



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

<small>for Ecology Use Only</small> RECEIVED Received: MAR 15 2012 <small>Date Stamp</small> DEPARTMENT OF ECOLOGY EASTERN REGIONAL OFFICE
Reviewed by: _____ Date Reviewed: _____

Applicant: Saturno Application Number: WALL-11-10

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 3/7/12. 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 3/7/12 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
 Alan Kottwitz, Chair
 Walla Walla County Water Conservancy Board

Date: 3/7/12 Approve
 Deny
 Abstain
 Recuse
 Other

Mike Dobbins
 Mike Dobbins, Member
 Walla Walla County Water Conservancy Board

Date: 03/09/12 Approve
 Deny
 Abstain
 Recuse
 Other

Brian Worden
 Brian Worden, Member
 Walla Walla County Water Conservancy Board

Date: 3/7/12 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

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

Ecology is an equal opportunity employer

Proposed Use

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 1060	MAXIMUM ACRE-FT/YR 482.6	TYPE OF USE, PERIOD OF USE 1060 gallons per minute, 480.6 acre-feet per year, for the seasonal irrigation of 165.6 acres, and 2 acre-feet per year, continuously, for stockwater				
SOURCE A well (basalt aquifer)			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO. 370833310004	¼ S½S½	¼ N½SW¼	SECTION 33	TOWNSHIP N. 8	RANGE 37 E	WRIA 32	COUNTY. Walla Walla
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
<p>Beginning at a point in the south line of Sec. 33, T. 8 N., R. 37 E.W.M., which point is 6.675 chains east, measured along said south line, from the southwest corner of said Sec. 33; and running thence north, parallel to the west line of said Sec. 33, a distance of 20.59 chains to the center line of State Highway 12; thence along the center line of said Highway by the following courses and distances: N 63°27' E 5.09 1/3 chains; thence N 59°05' E 8.00 chains; thence N 67°12' E 32.80 chains; thence N 62°04' E 8.00 chains; thence N 50°23' E 6.30 chains to the east line of the SW¼NE¼ of said Sec. 33; thence south, along the subdivision line, a distance of 47.31 chains, more or less, to the southeast corner of the SW¼SE¼ of said Sec. 33; thence west, along the south line of said Sec. 33, a distance of 53.505 chains, more or less, to the point of beginning. EXCEPTING THEREFROM, HOWEVER, the right of way of the Northern Pacific Railway Company and the right of way of Primary State Highway 12 over and across said premises.</p> <p>ALSO, Beginning at a point on the West line of the NW¼NW¼ of Sec. 33 in T. 8 N., R. 37 E.W.M., which point is distant 936 feet North from the Southwest corner of said NW¼NW¼; thence South 936 feet to the Southwest corner of said NW¼NW¼; thence East along the South line of the N½NW¼ of said Sec. 33 a distance of 1400.0 feet; thence Northwesterly in a straight line to THE POINT OF BEGINNING.</p> <p>Beginning at the Northeast corner of the SW¼NE¼ of Sec. 33 in T. 8 N., R. 37 E.W.M., and running thence West, along the North line of said SW¼NE¼ and the S½NW¼ of said Sec. 33, a distance of 60.39 chains to the Northwest corner of said S½NW¼; thence South, along the West line of said Sec. 33, a distance of 60.21 chains, more or less, to the Southwest corner of said Sec. 33; thence East along the South line of said Sec. 33, a distance of 6.675 chains; thence North parallel to the West line of said Sec. 33, a distance of 20.59 chains; thence N 63°27' E 5.09 1/3 chains; thence N 59°05' E 8.00 chains; thence N 67°12' E 32.80 chains; thence N 62°04' E 8.00 chains; thence N 50°23' E 6.30 chains to the East line of said SW¼NE¼; thence North, along said East line 12.64 chains to THE POINT OF BEGINNING.</p> <p>EXCEPTING THEREFROM, however, the following described tract, to-wit:</p> <p>Beginning at the Northeast corner of the SW¼NE¼ of Sec. 33 in T. 8 N., R. 37 E.W.M., and running thence N 89°45' W along the North line of said SW¼NE¼, 620.00 feet; thence S 8°12'E 1178.00 feet; thence N 54°35' E 552.00 feet to the East line of said SW¼NE¼; thence N 848.00 feet, more or less, to THE POINT OF BEGINNING.</p> <p>ALSO EXCEPTING the right of way of the Inland Empire Highway, public roads, and that portion conveyed to the State of Washington by deed recorded under Auditor's File No. 8000413.</p> <p>ALSO EXCEPTING all that portion of the above described tract lying South of State Highway 12.</p> <p>All lying in the County of Walla Walla, State of Washington.</p>							
PARCEL NO. Various	¼	¼	SECTION 33	TOWNSHIP N. 8	RANGE, 37 E		

