PROTESTS

Public notice of the application was given in the Waitsburg Times on September 22nd and 29th, 2011. Protest period ended on October 31, 2011.

There were no protests received during the 30 day protest period. In addition, no oral and written comments were received at an open public meeting of the board or other means as designated by the board.

Other

N/A

The information or conclusions in this section were authored and/or developed by Bill Neve.

INVESTIGATION

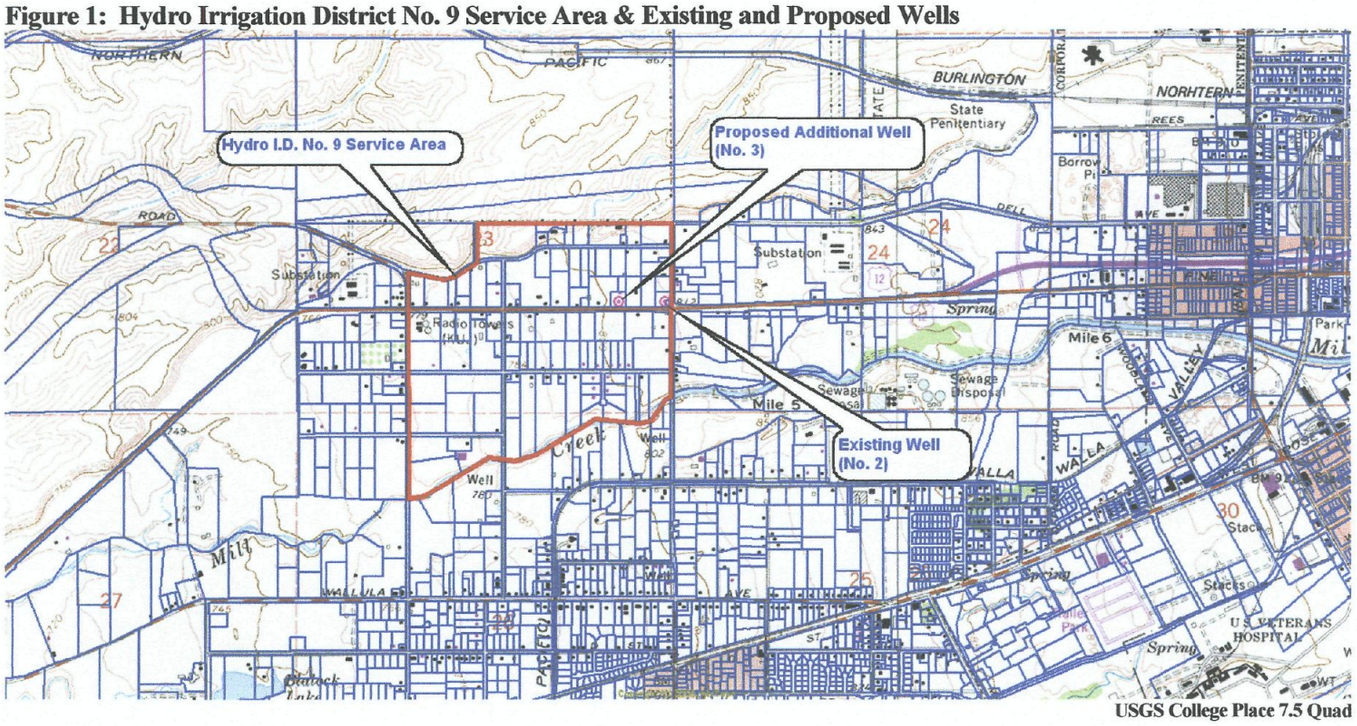
The following are some of the primary sources of information obtained and utilized in this investigation:

- A site inspection conducted by Mike Dobbins, Board Member, on October 28, 2011.
- Water right files for Cert. Nos. G3-24503C & 813-D
- Technical reports
- U.S. Geological Survey topographic maps
- Aerial photos
- Hydro Irrigation District No. 9 Small Water System Management Program (SWSMP) plan (March 2011)
- Department of Ecology's Water Right Tracking System (WRTS) database
- Washington Dept. of Health Sentry water system database
- Research of Ecology and Department of Health records
- Review of applicable laws, site visits, rules and policies
- Water well construction logs
- Conversations with the applicant and/or other interested parties

