



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 17, 2013

Ms. Greta Hassler
1581 McDonald Road
Touchet, Washington 99360

Re: Water Right Change Application No.'s 4486-A, G3-24732C and G3-25251C

Dear Ms. Hassler:

On October 10, 2013 this office notified you that Water Application No.'s 4486-A, G3-24732C and G3-25251C would be rejected unless you provided further information to process these applications.

Since we did not receive the required information to that notice, your Applications for Change to Ground Water Certificate No.'s 4486-A (CG3-*06169C@2), G3-24732C (CG3-*24732C@1) and G3-25251C (CG3-25251C@1) are hereby **rejected**.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision 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).

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.



Ms. Hassler
Page 2
December 17, 2013

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://www.l.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
Eastern Regional Office

KLS/DT:md

W: Rejection letters/Tolleson/2013/Hassler 12-17-2013.doc

Enclosure: *Your Right to Be Heard*

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To

Semi

MS GRETA HASSLER
 1581 MCDONALD ROAD
 TOUCHET WA 99360

PS Form 3800, August 2006 See Reverse for Instructions

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

MS GRETA HASSLER
 1581 MCDONALD ROAD
 TOUCHET WA 99360

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Greta Hassler* Agent Addressee

B. Received by (Printed Name) C. Date of Delivery
GRETA HASSLER

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

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4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) **7012 3050 0000 1094 6657**

RECEIVED

DEC 03 2013 12-1-2013

Department of Ecology
Eastern Regional Office

Dear Dan Tolleson

This letter is in respond to your letter dated Oct 10 - 2013.

I do not want to give up on my request to move some of my water right.

I would like to ask for a delay in my request.

Please grant me a extended request until Oct - 2018.

I am a widow and 80 years old, and I do not have a computer or e mail, my ability to review my request is limited.

When I spoke to you in late September - 2013 I thought these request was all finalized, I am going to live and manage this ranch for at least 10 more years.

Hope my request is granted!

Leta Hassler
1581 Mc Donald Rd
Touchee Wt 99360
509-529-2769

I have lived here on this ranch for 60 years.

12/3/2013 -
per phone conversati
with Ms. Hassler
may file a new
set of application
and abandon these
applications

DT

12/16/2013
Reject application
no further
response
DT



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 10, 2013

Mrs. Greta Hassler
1581 McDonald Road
Touchet, WA 99360

Dear Mrs. Hassler:

Re: Application for change under Certificate Nos. 4486-A, G3-24732 and G3-25251

According to our phone conversation on September 23, 2013, you want Ecology to continue with the processing your applications for change. As discussed I have reviewed your applications with the additional information you provided during our conversation.

The changes as proposed will in all likelihood be denied, since they allow for enlargement of the rights and will impair existing rights which creates a situation that is not in the public interest. These types of impacts are not allowed under the water code.

Please keep in mind your water rights are limited to the following: "The total quantities authorized under all appurtenant water rights (WWRAC 192, SWC 7730, SWC 9411, SWC 10334, GWC 4486, G3-24732C, and G3-25251C) shall be limited to 1340 acre-feet per year (4 acre-feet per acre), for the irrigation of 335 acres (N½ of Section 3 and 15 acres North of Mud Creek in the SW¼ of Section 3)." This means the place of use of these water rights can be changed but not expanded beyond the 335 acres. It also, means that most of the ground water rights are interconnected to the surface water rights and cannot be separated.

In light of the above issues, several options for your project are outlined below:

- We can process only a part of the proposed changes. As noted in the attached table approximately 65 acres of irrigation under the ground water rights are primary, which means they are not interconnected to a surface water right. The location of the 65 acres taken from the original place of use would need to be identified, since it would be removed from the place of use. These 65 acres would then be moved to the proposed place of use in Section 4, which would need to be reduced from your requested area to 65 acres of land. This will not allow for an enlarged place of use and the total of the place of use will remain at 335 acres, see enclosed map.
- You can allow the change applications to be rejected and then file Seasonal Changes in the years you intend to irrigate portions of Section 4. This route gives you the most flexibility since you can change the place of use from year to year. Just keep in mind that you are limited to 335 acres and may have to file on multiple rights depending on





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

August 26, 2013

Mrs. Greta Hassler
1581 McDonald
Touchet, Washington 99360

Dear Mrs. Hassler:

Re: Applications for changes under Certificate Nos. 4486-A, G3-24732 and G3-25251

The Department of Ecology (Ecology) is currently reviewing the change applications on file within Water Resource Inventory Area (WRIA) 32, the Walla Walla River Basin. Your applications cannot be processed as submitted and will need additional change applications on interrelated rights and associated information.

