



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

For Ecology Use Only RECEIVED Received: JUL 17 2013 DEPARTMENT OF ECOLOGY EASTERN REGIONAL OFFICE
Reviewed by: _____ Date Reviewed: _____

Applicant: Walla Walla River Estates

Application Number: WALL-13-01

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 7/3/13. 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.

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 7/3/13 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: 7/3/13

- Approve
- Deny
- Abstain
- Recuse
- Other

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

Date: 07/03/13

- Approve
- Deny
- Abstain
- Recuse
- Other

ABSENT
 Brian Worden, Member
 Walla Walla County Water Conservancy Board

Date: _____

- Approve
- Deny
- Abstain
- Recuse
- Other

 Drex Gauntt, Alternate
 Walla Walla County 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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Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 800	MAXIMUM ACRE-FT/YR 1102.3	TYPE OF USE, PERIOD OF USE 800 gallons per minute, 1102.3 acre-feet per year, for the seasonal irrigation of 412 acres.				
SOURCE Two wells (Basalt aquifer)			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
1. 350730110006	SW	SE	30	7	35 E.	32	Walla Walla
2. 350730110006	N½	S½	30	7	35 E.	32	Walla Walla
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
Section 30; the south 975 feet of the S½S½ of Section 19; and that part of the N½ of Sec. 31 lying northerly of the right-of-way of Old Highway 12, ALL WITHIN T. 7 N., R. 35 E.W.M., LESS that part of the Narcisse Raymond D.L.C. lying therein; AND LESS the east 933.8 feet thereof lying southerly of a line parallel to the south line of said Section 30, said line beginning at a point on the east line of said Section 30 749.9 feet north of intersection of Section 31 with the right-of-way of Old Highway 12; AND LESS that part of the N½NW¼ of said Sec. 31 lying southerly of the Whitman Ditch; AND LESS roads and right-of-ways.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE		
Various			19, 30 & 31	7	35 E.		

DESCRIPTION OF PROPOSED WORKS

Wells (2), cased into the basalt aquifer, mainline, center pivot irrigation systems (4).

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Started	COMPLETE PROJECT BY THIS DATE: Completed	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: August 31, 2014
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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 March 13, 2013, Walla Walla River Estates of Walla Walla, Washington filed an application for change to change (correct) a point of withdrawal, add a point of withdrawal, and change the place of use as authorized under Ground Water Certificate No. 6265-A ("GW Cert. No. 6265-A"). The application was accepted at an open public meeting of the Walla Walla County Water Conservancy Board ("Board") on March 13, 2013, and the was assigned application number WALL-13-01.

Attributes of the water right as currently documented

Name on certificate, claim, permit:	Inez Loney	
Water right document number:	Certificate of Ground Water Right No. 6265-A	
As modified by certificate of change number:	N/A	
Priority date, first use:	January 17, 1964	
Water quantities:	Qi: 800 gpm	Qa: 1200 acre-feet
Source:	A well (basalt aquifer)	
Point of diversion/withdrawal:	NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 31, T. 7 N., R. 35 E.W.M.	
Purpose of use:	Irrigation of 412 acres	
Period of use:	Irrigation season	
Place of use:		

Section 30 and that part of the N $\frac{1}{2}$ of Section 31 lying northerly of the right-of-way of U.S. Highway 410, ALL in T. 7 N., R. 35 E.W.M.; LESS that part of the Narcisse Raymond D.L.C. lying therein; AND LESS that part of the east 933.8 feet thereof lying parallel to the south line of Sec. 30¹ beginning at a point on the east line of said Sec. 30 749.9 feet north of its intersection with said right-of-way; AND LESS that part of the N $\frac{1}{2}$ NW $\frac{1}{4}$ of said Sec. 30¹ lying southerly of the Whitman Ditch; AND LESS roads.

Existing provisions:

"The installation of an access port as described in Ground Water Bulletin No. 1 shall be required prior to issuance of final certificate of water right. The applicant may, for his own convenience, wish to install an air-line and gage in addition to the access port."

"Said well shall be constructed with a water tight casing down through and sealed into an impervious layer and said casing shall not be perforated insuring a break between the unconfined aquifers and the artesian aquifers of the basalt."

"The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in Sections 6 and 7, Chapter 122, Laws of 1929."

"This certificate of ground water right is specifically subject to relinquishment for nonuse of water as provided in Section 18, Chapter 233, Laws of 1947."