LOR

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 1060	MAXIMUM ACRE-FT/YR 482.6	TYPE OF USE, PERIOD OF USE 1060 gallons per minute, 480.6 acre-feet per year, for the seasonal irrigation of 165.6 acres, and 2 acre-feet per year, continuously, for stockwater				
SOURCE A well (basalt aquifer)			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO. 370833310004	¼ S½S½	¼ N½SW¼	SECTION 33	TOWNSHIP N. 8	RANGE 37 E	WRIA 32	COUNTY Walla Walla
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
<p>Beginning at a point in the south line of Sec. 33, T. 8 N., R. 37 E.W.M., which point is 6.675 chains east, measured along said south line, from the southwest corner of said Sec. 33; and running thence north, parallel to the west line of said Sec. 33, a distance of 20.59 chains to the center line of State Highway 12; thence along the center line of said Highway by the following courses and distances: N 63°27' E 5.09 1/3 chains; thence N 59°05' E 8.00 chains; thence N 67°12' E 32.80 chains; thence N 62°04' E 8.00 chains; thence N 50°23' E 6.30 chains to the east line of the SW¼NE¼ of said Sec. 33; thence south, along the subdivision line, a distance of 47.31 chains, more or less, to the southeast corner of the SW¼SE¼ of said Sec. 33; thence west, along the south line of said Sec. 33, a distance of 53.505 chains, more or less, to the point of beginning. EXCEPTING THEREFROM, HOWEVER, the right of way of the Northern Pacific Railway Company and the right of way of Primary State Highway 12 over and across said premises.</p> <p>ALSO, Beginning at a point on the West line of the NW¼NW¼ of Sec. 33 in T. 8 N., R. 37 E.W.M., which point is distant 936 feet North from the Southwest corner of said NW¼NW¼; thence South 936 feet to the Southwest corner of said NW¼NW¼; thence East along the South line of the N½NW¼ of said Sec. 33 a distance of 1400.0 feet; thence Northwesterly in a straight line to THE POINT OF BEGINNING.</p> <p>Beginning at the Northeast corner of the SW¼NE¼ of Sec. 33 in T. 8 N., R. 37 E.W.M., and running thence West, along the North line of said SW¼NE¼ and the S½NW¼ of said Sec. 33, a distance of 60.39 chains to the Northwest corner of said S½NW¼; thence South, along the West line of said Sec. 33, a distance of 60.21 chains, more or less, to the Southwest corner of said Sec. 33; thence East along the South line of said Sec. 33, a distance of 6.675 chains; thence North parallel to the West line of said Sec. 33, a distance of 20.59 chains; thence N 63°27' E 5.09 1/3 chains; thence N 59°05' E 8.00 chains; thence N 67°12' E 32.80 chains; thence N 62°04' E 8.00 chains; thence N 50°23' E 6.30 chains to the East line of said SW¼NE¼; thence North, along said East line 12.64 chains to THE POINT OF BEGINNING.</p> <p>EXCEPTING THEREFROM, however, the following described tract, to-wit:</p> <p>Beginning at the Northeast corner of the SW¼NE¼ of Sec. 33 in T. 8 N., R. 37 E.W.M., and running thence N 89°45' W along the North line of said SW¼NE¼, 620.00 feet; thence S 8°12'E 1178.00 feet; thence N 54°35' E 552.00 feet to the East line of said SW¼NE¼; thence N 848.00 feet, more or less, to THE POINT OF BEGINNING.</p> <p>ALSO EXCEPTING the right of way of the Inland Empire Highway, public roads, and that portion conveyed to the State of Washington by deed recorded under Auditor's File No. 8000413.</p> <p>ALSO EXCEPTING all that portion of the above described tract lying South of State Highway 12.</p> <p>All lying in the County of Walla Walla, State of Washington.</p>							
PARCEL NO. Various	¼	¼	SECTION 33	TOWNSHIP N. 8	RANGE, 37 E		