Proposed project plans and specifications

The current District service area of approximately 325 acres in size located adjacent to, and north of, Mill Creek approximately 1 mile north of College Place, Washington (See Figure 1). The District is registered as a Group A water system with the Department of Health (DOH), and is identified as System No. 35275. The District currently serves approximately 100 connections, and in their approval of the District's Small Water System Management Plan on September 1, 2011, the DOH authorized the District to serve up to 250 connections. The District has considered an expansion of their service area to include adjacent lands to the east, as well as consolidation with Blalock Orchards District #12. While a Water System Consolidation Feasibility Study report was approved by DOH in June of 2009, that consolidation is not currently being pursued, although it may be in the future.

Figure 1: Hydro Irrigation District No. 9 Service Area & Existing and Proposed Wells



USGS College Place 7.5 Quad

The District currently utilizes two wells for water supply[1]. Well No. 2 is the well currently authorized for use under Cert. No. G3-24503C, and is identified in DOH records as Source No. S02. The primary use of this well is as a backup water supply source. This well was drilled in 1978 to total depth of 570 feet. The well construction log shows the well penetrating layers of gravel and clay to 412 feet, where basalt rock was encountered. The well is cased to 521 feet below land surface. The well had a measured static water level of 152 feet on June 15, 1978, and tested at a rate of 800 gallons per minute with 11 feet of drawdown after 3 hours of pumping. There is currently a 30 HP submersible pump installed.

Well No. 3 – which is the well proposed for addition to Cert. No. G3-24503C under this application – is located approximately 700 feet west of Well No. 1. This well is identified by DOH as Source No. S04, and is the primary water source for the District. This well was drilled to a depth of 576 feet in 2002. The construction log for this well shows the wellbore penetrating layers of sand, clay and sandstone to a depth of about 390 feet, when hard basalt rock was encountered. The well is cased to a total depth of 576 feet, with perforations cut from 496 to 576 feet. The static water level as measured in October of 2002 was 191.7 feet below land surface. This well yielded 625 gallons per minute with 10.9 feet of drawdown after 8 hours of pumping when tested on October 2, 2002.

A 50 HP pump was installed on Well No. 3 in 2007, and the well became the primary source of water for the District in March 2008. A new 120,000 gallon water storage reservoir and booster pump stations (2-25 & 1-50 HP) were also constructed to operate with the new well. They system is capable of a meeting a 750 gallon per minute peak hour demand, and a 1,000 gallon per minute -1 hour fire flow.

Approval of this application would formally authorize the operation of Well No. 3 as a point of withdrawal under Cert. No. G3-24503C. It is not anticipated that any new construction would be necessary to develop the capacity of the system, other than future construction of distribution lines to supply water for new service connections.

Other water rights appurtenant to the property (if applicable)

There is one other water right appurtenant to the same lands as Cert. No. G3-24503C. Ground Water Declaration Certificate No. 813-D (Cert. No. 813-D) authorizes the withdrawal of up to 500 gallons per minute, 301 acre-feet per year, for municipal water supply. Cert. No. G3-24503C is considered as an additive right to Cert. No. 813-D, as explained below.

The Report of Examination on the application for Cert. No. G3-24503C originally issued for development of up to 800 gallons per minute, 269 acre-feet per year, for municipal water supply. The recommended quantities were provisioned "…less all water withdrawn for municipal use under existing water rights appurtenant to the subject lands". This provision did not carry over to the permit, or to the final certificate. The certificate issued for quantities (100 gallons per minute, 160 acre-feet per year) which, if considered supplemental (non-additive) to Cert. No. 813-D, would have left the District with less total water than those quantities authorized and used prior to making application for additional water through G3-24503. It is clear that the intent of Ecology when issuing Cert. No. G3-24503C for 100 gallons per minute, 160 acre-feet per year was to have these quantities considered additive to those authorized through Cert. No. 813-D. The combined quantities available for use are summarized in Table 1, below.