Tentative determination of the water right

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

History of water use

Cert. No. 6265-A was developed between June of 1966, when Permit 7515 issued, and December of 1968, when the final Certificate issued. All records reviewed suggest that water has been put to beneficial use continuously on the subject property since that time. There are four center pivots are utilized alternately for irrigation of a total of 412 acres, and these pivots have been in place since the right was first developed.

Cropping records obtained from the United State Department of Agriculture (USDA) Farm Service Agency show a variety of crops grown rotationally within these four pivots including wheat, grass seed, onions, soybeans, corn and pumpkins. A more thorough analysis of the historic water use is provided below.

Previous changes

No previous changes have been approved for Cert. No. 6265-A. A change application to requesting the same changes to the authorized point of withdrawal requested herein – to correct the current well location coordinates listed under Cert. No. 6265-A, and to add a second well - was filed by Walla Walla River Estates, LLC, with Ecology in August of 2004. This 2004 application is still pending action by Ecology, and will be withdrawn should the changes proposed in this application be approved.

A seasonal change application was submitted to, and approved by, Ecology to change the place of use in the same manner as applied for herein, for the 2013 irrigation season.

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 of Water Right Solutions.

COMMENT AND PROTESTS

Public notice of the application was given in the Waitsburg Times on April 4th and 11th, 2013. Protest period ended on May 13th, 2013.

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 of Water Right Solutions.

INVESTIGATION

The following information was obtained from a site inspection conducted by Alan Kottwitz on July 3, 2013, technical reports, research of department records, and conversations with the applicant and/or other interested parties. The following are some of the primary sources of information obtained and utilized in this investigation:

- Ecology water right files for Cert. No. 6265-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
- Review of applicable laws, site visits, rules and policies
- Water well construction logs
- Conversations with the applicant

Proposed project plans and specifications

The proposed project would be accomplished through changes to three aspects of Cert. No. 6265-A; (1) a change in point of withdrawal, (2) an additional point of withdrawal, and (3) a change in the place of use of the water right. These proposed changes are graphically illustrated in Figures 1 & 2, below.

(1). **Change in Point of Withdrawal:** The existing certificate indicates that the well authorized for use under Cert. No. 6265-A is located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 31, T. 7 N., R. 35 E.W.M. It appears that there was some confusion regarding the location of the section lines when the application was originally evaluated, due apparently to the way the property boundaries line up with Donation Land Claim lines. In any event, this aspect of the change would correct the certificated location description of the original well to where it is actually located, which is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 30., T. 7 N., R. 35 E.W.M. (GPS coordinates: 46.04986 N -118.48068 W NAD 83 Datum)

(2). **Add a Point of Withdrawal:** It is proposed to add an additional well to Cert. No. 6265-A. This well is also constructed into, and withdraws water from, basalt aquifer. It is the intent to have this new well serve as the primary source of water for use under this right. (GPS coordinates: 46.05483 N -118.48213 W NAD 83 Datum)

(3). **Change the Place of Use:** In 2008 a phase of the new 4-lane Highway 12 construction cut through one of the 4 pivots that make up the 412 acres of irrigation under Cert. No. 6265-A. The WA State Dept. of Transportation purchased the property for used for the highway right-of-way, explicitly excluding any of the appurtenant water rights from the purchase. The land removed from production as a result of the construction was approximately 56.41 acres, which includes the right-of-way and that portion of the remaining pivot south of the new Highway that is currently no longer irrigated. The applicant is proposing to replace the existing northern most pivot (103.24 acres) with a larger pivot (159.10 acres) which will add 55.86 acres overall. Enlargement of this pivot will extend the area covered by the pivot onto land that is currently not included within the authorized place of use of Cert. No. 6265-A; this application requests the right to add this additional property to the place of use of the right. The remainder of the land removed from irrigation, 0.52 acres, will be used to irrigate lawn around a new home in the northwest corner of the existing place of use. Through approval of the proposed changed, the total irrigated acres would remain at 412.