DESCRIPTION OF PROPOSED WORKS

Basalt aquifer well (artesian); 15 HP booster pump; 8-inch mainline with 6-inch distribution lines: center pivots and sprinklers (handlines, wheel lines, big gun sprinklers)

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: May 1, 2013	COMPLETE PROJECT BY THIS DATE: May 1, 2014	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: May 1, 2017
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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 December 7, 2011 Douglas B. Saturno of Walla Walla, Washington filed an application for change to change the place of use of 62.5 acres of water right under Ground Water Certificate No. 4956-A (Cert. 4956-A). The application was accepted at an open public meeting on December 7, 2011, and the board assigned application number WALL-11-10.

Attributes of the water right as currently documented

Name on certificate, claim, permit: John Newton & Anna H. Gose
Water right document number: Ground Water Certificate No. 4956-A
As modified by certificate of change number: N/A
Priority date, first use: August 14, 1963
Water quantities: Qi: 1,060 gpm Qa: 689.6 acre ft./ year
Source: A well (basalt aquifer)
Point of diversion/withdrawal: S½S½N½SW¼ of Sec. 33, T 8 N., R. 37 E.W.M.
Purpose of use: Irrigation of 171 acres; stockwater; domestic supply
Period of use: Irrigation season
Place of use:

Beginning at a point in the south line of Sec. 33, T. 8 N., R. 37 E.W.M., which point is 6.675 chains east, measured along said south line, from the southwest corner of said Sec. 33; and running thence north, parallel to the west line of said Sec. 33, a distance of 20.59 chains to the center line of State Highway 12; thence along the center line of said Highway by the following courses and distances: N 63°27' E 5.09 1/3 chains; thence N 59°05' E 8.00 chains; thence N 67°12' E 32.80 chains; thence N 62°04' E 8.00 chains; thence N 50°23' E 6.30 chains to the east line of the SW¼NE¼ of said Sec. 33; thence south, along the subdivision line, a distance of 47.31 chains, more or less, to the southeast corner of the SW¼SE¼ of said Sec. 33; thence west, along the south line of said Sec. 33, a distance of 53.505 chains, more or less, to the point of beginning.

EXCEPTING THEREFROM, HOWEVER, the right of way of the Northern Pacific Railway Company and the right of way of Primary State Highway 12 over and across said premises.

Existing provisions:

"The installation of an access port to well as described in attached Ground Water Bulletin No. 1 is recommended."

"The applicant will furnish information to this office as to the size and type of equipment installed and the gallons per minute furnished. The size of the hole openings and number of sprinklers operated, if such be the case, will give this information."

Tentative determination of the water right

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

History of water use

The subject water right, Cert. No. 4956-A, was first put to use in 1963. This basalt aquifer water right represents the sole source of irrigation for the 171 acres described as the authorized place of use.

The subject lands have been irrigated more or less continuously since Cert. No. 4956-A first issued. Cropping records obtained from the United States Department of Agriculture (USDA) Farm Service Agency show a variety of crops grown rotationally within the authorized place of use, including pasture grass, wheat, onions, peas, corn, beans and blueberries. In 2003 26 irrigated acres along Dry Creek were placed in the USDA Conservation Reserve Enhancement Program (CREP). The Department of Ecology (Ecology) considers water rights which have been beneficially used on lands that are placed in the CREP program to be exempt from relinquishment for non use while those lands are maintained within the program {RCW 90.14.140(f)}. These acres are part of the 62.5 acres proposed for transfer under this application.

Previous changes

There have been no previous changes perfected on this water right.

SEPA

The board has reviewed the proposed project in its entirety. 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:

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.

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 90.44.100 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)

Other

N/A

The information or conclusions in this section were authored and/or developed by Bill Neve (Water Right Solutions) – Consultant for Douglas Saturno .

COMMENT AND PROTESTS

Public notice of the application was given in the Waitsburg Times on December 22 and 29, 2011. The protest period ended on January 30, 2012.