Table 1: Summary of Water Rights – Hydro No. 9 Irrigation District

Cert. No	*Priority Date*	*GPM (Qi)*	*Acre-feet (Qa)*	*Purpose*	*POW*
GW Cert. No. 813-D	Year 1910	500	301	Municipal	Basalt wells – 1 & 2
GW Cert. No. G3-24503C	5/7/1995	100	160	Municipal	Basalt wells – 1 & 2
Totals		**600**	**461**	**Municipal**	

[1] The original Well No. 1 was decommissioned in 1995 due to contamination issues. District Wells identified as No. 2 and No. 3 are the only wells currently in service for the District.

There are several other water rights that include at least a portion of the District service area within their authorized places of use. The City of Walla Walla has multiple water rights, surface and ground water, that overlap the authorized place of use of Cert. No. G3-24503C, although the City does not currently supply water within the service area of the District. Blalock Irrigation District No. 3 also has multiple surface water rights (WW Adjudication Cert. Nos. 329,621, 636, and 649) that include portions of the District lands within their authorized places of use. Blalock Irrigation District No. 3 runs a surface water ditch network that supplies water exclusively for irrigation purposes on lands both within and outside of the District service area. There are also several private ground water rights that have issued within the service area of the District for irrigation purposes (GW Cert. Nos. 1182-A, 1009-D, 814-D and G3-21652). All of these rights, save for Cert. No. 813-D, are separate rights which are not directly related to Cert. No. G3-24503C.

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. Expressions of public interest for this proposed change potentially include: comments or protests regarding approval of the proposed change; the Walla Walla County Municipal Code; and the WRIA 32 Watershed Plan.

a. Comments/Protests: No comments or protests were received regarding potential approval of the proposed change.

b. Walla Walla County Municipal Code (Codified as Ordinance 369, November 10, 2008): The proposed change is consistent with the current zoning.

c. WRIA 32 Watershed Plan: The locally developed and approved basin watershed plan expressed a desire that new water rights or changes to existing water rights not negatively impact streams, springs, or wells hydraulically connected to surface waters sources within WRIA 32. This application involves adding a basalt aquifer well as a point of withdrawal to an existing water right. The basalt aquifer is not considered to have a significant hydraulic connection with basin surface water streams in the area. The proposed application does not expand or otherwise enhance the quantities of water originally authorized for use under Cert. No. G3-24503C. As such, the proposed change is consistent with the WRIA 32 Watershed Plan, in that the proposed change should not negatively impact any surface waters in the basin.

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. It should be noted that under RCW 90.14.140(2)(d), there is to be no relinquishment of any right claimed for municipal water supply purposes under Chapter 90.03 RCW. The Board's tentative determination was based upon the following findings:

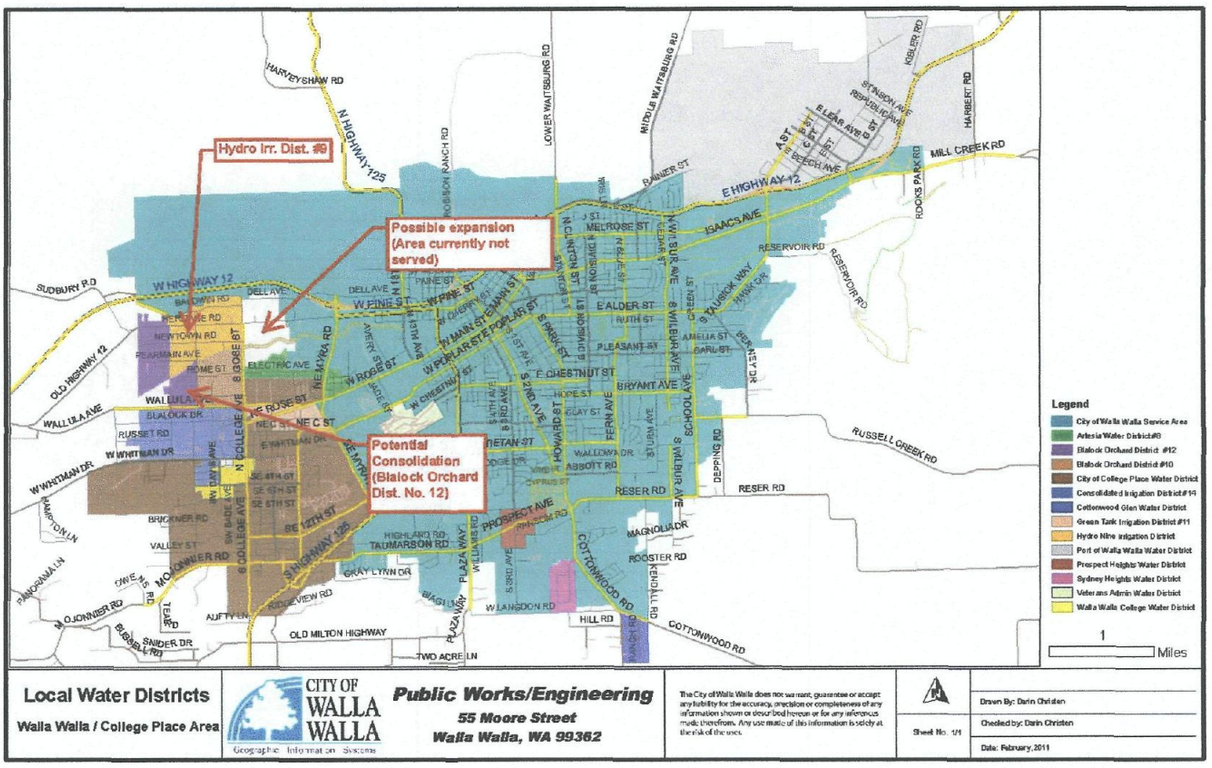
Past Beneficial Use

A review of past meter records and other data collected by Ecology in the past shows the annual pumping volumes have grown from about 121 acre-feet in the drought year of 1991 to approximately 210 acre-feet at present. The number of connections serviced by the District has grown from 75 in 1980 to 95 in 1999, to approximately 100 at present. In their most recently approved SWSMP, the DOH approved the District for up to 250 service connections. The instantaneous pumping capacity of the current system is capable of pumping the full 600 gallons per minute authorized.

The District qualifies as a "municipal water supplier" as defined under RCW 90.03.015(3) and has used water for municipal supply purposes under this certificate within the authorized place of use. Based on a review of water use data provided within the SWSMP, the District has not perfected its full allocation of water, leaving inchoate (unused) water right available for future use. This inchoate water availability is consistent with the municipal legislation (SHB 1338) passed in 2003. This law became effective on September 9, 2003, and allowed municipal water suppliers to grow into the remaining inchoate quantities of these water rights. The remaining unused portion of this right allows for certainty for future growth by the District.

Municipal water suppliers must still meet other legal requirements such as due diligence in development of the project in order to keep the right in good standing. Municipal water supplies often grow at uneven rates, and need to be able to serve growing populations as that growth occurs. The actual use of water over time can fluctuate due to many factors, which include but are not limited to year-to-year weather patterns, implementation of conservation measures, water rate changes and general changes in water use practices by the population served. Over time the population served has continued to grow, and over the last several years significant work has been completed to improve the District's water delivery infrastructure and to promote conservation practices among its customers. These upgrades to their system and practices demonstrate due diligence in development of their water right. The District is also considering expansion to serve residences not currently served by any water district to the east, and/or possible consolidation with Blalock Orchard District No. 12 to the west and south (See Figure 2).

Figure 2: Hydro Irrigation District No. 9 and Areas Considered for Expansion



Consistent with the municipal water law provisions enacted in 2003 and codified in Chapter 90.03 RCW, this right remains in good standing and the inchoate quantities of water associated with this right are available for future municipal water supply purposes by the District.

