



STATE OF WASHINGTON

DEPARTMENT

4601 N Monroe Street • Spokane, Was

September 6, 2012

Dayton School District No. 2
609 South 2nd Street
Dayton, Washington 99328

Re: Water Right Application No. G3-29424

Dear Sir or Madam:

Enclosed is the Department of Ecology's *Report of Examination*. This report contains our decision regarding your application.

Your application has been approved.

A permit will be issued consistent with the enclosed *Report of Examination* after the appeal period has expired, if no appeals have been filed.

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

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

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

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

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Street, Apt. N or PO Box No	DAYTON SCHOOL DISTRICT NO. 2						
City, State, Zi	609 SOUTH 2ND STREET DAYTON, WASHINGTON 99328						
<div style="text-align: right;"> <p>9/6/12</p> <p>Postmark Here</p> </div>							
PS Form 3800, August 2006 See Reverse for Instructions							



Dayton School District No. 2
September 6, 2012
Page 2

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

*For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature
Website: <http://www1.leg.wa.gov/CodeReviser>.*

If you have any questions, please contact Dan Tolleson at 509 329-3526.

Sincerely,



Keith L. Stoffel
Section Manager
Water Resources Program

KLS:DT:ka

Enclosures: Report of Examination
Your Right To Be Heard
Focus on Water Right Relinquishment

By Certified Mail 7011 0110 0000 7276 2265

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DAYTON SCHOOL DISTRICT NO. 2
609 SOUTH 2ND STREET
DAYTON, WASHINGTON 99328

2. Article Number
(Transfer from)

7011 0110 0000 7276 2265

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Paula Moriso

Agent

Addressee

B. Received by (Printed Name)

Paula Moriso

C. Date of Delivery

9-7-12

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

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Return Receipt for Merchandise

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C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes



State of Washington REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Change Point of Withdrawal

PRIORITY DATE February 16, 1993	WATER RIGHT NUMBER G3-29424
MAILING ADDRESS Dayton School District No. 2 609 South 2 nd Street Dayton, Washington 99328	SITE ADDRESS (IF DIFFERENT) Cottonwood Street

Total Quantity Authorized for Withdrawal		
WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
80	GPM	21

Purpose						
PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Non-Agricultural Irrigation	80		GPM	21		04/01 - 11/30

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
6			

Source Location			
COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
COLUMBIA	GROUNDWATER		32-WALLA WALLA

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well	013-1-150-21-131-0001		10N	39E	30	NW¼SE¼	46.3147	-117.9800
Datum: NAD83/WGS84								

1875 feet North and 2460 feet West from the SE¼ of Section 30

Place of Use (See Attached Map)
PARCELS (NOT LISTED FOR SERVICE AREAS)
013-1-150-21-131-0001 and 013-1-150-21-131-0000
LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Beginning at the N¼ corner section 30, Township 10 North, Range 39 East Willamette Meridian; thence S1-35-56E 2,838.6 ft to the point of beginning for this legal description; thence S55-0-31W 245.6 ft; thence S42-56-48E 1082.9 ft; thence N46-47-55E 480.9 ft; thence N55-44-38W 1073.5 to the point of beginning.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	Completed	Dec 1, 2013

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm or cfs)

Provisions

Wells, Well Logs and Well Construction Standards

All wells constructed in the state must meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard must be decommissioned.

This well shall be cased and permanently sealed a minimum of 150 feet below ground surface into competent basalt rock.

All wells must 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 must remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

Measurements, Monitoring, Metering and Reporting

An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which 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.

Well water use data shall be recorded weekly and maintained by the city for a minimum of five years. The weekly maximum rate of withdrawal and the annual total volume, shall be submitted to Ecology by January 31st of each calendar year.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Eastern Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Eastern Regional Office for forms to submit your water use data.

Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

Proof of Appropriation

The water right holder must file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) 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 certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, will 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.

General

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.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of this Application for change to Ground Water Permit No. G3-29424P, subject to existing rights and the provisions specified above.

Your Right To Appeal

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

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Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 6th day of September, 2012.



Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

INVESTIGATOR'S REPORT
 Dan Tolleson, Department of Ecology
 Water Right Control Number CG3-29424
 Ground Water Permit No. G3-29424P

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number CG3-29424 (Ground Water Permit No. G3-29424P).

Description and Purpose of Proposed Change

An application for change/transfer was submitted by Dayton School District No. 2 of Dayton, Washington, to Ecology on June 30, 2009. Dayton School District proposes to change the authorized point of withdrawal as granted under Ground Water Permit No. G3-29424P. This change is intended to correct the authorized point of withdrawal to the well that is actually in use.

Attributes of the Existing Water Right and Proposed Change

	Authorized	Proposed
Name	Dayton School District No. 2	Dayton School District No. 2
Priority Date	02/16/1993	
Change Application Date		6/22/2009
Instantaneous Rate	80 gpm	80 gpm
Annual Quantity	21 af/y	21 af/y
Purpose(s) of Use	Irrigation of 6 acres	Irrigation of 6 acres
Period of Use	05/01 - 11/30	05/01 - 11/30
Place(s) of Use	Portions of Section 30, T. 10 N., R. 39 E.W.M.	Portions of Section 30, T. 10 N., R. 39 E.W.M.