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 (Water Right Solutions) – Consultant for Douglas Saturno .

INVESTIGATION

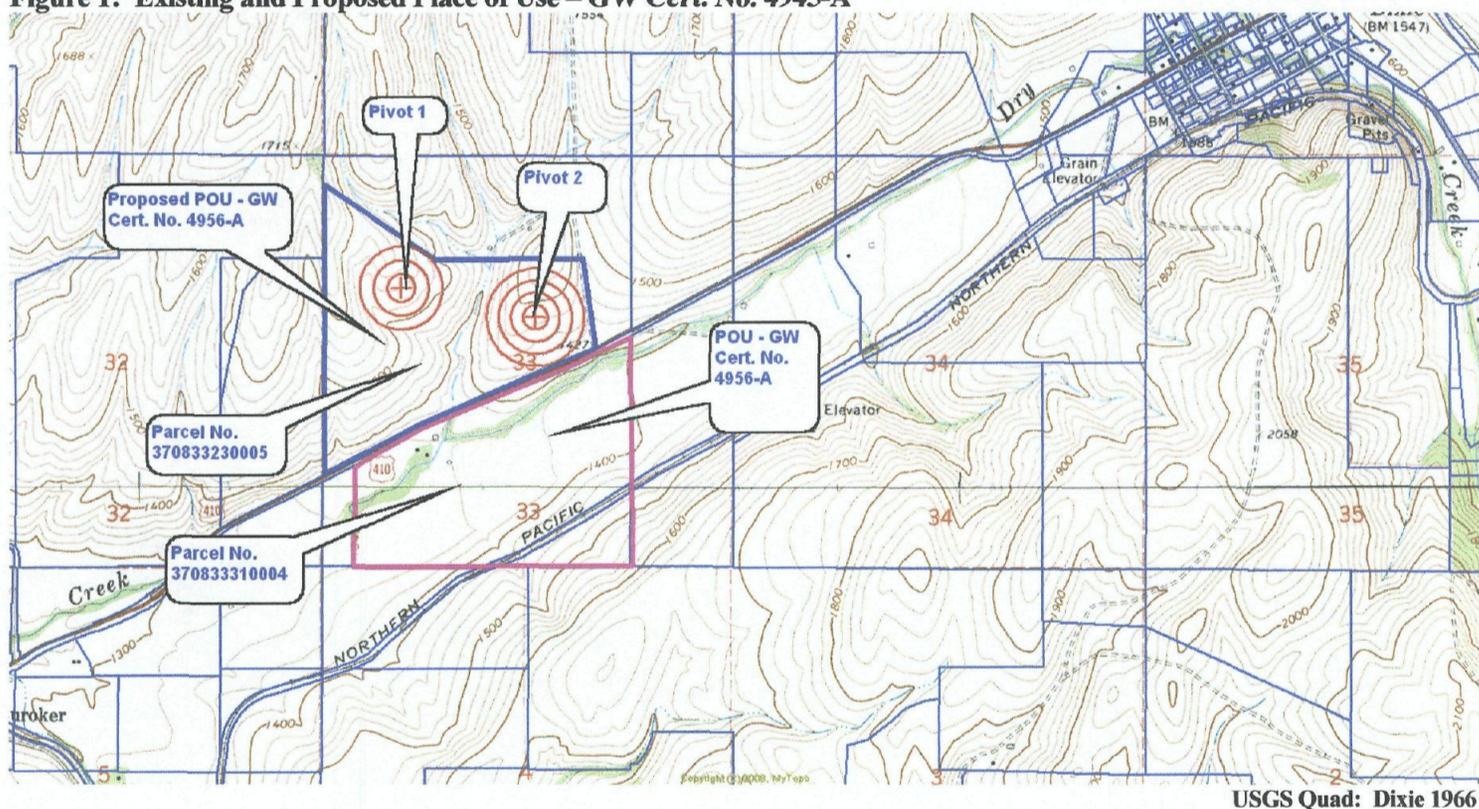
The following are some of the primary sources of information obtained and utilized in this investigation:

- A site inspection conducted by Mike Dobbins, Board Member, on January 1, 2012.
- Ecology water right files for Cert. No. 4956-A
- Technical reports
- U.S. Geological Survey topographic maps
- Aerial photos
- USDA Farms Service Agency crop records
- Department of Ecology's Water Right Tracking System (WRTS) database
- USDA CREP records
- Review of applicable laws, site visits, rules and policies
- Water well construction logs
- Conversations with the applicant and/or other interested parties

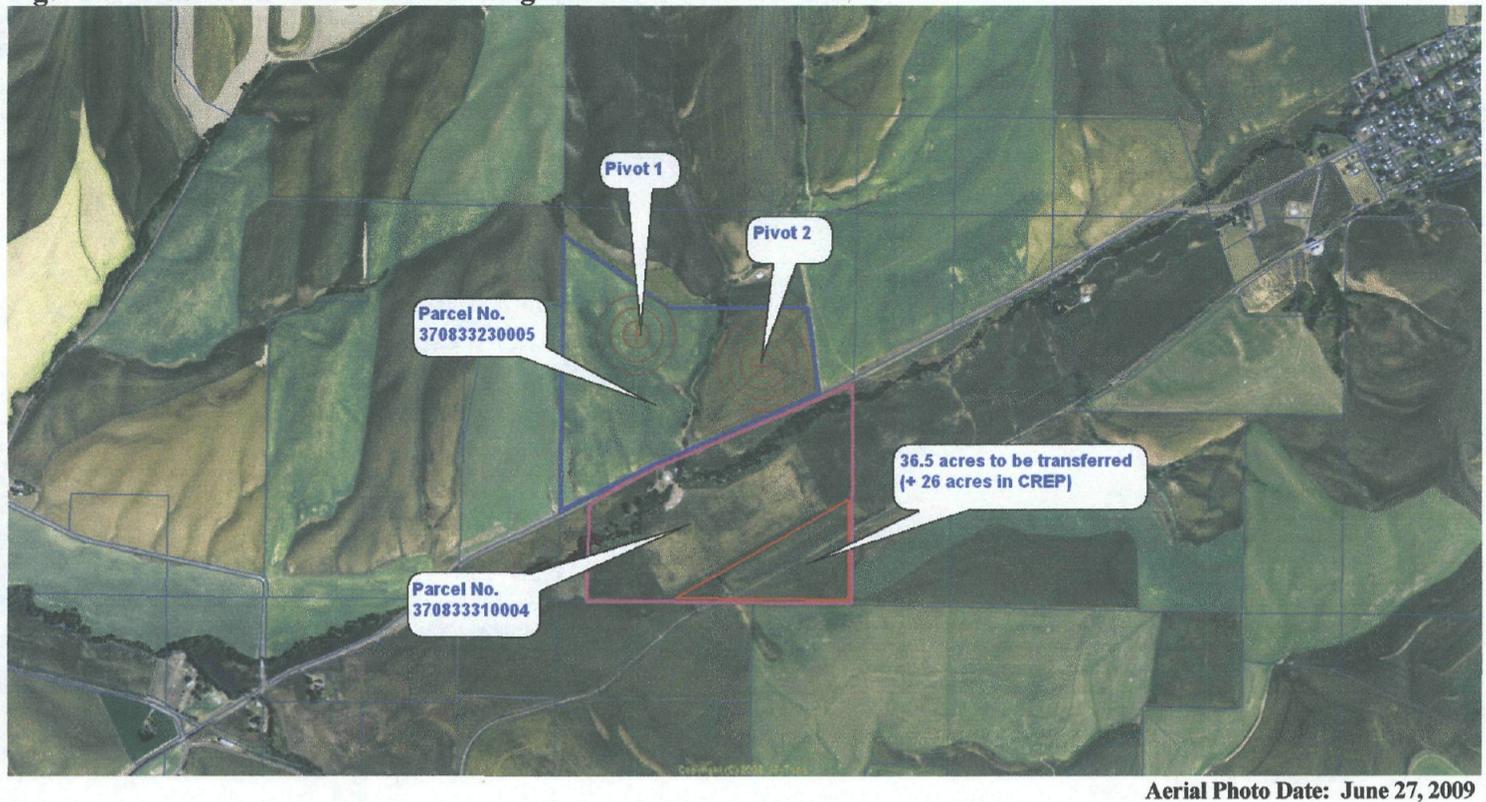
Proposed project plans and specifications

This proposal involves the change in place of use of a portion (62.5 acres) of the water right under Ground Water Cert. No. 4956-A. The authorized place of use of Cert. No. 4956-A covers lands that lie within that portion of Sec. 33, T. 8 N., R. 37 E.W.M. situated southerly of State Highway 12. This change proposal would move the 62.5 acres to land the applicant owns on the northerly side of State Highway 12. These acres would authorize the use of two new center pivots, one covering 24.81 (Pivot #1) acres and the other 33.66 acres (Pivot #2) (see Figure 1). The balance of the acres would be irrigated by means of handline off the southwest corner of Pivot #2.