Purpose of Use

Certificate No. G3-24503C originally issued with a purpose of use for "domestic supply and irrigation". The District is considered a "municipal water supplier" and provides water for "municipal water supply purposes" as defined under RCW 90.03.015(4). The purpose of use under this right will be changed from "domestic supply and irrigation" to "municipal supply purposes" as an operation of the municipal law.

Place of Use

The place of use of Dec. Cert. No. G3-24503C describes a specific legal description of the District boundaries as they existed when the right was issued in 1982. The adoption of laws related to municipal water use and supply in 2003 include RCW 90.03.386(2), which states in part: "The effect of the department of health's approval of a planning or engineering document that describes a municipal water supplier's service area under chapter 43.20 RCW, or the local legislative authority's approval of service area boundaries in accordance with procedures adopted pursuant to chapter 70.116 RCW, is that the place of use of a surface water right or groundwater right used by the supplier includes any portion of the approved service area that was not previously within the place of use for the water right if the supplier is in compliance with the terms of the water system plan or small water system management program." The place of use will change to that area described in the District's most recently approved Small Water System Management Plan, September 2011, per RCW 90.03.386(2).

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

The Walla Walla River Basin is a structural trough, within the Columbia River Basin Basalt Group, that has been overlain by sediments. The lower most sediment is the "blue clay," which rests directly on basalt bedrock. Directly over the blue clay, and interfingered with it, is the gravel unit. The underlying basalt aquifer system is composed of three primary formations, in descending order, the Saddle Mountains Basalt, the Wanapum Basalt, and the Grande Ronde Basalt.

The basalt aquifer system is a series of zones some of which conduct water easily. These zones of high conductivity alternate with zones of dense basalt, which impede the flow of water and are considered to have low hydraulic conductivity. The highly permeable basalt zones range in thickness from a few feet to 25 feet. It is the composite of the permeable water conducting zones which provides the well with the capability of yielding the desired amount of water. Thus, generally, the deeper the well, the more water will be available since by going deeper more permeable zones will be penetrated.

U.S. Geological Survey Water-Resources Investigations Report 87-4238 indicates that the Saddle Mountains member is present in the area of the existing District well, with a total depth of < 50 feet. Below the Saddle Mountains Basalt, the top of the Wanapum Basalt unit is shown to occur at a depth of approximately 500 feet below land surface. The estimated thickness of the Wanapum unit in the vicinity of Well No. 1 is 900 feet. Comparing this information with recorded construction data from the well log for Well No. 1, it is concluded that Well No. 1 is completed into, and withdraws water from, the Wanapum Basalt unit.

Well No. 3, the well proposed for addition under this application, is located approximately 700 feet west of Well No. 2, and drilled to a total depth of 576 feet below land surface, 6 feet deeper than Well No. 2. According to information in the above-referenced U.S Geological Survey Report, this well also is completed into, and withdraws water from, the Wanapum Basalt

unit. Well No. 3 therefore withdraws water from the same body of public ground water as Well No. 2, the well currently authorized for use under Cert. No. G3-24503C.

Statutory Requirements

Applications for change of ground water rights permits and certificates and claims are governed by RCW 90.03.380, and RCW 90.44.100, which state 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 only on the conditions that:

- The change must not cause detriment or injury to existing rights;
- A valid right/claim exists that is eligible to be changed;
- The change shall not allow for the enhancement of the right perfected under the original certificate
- An additional or new well shall withdraw water from the same source as the original
- The proposed change would not be detrimental to the public welfare.

No Detriment/Impairment to Existing Rights:
"Impair" or "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.

Ground Water Cert. No. G3-24503C has been exercised and put to continuous beneficial use since the right was issued without any documented adverse impacts to water availability. The authorized and proposed wells withdraw water from the same source according to the Hydrogeologic Evaluation, above. No increases in pumping rates are proposed and no additional water will be withdrawn under this change beyond what is authorized under the existing right. Additionally, there has been no documented history of pumping interference between existing wells in the area where the wells are located. Therefore, it is not anticipated that approval of this change would result in any impairment to existing water rights.