The following provision was issued on the above listed water right you have proposed for change: "The total quantities authorized under all appurtenant water rights (WWRAC 192, SWC 7730, SWC 9411, SWC 10334, GWC 4486, G3-24732C, and G3-25251C) shall be limited to 1340 acre-feet per year (4 acre-feet per acre), for the irrigation of 335 acres (N $\frac{1}{2}$ of Section 3 and 15 acres North of Mud Creek in the SW $\frac{1}{4}$ of Section 3). The total authorized instantaneous amounts vary by season, and while many of the rights are supplemental in terms of acreage, they are additive in terms of instantaneous amounts. However, those amounts will be verified and may be reduced at the proof examination." This essentially means that the water rights proposed for change are less existing rights and cannot be separated from them.

If you propose to continue on with the process of changing the place of use of the above listed applications, you will also need to file changes on associated underlying rights. The ground water rights are generally issued as less than the surface water rights. The total acres of irrigation cannot be expanded under the proposed changes and shall be limited to 335 acres. In addition, you will need to provide detailed locations for all the acres being moved and what remains in use. This includes those lands that will not be irrigated after the change. The appurtenant water rights for your project are listed in the table below (also see enclosed map).



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**MRS. GRETA HASSLER
 1581 MCDONALD
 TOUCHET, WA 99360**

PS Form 3800, August 2006 See Reverse for Instructions

7011 3500 0001 8621 7903

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature X <i>Greta Hassler</i> <input type="checkbox"/> Agent Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery GRETA HASSLER 8-26-13</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p>MRS. GRETA HASSLER 1581 MCDONALD TOUCHET, WA 99360</p> </div>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service)</p> <p>7011 3500 0001 8621 7903</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

Overlapping Water Rights

WWAC 192	103 acres
SWC 7730	30 acres
SWC 9411	115 acres
SWC 10334	22 acres
GWC 4486	140 acres
G3-24732C	72 acres
G3-25251C	320 acres
<hr/>	
Total	335 acres

If we do not receive a response within 30 days of the date of this letter, it will be assumed that you no longer have any interest in these applications. At that time these applications for change will be rejected. Rejection of the change applications will not affect the existing water rights.

If you have any questions or need information please contact me at (509) 329-3526 or dtol461@ecy.wa.gov.

Sincerely,

Dan Tolleson
Water Resources
Spokane Office

DT:ka
Enclosures Map of Project
 Copy of Applications

By Certified Mail 7011 3500 0001 8621 7903

Hassler Water Rights (primarily N½ of Section 3)

WR	Priority date	Acres	Qi	Qa	Source	Notes	POU
WWAC 192	1880	103	2.06	515	Mud Creek	103 ac Primary (N½ of 3)	N½ of 3
SWC 9411	1964	115	1.53	575	WW River	115 ac Primary, October 1 – July 1 season	Part of N½ of 3***
SWC 10334	1965	22	0.29	110	WW River	22 ac Primary, October 1 – July 1 season	Part of N½ of 3***
*SWC 7730	1959	30	0.60	120	WW River	Less existing ground water rights, October 1 – July 1 season	Within N½ of 3
**4486-A	1962	140	200	160	4 wells	39.5 ac primary/100.5 ac alternate	N½ of 3
**G3-24732C	1976	72	100	160	4 wells	55.5 ac primary/16.5 ac alternate and 1 af stockwater	N½ of 3
**G3-25251C	1977	320	480	768	4 wells	Less existing rights	N½ of 3
		335	---	1340		maximum per provision	

*2003 ROE for 7730: Moved into this portfolio of rights and changed to less existing GWC 4486-A, G3-27432C & G3-25251C

**2003 ROE for (4486-A, G3-27432C & G3-25251C): integrated the wells to 4 common sources and changed POU by minor modification to south line to reflect actual irrigation.