Figure 1: Existing and Proposed Place of Use – GW Cert. No. 4945-A



The acres to be removed from irrigation include 26 acres of irrigated lands that have been enrolled in CREP in 2003. The remaining 36.5 acres will come from lands that have been irrigated by means of handline on hillside located in the southeast corner of the existing place of use. The proposed change would result in water being applied to more productive land in a more efficient manner.

Figure 2: Lands to be Removed From Irrigation - GW Cert. No. 4956-A

Aerial Photo Date: June 27, 2009

This proposal also involves a permitting process to obtain a Utility Permit from the Washington State Dept. of Transportation (WSDOT) in order to run an irrigation mainline through an existing box culvert under State Highway 12. The application was submitted in December, 2011. The final approved Utility Permit was issued by WSDOT on January 3, 2012. The applicant hopes to begin the project as soon as an authorization issues through this application, and put the water to full use within five years.

As this application does not propose to change the authorized point of withdrawal, nor increase the acres irrigated or quantity of water pumped (the annual quantities may go down as a result of more efficient irrigation systems), it is not anticipated that approval of this application would have any impact on any pending change applications or instream flows in the area of the project.

Other water rights appurtenant to the property (if applicable)

There is one existing water right with a place of use that includes those lands proposed for irrigation through this application. Dry Creek Adjudication Certificate No. 37 authorizes the diversion of water from Dry Creek for stockwater and domestic supply. This water right is not currently exercised on these lands, nor has it been for an extended period of time. This certificate has no bearing on the proposed change of irrigation right through Cert. No. 4956-A.

There are no water right certificates which authorize irrigation of the same lands as those covered under Cert. No. 4956-A.

Public Interest (groundwater only)

The proposed change 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 changing the place of use to a portion of a water right to allow for irrigation of more productive grown, and the utilization of more efficient irrigation systems, which if managed appropriately should save water over the current irrigation practices. The subject water right has a basalt aquifer well as the authorized source of water; the basalt aquifer is not considered to have a significant hydraulic connection with basin surface water streams in the area. The proposed application would not expand or otherwise enhance the quantities of water put to historic beneficial use under Cert. No. 4956-A. 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. The Board's tentative determination was based upon the following findings:

A review of available irrigation records and aerial photographs indicated that the subject water right has been put to beneficial use more or less continuously since the certificate was issued in 1964. Crop acreage records were obtained from the local FSA office for the period of 2002 – 2011. These records show a variety of crops being grown on a rotational basis from year to year. The total area irrigated within the authorized place of use are determined to be 165.6 acres, out of the 171 acres currently authorized under Cert. No. 4956-A. In 2003, 26.2 of these acres were placed into the CREP program, leaving 139.4 acres under current irrigated agricultural crop production.

The State of Washington Irrigation Guide (WIG) was used to estimate crop irrigation requirements for the crops grown in the Walla Walla area (Table 1):

Table 1: Crop Irrigation Requirements from WIG – (Walla Walla)

<i>Crop Type</i>	<i>Crop Irr. Req. (inches)</i>	<i>Irr. Efficiency</i>	<i>Total Irr. Req. (inches)</i>
Wheat	20.85	75%	27.80
Peas	16.15	75%	21.53
Corn	27.13	75%	36.17
Blueberry	25.03 ¹	75%	33.37
Grass	34.83	75%	46.44
Onions	30.92	75%	41.22
Beans	21.95	75%	29.26

¹ Not listed in WIG. Estimated as equivalent to juice grapes

A review of the FSA records show that the maximum water use over the period of record available is 2002, with 62.4 acres being cropped as pasture grass, with the remaining land, 103.3 acres, in planted into wheat. Using the irrigation estimates for the Walla Walla area from the WIG, the following irrigation requirement for the crops and acreages grown is shown in Table 2:

Table 2: Total Estimated Water Use

<i>Crop Type</i>	<i>Irr. Requirement (inches)</i>	<i>Acres</i>	<i>Total Irr. Req. (acre-feet)</i>
Grass	46.44	62.4	241.5
Wheat	27.80	103.2	239.1
TOTALS		165.6 acres	480.6 acre-feet (2.90 ac-ft/acre)

The well authorized for use under Cert. 4956-A currently maintains artesian flow. The well has shut in pressure that varies between 30 and 40 psi, which drops to 2 psi at the authorized pumping rate of 1060 gallons per minute. The full certificated pumping rate is and has been utilized for irrigation of the subject cropland.

There is no specific time period authorized as the season of use under Cert. No. 4956-A; rather, the season of use is the "irrigation season". The use of water under this right has been consistent with this rather flexible period timeframe, in that the months the water is put to beneficial use for irrigation will vary according to the crops grown combined with the moisture conditions present at any one time.

Water has been used from this well periodically for stockwater. The maximum use is estimated at a maximum of 2 acre-feet per year. There has been no beneficial use of water under this right for domestic supply for an extended (+10 year) period of time.

The tentative determination of the extent and validity of GW Cert. No. 4956-A – that portion put to historic beneficial use – is determined to be 1060 gallons per minute, 480.6 acre-feet per year, for the seasonal irrigation of 165.6 acres, and 2 acre-feet per year, continuously, for stockwater.

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 interfingering 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 (Drost et al., 1990) indicates that the Wanapum member is the first basalt unit encountered in the area of the subject well. The top of the Wanapum is extrapolated to be about 1200 feet above mean seas level with a total depth of approximately 600 feet. The subject well which was drilled in 1963, is located at an elevation of approximately 1350 feet above mean sea level. The well first encountered basalt rock at a depth of 47 feet, and was drilled through basalt to a total depth of 490 feet. The well is drilled into, and withdraws water from, the Wanapum Basalt unit.

The subject well was drilled in 1963 to a total depth of 490 feet. The well was recorded as having artesian flow when completed on August 8, 1963, with a shut-in pressure of 40 psi. At that time the well had a measured discharge rate of 1064 gallons per minute.

This well currently has a shut in pressure that varies between 30-40 psi, which drops to about 2 psi at a discharge rate of 1060 gallons per minute.

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.

The proposed change would transfer 62.5 acres of water right to lands adjacent to the original authorized place of use of GW Cert. No. 4956-A. The source of irrigation water, the artesian basalt aquifer well, will not change. The quantities of water historically put to beneficial use will not increase as a result of this change; an extent and validity analysis has been conducted and the resulting water right would be limited to those quantities determined to have been put to historic beneficial use. The change in return flows to Dry Creek as a result of the change should be negligible – the most likely change would be a slight decrease due to the utilization of more efficient irrigation methods.

No Enhancement of the Original Right:

The proposed change would move 62.5 irrigated acres to lands adjacent to the existing place of use. The total number of acres authorized for irrigation, together with the annual quantities of water approved for use, will both decrease as a result of this change to reflect the historic beneficial use of water under Cert. No. 4956-A.

A Valid Right Exists that is Eligible to be Changed:

For the purpose of acting on this application, a tentative determination as to the extent and validity of GW Cert. No. 4956-A was completed. The quantities of water determined to be valid and available for the changes requested in this application are 1060 gallons per minute, 480.6 acre-feet per year, for the seasonal irrigation of 165.6 acres, and 2 acre-feet per year, continuously, for stockwater

Same Source of Water:

The point of withdrawal for Cert. No. 4956-A, being a basalt aquifer well, will not change as a result of approval of this application. The source of water under Cert. No. 4956-A will remain the same source of public ground water.

No Detriment to Public Welfare:

Public notice of the application was provided in the Waitsburg Times, published in Walla Walla County, on December 22 and 29, 2011. There were no protests received during the 30-day protest period following the last date of publication. There has been no public expression or protest or concern, either written or oral, regarding the subject proposal.