Figure 1: Existing and Proposed Place of Use and Points of Withdrawal – GW Cert. No. 6265-A

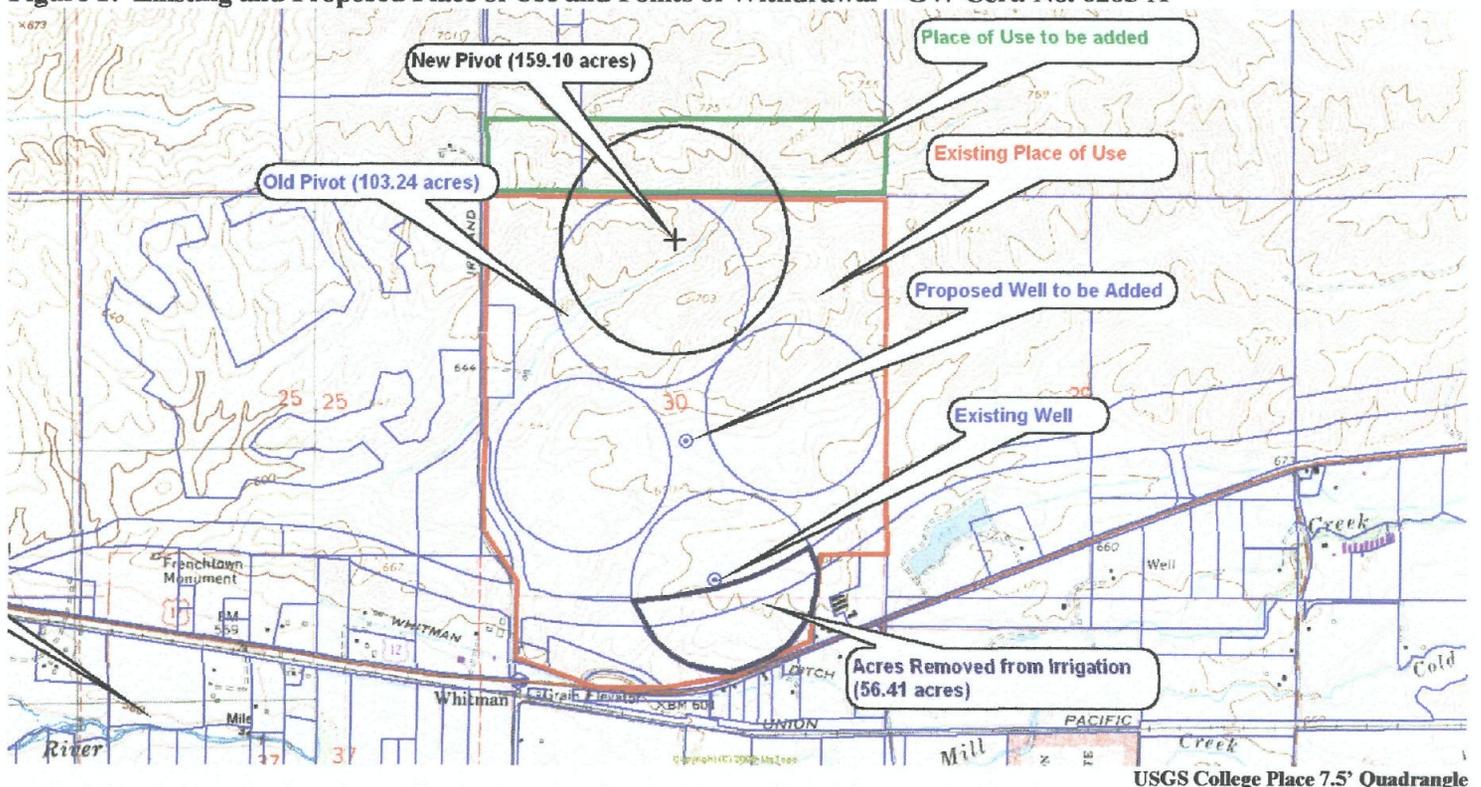
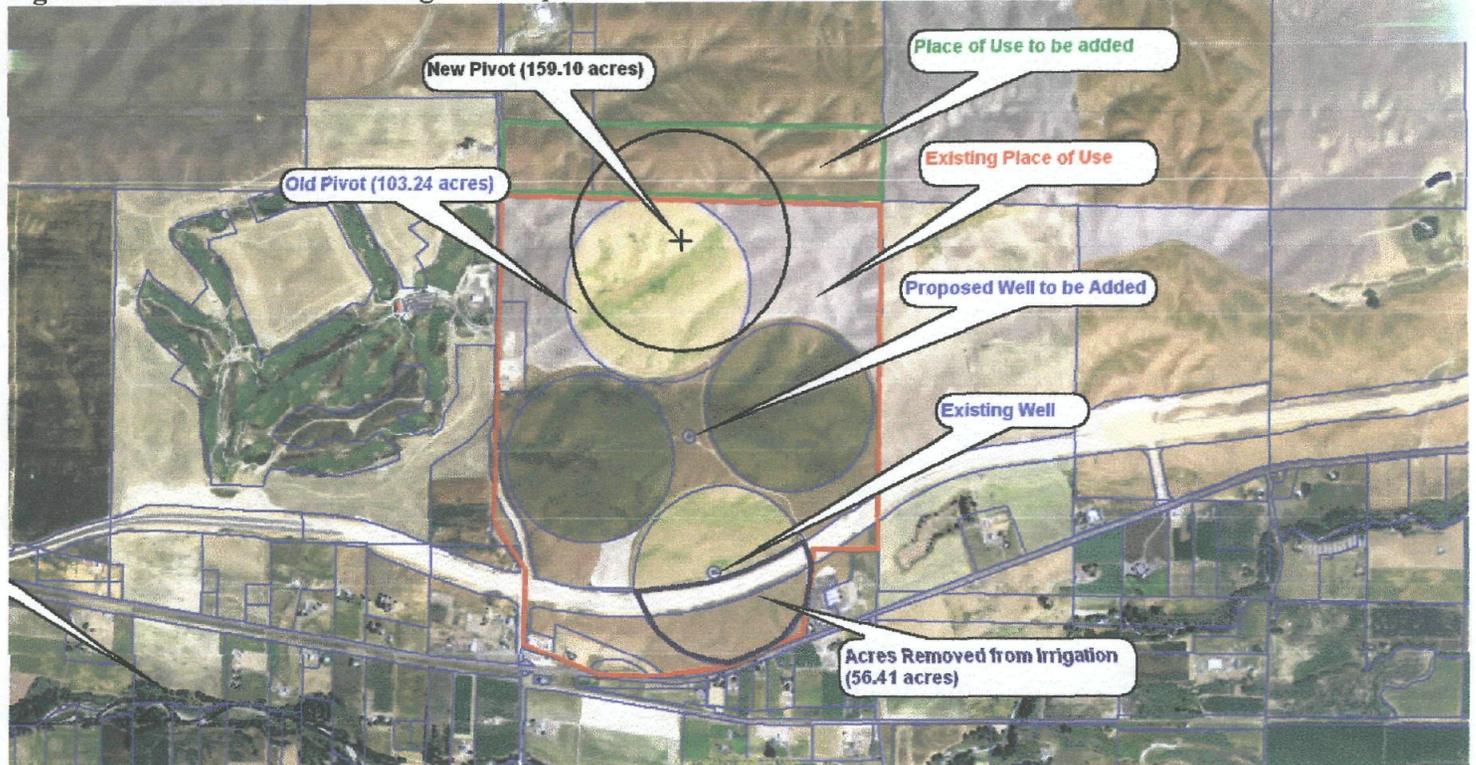


