



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

January 29, 2013

Mr. Scott Byerley
501 W. Langdon Road
Walla Walla, WA 99362

Dear Mr. Byerley:

Re: Walla Walla County Water Conservancy Board Record of Decision on 284-A(A) WALL-12-07

On November 16, 2012, our office received from the Walla Walla County Water Conservancy Board a Record of Decision and Report of Examination for the above referenced application for change/transfer of Ground Water Certificate No. 284-A(A). In accordance with RCW 90.80.080 the Department of Ecology has reviewed the Record of Decision and Report of Examination and all comments, protests, objections and other relevant information submitted by the Walla Walla County Water Conservancy Board for the above referenced application for change/transfer.

The Department of Ecology has **reversed** the decision of the Board and the proposed change/transfer of water right is **denied**.

Ground Water Certificate 284-A(A) authorizes 375 gallons per minute 224.2 acre-feet per year for the irrigation of 85 acres. The certificate currently authorizes three (3) wells as points of withdrawal. The wells are located as follows: Well #1- SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25; Well #2- SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24; Well #3- SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, ALL WITHIN T. 7 N., R. 34 E.W.M.

Application for Change/Transfer under Ground Water Certificate 284-A(A) was filed with and accepted by the Walla Walla Water Conservancy Board on April 4, 2012. The application requested adding point(s) of withdrawal and to change/transfer the place of use. The proposed location of the new well to be added to the certificate was within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, T. 7 N., R. 34 E.W.M.

The recommendation of the Walla Walla Water Conservancy Board was to approve splitting the certificate into an "A" portion and a "D" portion. Each portion would be authorized for four (4) wells to be located as follows: Well # 1-S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 36; Well #2- SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36; Well #3- SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36; and Well #4- SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, ALL WITHIN T. 7 N., R. 34 E.W.M.

The application for change/transfer did not request nor did the public notice state that the proposed new wells would be located in Section 36, T. 7 N., R. 34 E.W.M. The conservancy board decision to approve the section 36 well locations was outside the scope of the application for change/transfer and therefore Ecology reverses their decision and the Application for Change/Transfer under 284-A(A) is **denied**.

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. 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).



Mr. Scott Byerley
January 29, 2013
Page 2

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

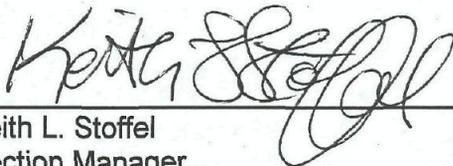
- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

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

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.leq.wa.gov/CodeReviser> .

DATED this 29th day of January, 2013 at Spokane, Washington.



Keith L. Stoffel
Section Manager
Water Resources Program
Eastern Regional Office

KLS:HS:ka
Enclosure: Your Right to Be Heard

By Certified Mail 7011 3500 0001 8626 3726

cc: Walla Walla County Water Conservancy Board