Authorized Source of Withdrawal

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well (not constructed)		10N	39E	30	NE¼SW¼		

Proposed Sources of Withdrawal

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well (existing)	0131150211310001	10N	39E	30	NW¼SE¼	46.3147	-117.9800

CFS = Cubic Feet per Second; GPM = gallons per minute; Af/y = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum in NAD83/WGS84.

Legal Requirements for Requested Change

The following is a list of requirements that must be met prior to authorizing the proposed change.

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Dayton Chronicle on August 12th and 19th, 2009 and no protests were received.

State Environmental Policy Act (SEPA)

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.

- (a) It is a surface water right application for more than 1 cubic foot 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;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) 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);
- (e) 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.

Water Resources Statutes and Case Law

RCW 90.03.380(1) states that a water right that 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 Ecology, when processing an application for change to a water right, is required to make a tentative determination of extent and validity of the claim or right. 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 Ecology to amend a ground water permit 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:

- (a) The additional or replacement well taps the same body of public ground water as the original well. RCW 90.44.100(2)(a),
- (b) 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),
- (c) 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),
- (d) Other existing rights shall not be impaired. RCW 90.44.100(2)(d).

When changing or adding points of withdrawal to groundwater rights (RCW 90.44.100), or when consolidating exempt wells with an existing permit or certificate (RCW 90.44.105), the wells must draw from the *same body of public groundwater*. 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.

INVESTIGATION

In considering the proposed application, the investigation included, but was not limited to, research and review of: (1) appropriate rules and statutes; (2) other water rights, permits, and claims; (3) USGS topographic maps and aerial photographs; (4) well, irrigation system and place of use; (5) Chapter 173-532 WAC Water Resources Program for the Walla Walla River Basin, WRIA 32 and Watershed Planning; (6) State of Washington Irrigation Guide (Natural Resources Conservation Service 1997); and (7) discussions with Department of Ecology regional program staff.

A field investigation was conducted, by Dan Tolleson on May 17, 2012. The project is located within the Town of Dayton, Washington. The water right is located in the Walla Walla Basin, which is managed under Chapter 173-532 WAC Water Resources Program for the Walla Walla River Basin, WRIA 32.

The authorized place of use describes approximately 58 acres of land lying on both sides of the Touchet River including many parcels of land not managed by the School District. The actual land put to use under this permit is located across the river to the west of the main school buildings. This area consists of two adjacent ball fields, a track and a few small related buildings. The main school and the ball fields are connected by a foot bridge. A single well provides water for a standalone irrigation system. This system consists of a pump with mainline, to pressurize a handline sprinkler system.

History of Water Use

This permit was issued in June of 1994. A well was constructed under the development phase of this permit in July of 1994. According to the School District, water was put to beneficial use soon after. This permit has continued to be used for the irrigation of ball fields for the school, which is non-agricultural in nature. In 2009, a proof of appropriation field examination was conducted by Ecology for the purpose of issuing a certificate. During this examination it was discovered that the authorized location of the well did not match the existing well. This change application was filed at that time to correct the well location.

Aerial photographs were used to help verify the extent of development, historical and beneficial use of this permit. Approximately six acres have been irrigated within the two adjacent ball fields. The remainder of the large place of use described within the permit is riparian land along the river, a fish hatchery and various other parcels of land. The place of use will be reduced to the land actually put to beneficial use.

The maximum authorized water duty of this permit is 3.5 acre-feet per year, per acre. Historically, this permit has been used to irrigate turf for ball fields. The State of Washington Irrigation Guide (WA210-VI-WAIG) states that 2.6 acre-feet, per acre, is required for turf in the Dayton area. At a 70% efficiency rate of application, the approximate maximum water duty is comparable to the permitted allocation. This results in an allocation of 21-acre-feet per year, for the irrigation of 6 acres.

Proposed Use

The well actually utilized under this permit was not constructed within the site authorized under the original permit. This application proposes to change the point of withdrawal to the well which has historically been in utilized for this project. This existing well was constructed with the intention of providing water for this project and is a standalone system.

Measuring and Reporting Water Use

RCW 90.03.360 requires that the owner of any water diversion maintain substantial controlling works and a measuring device. It must be constructed and maintained to permit accurate measurement and practical regulation of the flow of water diverted. Technical requirements for the measuring and reporting of water use are described in WAC 173-173. This decision contains provisions requiring the measuring and reporting of the quantities of water withdrawn or diverted.

Well Tags

WAC 173-160 contains requirements for well drillers, system operators and/or owners to tag new and existing wells with identification tags supplied by Ecology. The well identification program creates a standard system to identify all newly constructed or existing wells, so that property owners and various agencies can readily share well data. In addition, Ecology field staff use the well tag to identify the well. Accordingly, this decision contains provisions requiring each well to be tagged with a unique identification number.