Figure 2: Aerial Photo of Existing and Proposed Place of Use/Points of Withdrawal – GW Cert. No. 6265-A

Aerial Photo: July 11, 2009

Other water rights appurtenant to the property (if applicable)

There are no other water rights currently appurtenant to the subject property.

Public Interest (groundwater only)

The proposed transfer/changes are subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. The changes proposed for this right included correcting the legal description of the existing well, adding a new well, and changing the place of use of the right to allow for more efficient irrigation of the acres authorized for that purpose under Cert. No. 6265-A. Expressions of public interest for these proposed changes 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 changes.
- b. **Walla Walla County Municipal Code (Codified as Ordinance 369, November 10, 2008):** The area within which this project is located is zoned 'Agriculture Residential – 10 acre minimum lot size'. The proposed changes are consistent with the current zoning.
- c. **WRIA 32 Watershed Plan:** The locally developed and approved WRIA 32 Walla Walla 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 Cert. No. 6265-A to allow for irrigation of the same number of acres which have been irrigated historically. An additional well is also being applied for to maintain an efficient irrigation system consisting primarily of center pivot irrigation systems. The existing and proposed wells utilize the basalt aquifer as the authorized source of water; the basalt aquifer is not considered to have a significant hydraulic connection with basin surface water streams. The proposed application would not expand or otherwise enhance the quantities of water put to historic beneficial use under Cert. No. 6265-A. As such, the proposed change is consistent with the WRIA 32 Watershed Plan, in that the proposed changes will 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 indicate that the subject water right has been put to beneficial use more or less continuously since the certificate was issued in 1968. Crop acreage records were obtained from the local FSA office for the period of 2002 – 2012. These records show a variety of crops being grown on a rotational basis from year to year. In 2008, the right-of-way for the newly constructed four-lane Highway 12 removed 56.41 acres from irrigated production out of the lower pivot. In 2010, the applicant placed 54.41 acres together with an associated 158.5 acre-feet into the Walla Walla Watershed Management Partnership Water Bank, while continuing to irrigate the remaining 357.59 acres. The Bank serves to stop the

“relinquishment clock” on water right deposited into it. This change would entail removing the 54.41 acres from the bank, together with any annual quantity deemed to be valid in association with those acres.