***Under SWC 9411 and 10334, 122 acres are located within the NE¼ of Section 3 and the remaining 15 acres is located SE¼SE¼ of Section 34



Louis Daune

GL1

GL2

GL3

GL5

GL4

33

34

35

T07N/R34E

Authorized POU, w chg
ROE: G3-24732C,
G3-25251C, &
4486-A (red)

Proposed POU
(blue)

2011 photo

04

03

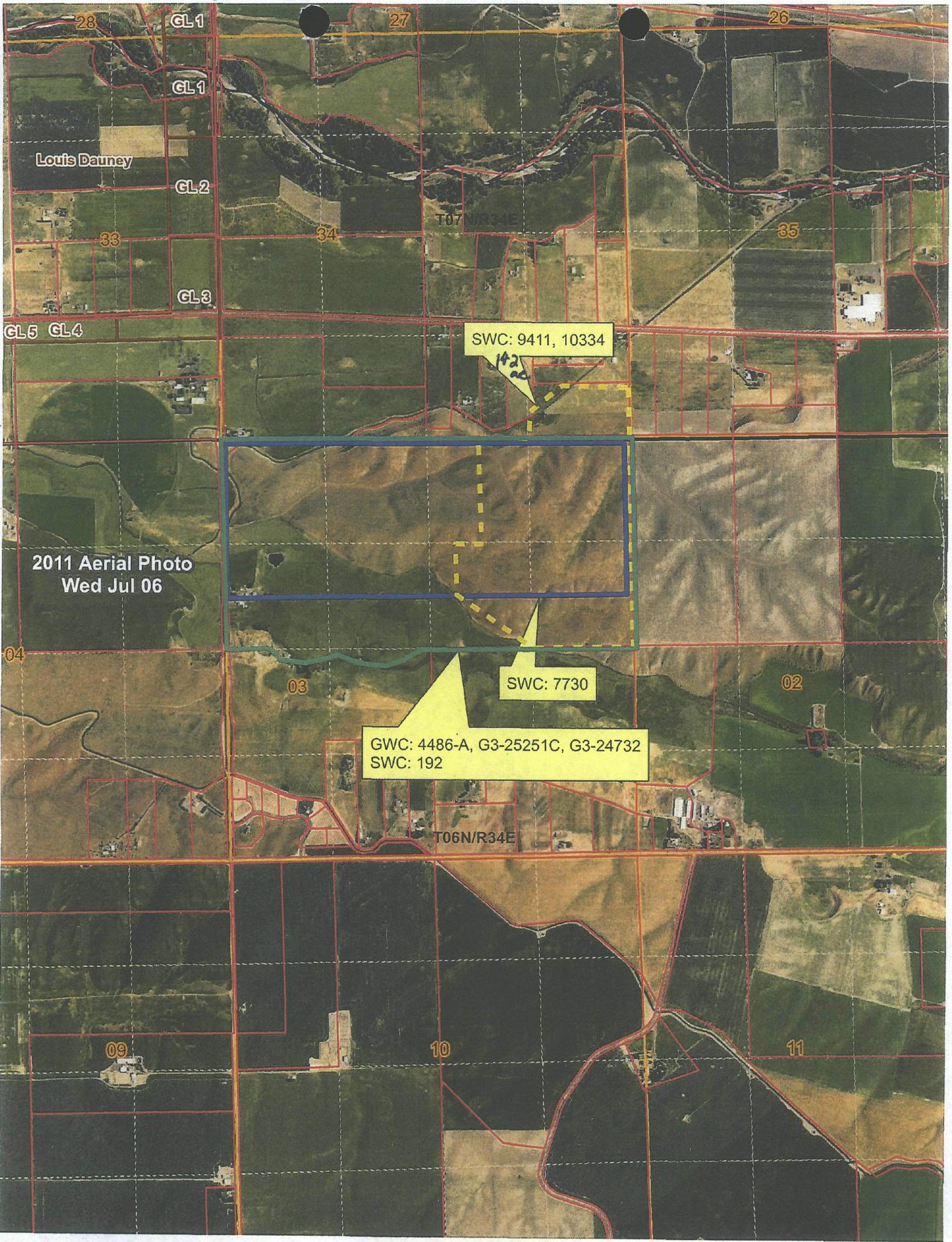
02

R34E

09

10

11



Louis Dauney

2011 Aerial Photo
Wed Jul 06

SWC: 9411, 10334

142
ac

SWC: 7730

GWC: 4486-A, G3-25251C, G3-24732
SWC: 192

GL1

GL1

GL2

GL3

GL5 GL4

28

27

26

33

34

T07N/R34E

35

04

03

02

T06N/R34E

09

10

11



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 16, 2003

COPY

Ms. Greta Hassler
1581 McDonald
Touchet, Washington 99360

Dear Ms. Hassler:

Re: Applications for Change/Transfer under Ground Water Certificate No.'s. 4486-A, G3-24732C & G3-25251C - WRTS No.'s CG3-*06169C@2, CG3-24732C@1 & CG3-25251G@1 (Walla Walla County, WRIA 32 – Walla Walla River Basin)

This letter is to acknowledge that the Washington State Department of Ecology received your water right applications for change/transfer on November 4, 2003.

Please be advised that the filing of an application does not authorize your request.

On December 4, 1997 the Washington State Supreme Court, in Okanogan Wilderness League v. Town of Twisp and Department of Ecology, found that applications for change may be granted only to the extent the water has been historically put to beneficial use, as beneficial use determines the measure of a water right. They also found that the existence and quantification of a water right must be determined, including whether or not the water right has been lost for non-use before the Department can approve a change or transfer of the water right.