Other Rights Appurtenant to the Place of Use

A review of Ecology records was conducted for existing water right certificates, permits, and claims in the area surrounding the School District project. The search focused primarily on Section 30, T. 10 N., R. 39 E.W.M. The review of Ecology records shows one water right, other than those held by the Town of Dayton for municipal supply, appurtenant to the authorized place of use, which is as follows:

Surface Water Certificate No. 9665, authorizes up to 0.14 cubic feet per second, 35-acre-feet, from September 1 to July 1, for the irrigation of 7 acres of playfield. It appears that this water right is no longer in use and may be relinquished from non-use.

The validity and extent of above listed water rights are not determined in this report.

Hydrologic/Hydrogeologic Evaluation

The following hydrogeologic analysis was written by Guy J. Gregory, L.G., L. Hg. Hydrogeologist and Unit Supervisor of the Water Resources Program Technical Unit in Ecology's Eastern Regional office.

The proposed well is located in the adjacent $\frac{1}{4}$ (east from the authorized site) and is cased and sealed to 150' as required in the permit. All criteria for amendment above are addressed or not applicable. No complaints of interference have been received regarding pumping at this location. No hydrogeologic effects are likely from correcting this locational information.

Impairment Considerations

"Impair" or "impairment" means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection, not including earlier filed applications (HB 1832); 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 Hydrogeologic Evaluation indicates that the authorized point of withdrawal and proposed well are the same source of public ground water. The existing well appears to be properly constructed in accordance with the permit's casing requirements, which were developed to protect existing rights. No increases in authorized pumping rates are proposed and no additional water will be withdrawn under this change beyond what is authorized. The existing well has been in use for approximately 18 years with no reported pumping interference or impairment between other wells in this area. Therefore, it is not anticipated that this change would cause any impairment to existing water rights.

Public Interest Considerations

There has been no public expression of protest or concern regarding this specific proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed change.

Conclusions

In accordance with Chapters 90.03 and 90.44, approval of this application to change the point of withdrawal as granted under Ground Water Permit No. G3-29424P will not enlarge the quantity of water historically authorized, nor will it impair existing rights or be detrimental to the public welfare provided the terms and conditions above are followed.

The amount of water recommended is a maximum limit that shall not be exceeded, and the water user may only use that amount of water within the specified limit that is reasonable and beneficial. This authorization does not increase in any way the original amounts authorized by the permit.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

- 80 gpm
- 21 acre-feet per year
- Non-Agricultural Irrigation of 6 acres

Point of Withdrawal

- NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 10 North, Range 39 E.W.M.

Place of Use

- As described on Page 1 of this Report of Examination.

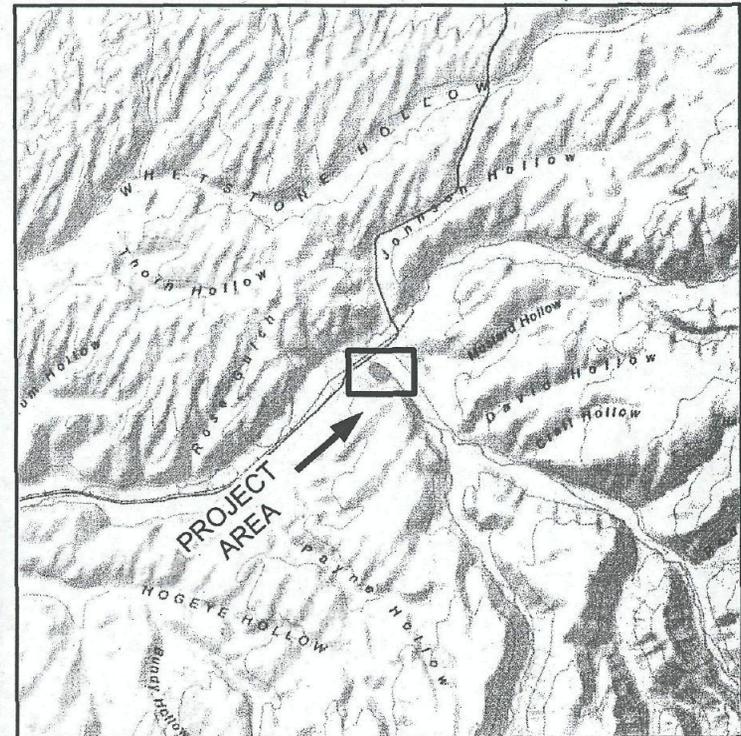
Dan Tolleson

Dan Tolleson, Report Writer

9/4/2012

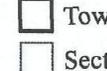
Date

Dayton School Dist 2
 CG3-29424
 T10N/R39E



Basemap - (ESRI US Topographic Maps)

Legend

-  Authorized Place of Use
-  Townships
-  Authorized Point of Withdrawal
-  Sections

0 200 400 800 1,200 1,600 Feet

Basemap - (NAIP 2011 1m color)



Map Date: 6/26/2012



Comment:

Place of use and source locations are as defined within the Report of Examination cover sheet for the document identified in the header above.

ATTACHMENT 1