The State of Washington Irrigation Guide (WIG) was used to estimate crop irrigation requirements in the Walla Walla area for crops grown on the subject property from 2002-2012 (Table 1). Ecology Guidance Document No. 1210, “Determining Irrigation Efficiency and Consumptive Use” was used to estimate the application efficiency used in Table 1 for older pivot systems:

Table 1: WIG Crop Irrigation Requirements (Walla Walla) – GW Cert. No. 6265-A (2002 – 2012)

<i>Crop Type</i>	<i>CIR¹ (inches)</i>	<i>Irr. Efficiency</i>	<i>TIR² (inches)</i>	<i>Acre-feet (per acre)</i>
Wheat	20.85	80%	26.06	2.17
Grass Seed	30.50	80%	38.13	3.18
Corn	27.13	80%	33.91	2.83
Peas	16.15	80%	20.19	1.68
Onions	30.92	80%	38.65	3.22
Pumpkins	16.69	80%	20.86	1.74
Soybeans	27.67	80%	34.59	2.88

¹ Crop Irrigation Requirement

² Total Irrigation Requirement

The total area irrigated within the authorized place of use was determined, through review of FSA records and the water right file for Cert. No. 6265-A, to be the full 412 acres authorized. The highest one year of beneficial use of water under Cert. No. 6265-A was determined to be 2002, with 206 acres of wheat and 206 acres of grass seed being grown that particular season. Using the irrigation requirements in Table 1, above, the following irrigation requirement for 2002 is shown in Table 2, below, and is used as the basis for historic beneficial use of water under Cert. No. 6265-A.

Table 2: Highest 1-Year of Beneficial Use under GW Cert. No. 6265-A (2002)

<i>Crop Type</i>	<i>TIR (inches)</i>	<i>Acres¹</i>	<i>Total Irr. Req. (acre-feet)</i>
Grass Seed	38.13	206	654.6
Wheat	26.06	206	447.7
TOTALS		412 acres	1,102.3 acre-feet (2.68 ac-ft/acre)

¹Source: Farm Service Agency

The original well authorized for use under Cert. No. 6265-A was completed in 1967. A pump test was completed in April of 1967 that yielded 840 gallons per minute with 102 feet of drawdown after 10 hours. The well proposed to be added through this application was completed in 2007. That well was air-tested at an estimated rate of 1500 gallons per minute for 3 hours. This well has a 100 HP pump installed and pumps 800 gallons per minute to the lower pivots. The subject water right has been pumped at a rate of 800 gallons per minute to run a combination of the existing pivots.

The tentative determination of the extent and validity of GW Cert. No. 6265-A – that portion put to historic beneficial use - is determined to be 800 gallons per minute, 1,102.3 acre-feet per year, for the seasonal irrigation of 412 acres.

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

The original well authorized for use was drilled through layers of clays and gravel, and then basalt rock, to a total depth of 1104 feet. Basalt rock was first encountered at 527 feet below ground surface. The 12” diameter well was cased to 665 feet, and had a static water level of 43 feet as measured in April of 1967.

The well proposed to be added was completed in March of 2007 to a total depth of 920 feet. The construction log for the well shows the borehole penetrating layers of gravel, sand and clays to a depth of 410 feet. A mix of clay, gravel and broken basalt continued to 505 feet, at which point basalt rock was encountered. The basalt formation continued through the remainder of the borehole. The 12-inch diameter well was cased to 509 feet, and sealed with neat cement to 540 feet. The well had a measured static water level of 152 feet below land surface as measured in March of 2007.

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) defines the general parameters of the basalt aquifers for the Columbia Plateau of Washington, Oregon, and Idaho. The report indicates that the topmost Saddle Mountain Unit may be present beginning at approximately 300 feet above mean seal level, with a thickness of about 100 feet, where present. As the elevation of both wells is approximately 650 feet above mean sea level, this unit may be represented by broken basalt encountered from 400 to 500 feet. In both instances, this zone has been cased off, and was not shown to be water bearing at this location. Farther down, the report shows the top of Wanapum basalt unit present at approximately 200 feet above mean sea level with a total depth of approximately 1000 feet. This would translate to the top of the Wanapum unit being at approximately 450 feet below land surface at this location. Both wells are cased into, and withdraw water from, the Wanapum Basalt unit.