The aquifers within the Columbia River Basalt Group are currently considered to be hydraulically separate from surface waters in that portion of the basin which includes the service area of the District. Approval of the proposed change would not have any new or additional impact to those instream flows established in WAC 173-532 in the Walla Walla River Basin.

A Valid Right Exists that is Eligible to be Changed:
Consistent with RCW 90.03.330(3), Ground Water Cert. No. G3-24503C is in good standing and available for the proposed change. The quantities of water tentatively determined to be valid and available for the proposed change are 100 gallons per minute, 160 acre-feet per year, continuously, for municipal water supply.

No Enhancement of the Original Right:
The quantities of water authorized to be pumped under Ground Water Cert. No. G3-24503C would not change through approval of this application. Approval of this change would not enhance the original water right.

Same Source of Water:
The proposed well will withdraw water from the same Wanapum Basalt Aquifer unit as the existing well. Both wells withdraw water from the same source of public ground water.

No Detriment to Public Welfare:
There has been no public expression of protest or concern regarding the current application, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed change. The proposed change is consistent with WAC 173-532 (Water Resources Program for the Walla Walla River Basin, WRIA 32) and RCW 90.54 (Water Resources Act of 1971), the Walla Walla County Municipal Code, and the Walla Walla Watershed Plan.

Other

N/A

The information or conclusions in this section were authored and/or developed by Bill Neve and members of the Walla Walla Water Conservancy Board.

CONCLUSIONS

Tentative determination (validity and extent of the right)

A tentative determination as to the extent and validity of the subject right resulted in the following quantities of water being available for the proposed change: 100 gallons per minute, 160 acre-feet per year, continuously, for municipal water supply.

Relinquishment or abandonment concerns

As a municipal water supply water right which the District has exhibited due diligence in pursuing perfection of, no portion of Ground Water Certificate No. G3-24503C is currently subject to relinquishment. As the right has been continuously exercised and put to beneficial use since the certificate issued in 1982, there has been no abandonment of the water right.

Hydraulic analysis

The hydraulic analysis for this proposed change indicates that: (1) Both the existing and proposed wells are completed into, and withdraw water from, the Wanapum unit of the Columbia River Basalt Group, and (2) Both the existing and proposed wells withdraw water from the same body of public ground water.

Consideration of comments and protests

Public notice of the application was published in the Waitsburg Times on September 22nd and 29th, 2011. No comments or protests were received within the 30-day protest period, or subsequent to the expiration of that protest period. Likewise, no comments or objections regarding this application were received at open public meetings of the Board.

Impairment

There was no evidence obtained in preparation of this report that would suggest the proposed additional point of withdrawal to Ground Water Cert. No. G3-24503C would impair any existing water rights, including instream flows.

Public Interest

The proposed change is consistent with WAC 173-532 (Water Resources Program for the Walla Walla River Basin, WRIA 32), Chapter 90.54 RCW (Water Resources Act of 1971), the Walla Walla County Municipal Code, and the locally developed and implemented Walla Walla Watershed Plan. There is no evidence that the proposed additional point of withdrawal would be detrimental to the public interest.

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.

DECISION

Applications for change of ground water rights permits and certificates and claims are governed by RCW 90.03.380 and RCW 90.44.100, which state 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 only on the conditions that:

- The change must not cause detriment or injury to existing rights;
- A valid right/claim exists that is eligible to be changed;
- The change shall not allow for the enhancement of the right from the extent it has been determined to currently exist;
- An additional or new well shall withdraw water from the same source as the original;
- The proposed change would not be detrimental to the public welfare.

It is the conclusion of the Walla Walla County Water Conservancy Board that, in accordance with RCW 90.44.100, (1) the proposed additional point of withdrawal will not impair existing rights, including instream flows established through WAC 173-532; (2) a valid right exists and is eligible to be changed to the full extent originally authorized, as summarized above; (3) that the change will not expand or enhance the right over and above the extent to which it was determined herein to be currently valid; (4) that the proposed additional point of withdrawal will withdraw water from the same body of public ground water as the original well, and (5) the proposed change will not be detrimental to the public welfare.