When we begin actively evaluating applications in your area, we will prepare a public notice and send it to you with publication instructions. **It will be sometime before we are able to begin working in your area.** In the meantime, please notify Ecology of changes such as address, property ownership, or variations in your proposed water use plans. At some date, you may be asked to provide documentation as to the beneficial use of water under this right. Any information you can gather such as photographs, maps, power records, receipts, notarized statements, etc. can all be very helpful in determining the actual historic water use.

In some areas of the state, we are continuing to evaluate applications within watersheds where we have previously gathered information and completed watershed assessments. We are also continuing to process water right permit or change applications that are intended to address public health and safety emergencies, the natural environment, or are for nonconsumptive



withdrawals. All other applications are grouped by watershed and will be processed according to the date of submittal, and when we have enough information and staff resources to make decisions.

The 1997 Legislature created county conservancy boards under Chapter 90.80 RCW. The Department of Ecology developed a rule to guide the operation of the conservancy boards under Chapter 173-153 WAC. Some counties have established local conservancy boards to process change and transfer applications, subject to Ecology approval. For further information about existing boards or the creation of new conservancy boards, please contact your county or the Eastern Regional Office, Department of Ecology.

You are required to obtain a water right permit before you can begin using the change applied for under this application, **please note that no construction or water use should begin before a water right permit is obtained.** I've enclosed a focus sheet describing the water right change/transfer process for your review.

If you any questions regarding this letter, you may contact me directly at 509-329-3586. For technical assistance please contact Lynn Maser of our Walla Walla Office at 509-527-4394.