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 in place of use would not expand the irrigated acres beyond what have been irrigated historically; it would only serve to shift some 56.41 acres from the southern end of the project to the northern end. The changes in point of withdrawal would result in the addition of a new basalt well located approximately one-half mile to the north of the existing well. The quantities of water withdrawn would not change through use of the new well.

There are two other basalt aquifer wells located within 1 mile of the existing and proposed wells under this application. These wells are located approximately 4800 feet to the northwest of the proposed additional well. These wells also withdraw water from the Wanapum Unit of the Columbia River Basalt Group, and together authorize the withdrawal of more than 2500 gallons per minute. Given the distance from the proposed wells to these other existing wells, the capacity of the basalt aquifer in this area, and the fact that the proposed changes will not increase the quantities of water pumped over what has been historically, it can be concluded that the proposed changes to point of withdrawal proposed through this application will not have any material impact to the continued operation of these wells.

The basalt aquifer in this area of the basin is generally considered not to be in hydraulic continuity with basin surface waters. As such, continued withdrawal of water from this aquifer from either the existing or proposed additional well will not impair instream flows in the basin.

No Enhancement of the Original Right:

The quantities of water determined to have been put to historic beneficial use, and the number of acres irrigated, will not increase through this change. The certificated quantities will actually be reduced by 97.7 acre-feet, through this change, to reflect quantities determined to have been relinquished due to non-use.

A Valid Right Exists that is Eligible to be Changed:

For the purpose of evaluating this application, a tentative determination as to the extent and validity of GW Cert. No. 6265-A was completed. The quantities of water determined to be valid and available for the changes requested in this application are 800 gallons per minute, 1,102.3 acre-feet per year, for the seasonal irrigation of 412 acres.

Same Source of Water:

The existing and proposed points of withdrawal both withdrawal water from the basalt aquifer, specifically the Wanapum Unit of the Columbia River Basalt Group. The changed point of withdrawal (corrected location) and additional point of withdrawal will remain within the same source of public ground water as the original well.

No Detriment to Public Welfare:

Public notice of the application was provided in the Waitsburg Times, published in Walla Walla County, on April 4th and 11th, 2013. 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 of Water Right Solutions.

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 determined to be available for the subject change: 800 gallons per minute, 1102.3 acre-feet per year, for the seasonal irrigation of 412 acres.

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 800 gallons per minute, 1102.3 acre-feet per year, for the seasonal irrigation of 412 acres, and those quantities issued through the original certificate, being 800 gallons per minute, 1200 acre-feet per year for the irrigation of 412 acres, are 97.7 acre-feet per year.

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 97.7 acre-feet per year as authorized through the original certificate are subject to relinquishment.

Hydraulic analysis

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

Consideration of comments and protests

Public notice of the application was provided in the Waitsburg Times, published in Walla Walla County, on April 4th and 11th, 2013. 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 was no evidence produced through evaluation of this application that a change in place of use to shift 56.4 acres from the southern end of the project to the northern end, to correct the location of the existing well as described on the current certificate, and to add a point of withdrawal to GW Cert. No. 6265-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. 6265-A has passed the statutory tests and is approved in the amounts of 800 gallons per minute, 1102.3 acre-feet per year, for the seasonal irrigation of 412 acres, subject to the provisions and conditions listed below.

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

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. 6265-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 proposed additional well has been constructed. The additional place of use will be irrigated this year based on a seasonal change granted for the 2013 irrigation season by Ecology. One year within which to put water to full beneficial use is appropriate and should be sufficient to complete the project.

Other

References:

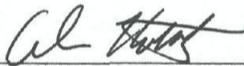
Drost, B.W., Whiteman, K.J., and Gonthier, J.B. 1990. Geologic Framework of the Columbia Plateau Aquifer System, Washington, Oregon, and Idaho. Portland, Oregon. U.S. Geological Survey

USDA Agricultural Research Station. State of Washington Irrigation Guide. 1986 (Amended 1990)

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

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 3rd day of July, 2013



Alan Kottwitz, Board Representative
Walla Walla County Water Conservancy Board

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