The requested change to add a point of withdrawal to Ground Water Certificate No. G3-24503C is approved, subject to the provisions and conditions listed below.

The information or conclusions in this section were authored and/or developed by Bill Neve and members of the Walla Walla Water Conservancy Board.

PROVISIONS

Conditions and limitations

Wells, Well Logs and Well Construction Standards

1. All wells constructed in the State shall meet the construction requirements of Chapter 173-160 WAC entitled *Minimum Standards for the Construction and Maintenance of Wells* and Chapter 18.104 RCW titled *Water Well Construction*.

2. The water user is required to maintain an access port to measure water levels within the authorized wells, as described in Ground Water Bulletin No. 1. An airline and gage may be installed in addition to the access port.
3. If/when any of the authorized wells are modified or replaced, a completed well report of the well(s) shall be submitted by the driller to the Department of Ecology within 30 days of completing the construction or modifications authorized herein. All pump test data for the (s) shall be submitted to the Department as it is obtained.
4. All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Measurements, Monitoring, Metering and Reporting

5. An approved measuring device shall be installed and maintained for each of the sources authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements" http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html

6. Water use data (source meters) shall be recorded monthly, or more frequently as may be required by Department of Health or Department of Ecology. The maximum rate of diversion/withdrawal and the annual total volumes shall be submitted to the Department of Ecology by January 31st of each calendar year.

7. Reported water use data shall be submitted via the Internet or by using the enclosed forms. To set up an Internet reporting account, access https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/. If you have questions or need additional forms, contact the Eastern Regional Office.

8. A future Superseding Certificate for Ground Water Certificate No. G3-24503C will not be issued until evidence of meter installation has been submitted to the Department of Ecology.

Quantity Limits, Flow and Regulation

9. The quantities of water authorized for municipal supply purposes under this authorization are considered additive to Ground Water Certificate No. G3-24503C. The combined use of water under Certificate Nos. 813-D and G3-24503C for municipal water supply purposes shall not exceed 600 gallons per minute, 461 acre-feet per year, as outlined in the table, below:

Cert. No	*Priority Date*	*GPM (Qi)*	*Acre-feet (Qa)*	*Purpose*
GW Cert. No. 813-D	Year 1910	500	301	Municipal
GW Cert. No. G3-24503C	5/7/1995	100	160	Municipal
Totals		**600**	**461**	**Municipal**

Schedule and Inspections

10. Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

11. The water right holder shall file the notice of project completion when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The superseding certificate will reflect the extent of beneficial use within the limitations of the change authorization. Elements of the project completion inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and compliance with provisions.

12. A final water superseding certificate will not issue until a final examination is made.

Department of Health

13. Prior to construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water at DOH/Division of Environmental Health, 16201 E. Indiana Avenue, Suite 1500, Spokane Valley, WA, 99216, (509) 329-2100, prior to beginning (or modifying) your project.

14. If the criteria in RCW 90.03.386(2) are not met and a Water System Plan/Small Water System Management Program was approved after September 9, 2003, the place of use of this water right reverts to the service area described in that document. If the criteria in RCW 90.03.386(2) are not met and no Water System Plan/Small Water System Management Program has been approved after September 9, 2003, the place of use reverts to the last place of use described by the Department of Ecology in a water right authorization.

General Conditions

15. Issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

16. The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between the applicant and owner that land.

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

18. 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 Native Americans under Treaty or otherwise.

19. 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(s) grown on the number of acres and the place of use specified.

Mitigation (if applicable)

N/A

Construction Schedule

Given the potential for expansion, either to serve new customers or consolidate with other municipal water supply systems, a 20-year development schedule is appropriate for this authorization. The water right holder shall put water to full beneficial use and comply with all provisions of this authorization by February 1, 2032.

Other

N/A

The information or conclusions in this section were authored and/or developed by Bill Neve.

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 Walla Walla , Washington
This 1st day of February, 2012

Alan Kottwitz, Board Representative
Walla Walla County Water Conservancy Board

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