There are no findings in this investigation which would indicate that there would be any detrimental impact to the public welfare through issuance of the proposed change

Other

N/A

The information or conclusions in this section were authored and/or developed by Bill Neve (Water Right Solutions) – Consultant for Douglas Saturno .

CONCLUSIONS

Tentative determination (validity and extent of the right)

A tentative determination as to the extent and validity of the subject right results in the following quantities determined to be available for the subject change: 1060 gallons per minute, 480.6 acre-feet per year, for the seasonal irrigation of 165.6 acres, and 2 acre-feet per year, continuously, for stockwater.

Relinquishment or abandonment concerns

RCW 90.14.180 provides that:

“Any person hereafter entitled to divert or withdraw waters of the state through an appropriation authorized under RCW 90.03.330, 90.44.080, or 90.44.090 who abandons the same, or who voluntarily fails, without sufficient cause, to beneficially use all or any part of said right to withdraw for any period of five successive years shall relinquish such right or portion thereof, and such right or portion thereof shall revert to the state, and the waters affected by said right shall become available for appropriation in accordance with RCW 90.03.250. All certificates hereafter issued by the department of ecology pursuant to RCW 90.03.330 shall expressly incorporate this section by reference.”

The difference between the tentative determination of the extent and validity of the water right determined above, being 1060 gallons per minute, 482.6 acre-feet per year, for the seasonal irrigation of 165.6 acres, and those quantities issued through the original certificate, being 1060 gallons per minute, 684 acre-feet per year for the irrigation of 171 acres, and 5.6 stockwater and domestic supply, are 207 acre feet, 5.4 acres, and domestic supply.

Based on a review of the exceptions to relinquishment for non-use of water for 5 successive years provided in RCW 90.14.140, it appears that the following quantities/purposes of use are subject to relinquishment: 207 acre-feet per year, irrigation of 5.4 acres, and the purpose of use of domestic supply.

Hydraulic analysis

There will be no change to the existing point of withdrawal through this application.

Consideration of comments and protests

Public notice of the application was provided in the *Waitsburg Times*, published in Walla Walla County, on December 22 and 29, 2011. There were no protests received during the 30-day protest period following the last date of publication. Likewise, no comments or objections regarding this application were received at open public meetings of the Board.

Impairment

There is no evidence that the change in place of use to a 62.5 acre portion of Ground Water Certificate No. 4956-A will impair any existing rights, including instream flows.

Public Interest

No detriment to the public welfare was identified during the processing of this application. 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).

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 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.

It is the conclusion of the Walla Walla County Water Conservancy Board that, in accordance with RCW 90.44.100:

1. The proposed change in place of use 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 extent the right has been put to historic beneficial use, as summarized above;
3. That the change will not expand or enhance the right which was perfected under the original certificate;
4. That there will be no change in the currently authorized point of withdrawal;
5. The proposed change will not be detrimental to the public welfare.

The requested change in place of use to Ground Water Certificate No. 4956-A has passed the statutory tests and is approved in the amounts of 1060 gallons per minute, 480.6 acre-feet per year, for the seasonal irrigation of 165.6 acres, and 2 acre-feet per year, continuously, for stockwater, subject to the provisions and conditions listed below.

The information or conclusions in this section were authored and/or developed by Bill Neve (Water Right Solutions), Consultant for Douglas Saturno, and members of the WW County 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 shall be recorded monthly. The maximum rate of diversion/withdrawal and the annual total volume 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. 4956-A will not be issued until evidence of meter installation has been submitted to the Department of Ecology.

Schedule and Inspections

9. 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.
10. 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.
11. A final water superseding certificate will not issue until a final examination is made.

General Conditions

12. 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.
13. 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.

- 14. 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.
- 15. 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

The applicant plans on commencing with construction of the distribution lines and pivots upon approval of this permit. A five year development schedule to complete the project and put water to full use is appropriate.

Other

References:

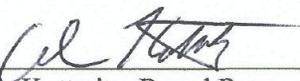
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USDA-ARS State of Washington Irrigation Guide. 1997

The information or conclusions in this section were authored and/or developed by Bill Neve, (Water Right Solutions), Consultant for Dougals Saturno.

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 7th day of March, 2012



 Alan Kottwitz, Board Representative
 Walla Walla Water Conservancy Board

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