Sincerely,



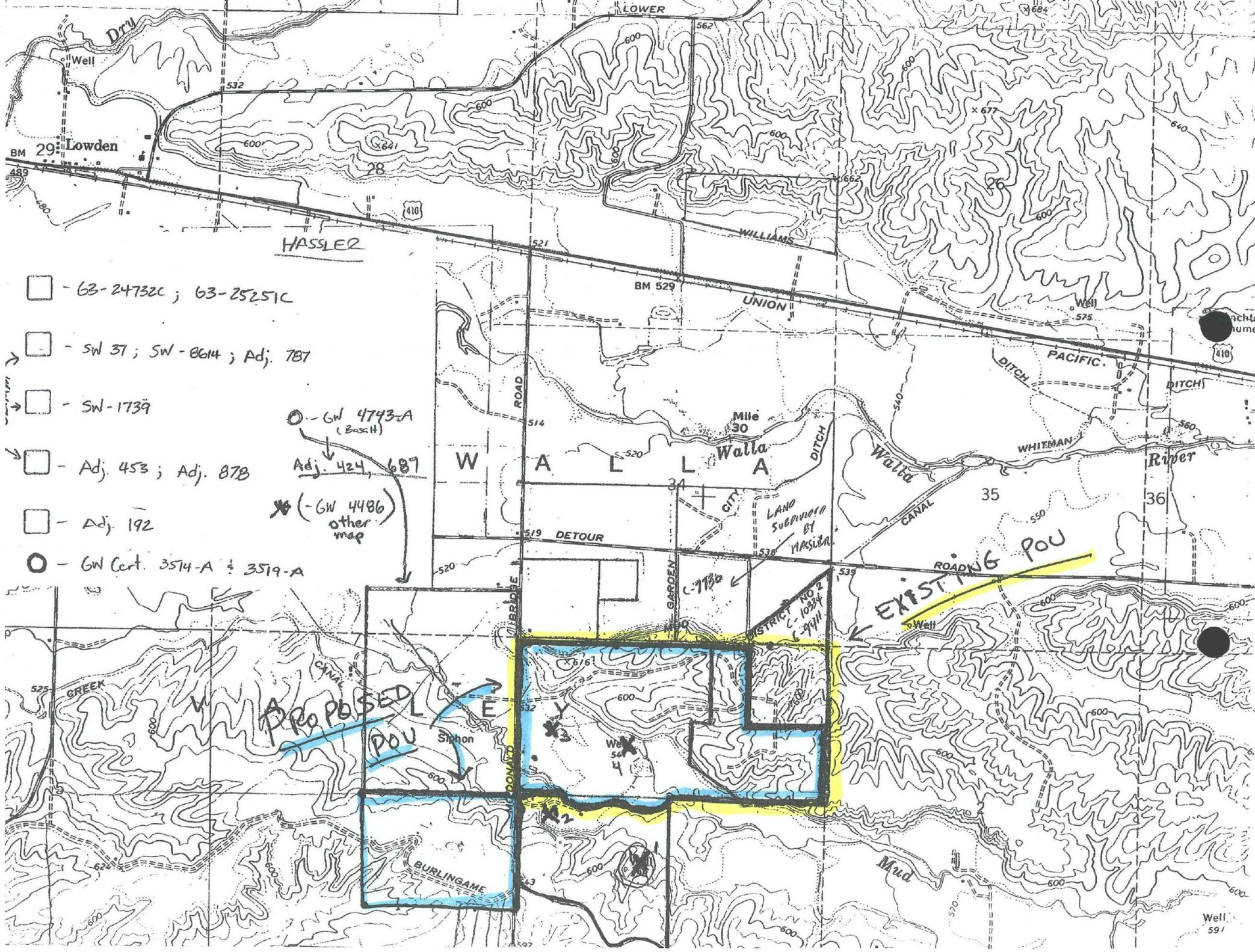
Katherine A. Yerbich
Water Resources Program
Eastern Regional Office

KAY:md

W: Acceptance letter/Yerbich/2003/4486-A G3-24732C G3-25251C Hassler chg acp ltr 12-12-2003.doc

Enclosures

cc: Department of Ecology
Walla Walla Field Office
1815 Portland Avenue, Suite No. 1
Walla Walla, Washington 99362



□ - 63-24732C ; 63-25251C

→ □ - SW 37 ; SW - 8614 ; Adj. 787

→ □ - SW - 1739

→ □ - Adj. 453 ; Adj. 878

□ - Adj. 192

○ - GW Cert. 3514-A & 3519-A

○ - GW 4743-A
(Basin)
Adj. 424 687

* (-GW 4486)
other map

Proposed
POU

EXISTING
ROADING
POU