DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Changed Point of Withdrawal

PRIORITY DATE
February 25, 1969

WATER RIGHT NUMBER
G3-01011(B)

MAILING ADDRESS
Christopher and Kimi Galasso
5211 Old Highway 12
Walla Walla, Washington 99362-6251

SITE ADDRESS (IF DIFFERENT)
5456 Frog Hollow Road

Total Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
12	GPM	3.1

Purpose

	WITHDRAWAL RATE			ANNUAL QUANTITY (AF/YR)		
PURPOSE	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	PERIOD OF USE (mm/dd)
Irrigation	12		GPM	3.1		03/01 - 11/15

The total withdrawal of water under Ground Water Certificate Nos. G3-01011(B), 5254-A(D) and 6328-A(D) shall be limited to 29.07 gallons per minute, 16.69 acre-feet per year for the irrigation of 8.15 acres.

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
1.25			

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Walla Walla	Groundwater		32-Walla Walla

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
A well	34-06-03-50-0004	AKO-714	6 N.	34 E.	3	S½SE¼	46.0206° N	118.5394° W
							Datum: NAD83/WGS84	

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

34-06-03-50-0004

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Lot 4 of Frog Hollow View Tracts, as recorded in Auditor's Roll File 5 of plats at page C-11, June 4, 2001, Walla Walla County

Proposed Works

A well, main line and handlines

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	Completed	9/1/2015

Measurement of Water Use

How often must water use be measured?	Monthly
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)

Provisions

The total withdrawal of water under Ground Water Certificate No. G3-01011(B), 5254-A(D) and 6328-A(D) shall be limited to 29.07 gallons per minute, 16.69 acre-feet per year for the irrigation of 8.15 acres.

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.

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.

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.

Real Estate Excise Tax
This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the state Department of Revenue to obtain specific requirements for your project. Phone: (360) 570-3265. The mailing address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia WA 98504-7477 Internet: http://dor.wa.gov/. E-mail: REETSP@DOR.WA.GOV.

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 application for change/transfer under Ground Water Right No. G3-01011C(B), 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).

To appeal you must do the following within 30 days of the date of receipt of the 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.) E-mail 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 **Pollution Control Hearings Board** 1111 Israel Road SW Ste 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 12th day of August, 2014.

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 CG3-01011C(B)
Ground Water Certificate No. G3-01011(B)

BACKGROUND

Mr. and Mrs. Galasso have filed change applications concurrently on Ground Water Certificate No. 5254-A(D), 6328-A(D) and G3-01011(B). Each of these applications will have its decisions based on its own respective findings. This report serves as the written findings of fact concerning the application for change to Ground Water Certificate No. G3-01011(B).

EXISTING Water Right Attributes

Water Right Owner:	Jose and Mary Jimenez
Priority Date:	2/25/1969
Place of Use	Lot 4 of Frog Hollow View Tracts, as recorded in Auditor's Roll File 5 of plats at page C-11, June 4, 2001, Walla Walla County

County	Waterbody	Tributary To	WRIA
Walla Walla	Groundwater		32-Walla Walla

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Irrigation of 1.25 acres	12	GPM	3.1	03/01	11/15

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well			6 N.	34 E.	2	NE¼SW¼		

CFS = Cubic Feet per Second; Ac-ft/yr = 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.

REQUESTED Water Right Attributes

Applicant Name:	Christopher and Kimi Galasso
Date of Application:	6/15/2005
Place of Use	Lot 4 of Frog Hollow View Tracts, as recorded in Auditor's Roll File 5 of plats at page C-11, June 4, 2001, Walla Walla County

County	Waterbody	Tributary To	WRIA
Walla Walla	Groundwater		32-Walla Walla

Purpose	Rate	Unit	Acre-feet/yr	Begin Season	End Season
Irrigation of 1.25 acres	12	GPM	3.1	03/01	11/15

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well	34-06-03-50-0004	AKO-714	6 N.	34 E.	3	S½SE¼	46.0206° N	118.5394° W

CFS = Cubic Feet per Second; Ac-ft/yr = 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 Walla Walla Union-Bulletin on October 20 and 27, 2005 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.*

When changing or adding points of withdrawal to groundwater rights (RCW 90.44.100), 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, air photographs; (4) authorized and proposed points of withdrawal; (5) authorized place of use; (6) Chapter 173-532 WAC Water Resources Program for the Walla Walla River Basin, WRIA 32 and Watershed Planning; (7) State of Washington Irrigation Guide (Natural Resources Conservation Service 1997); and (8) discussions with Department of Ecology regional program staff.

A field investigation was conducted by Dan Tolleson with Kimi Galasso on March 27, 2014. The project is located approximately two miles southeast of Lowden, 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 ten acres of land within the S½SE¼ of Section 3, T. 6 N., R. 34 E.W. M. This parcel of land is rolling and generally slopes downhill toward the north. The majority of land is used for agricultural irrigation of hay and alfalfa. There is a one acre vegetable garden located within the northeastern portion of the place of use. The irrigation system consists of a mainline, with risers and handlines.

The authorized well is located within the NE¼SW¼ of Section 2, T. 6 N., R. 34 E.W.M. and is no longer used by the applicant, since they do not have access. The proposed well is located within the authorized place of use of this water right and has been utilized under the seasonal change program. The system consists of a 1½ horsepower power submersible pump with a meter. The condition of the meter was unknown since it was buried in sediment. This water right is required to have an operation meter and report the data, each year.

Proposed Use

The applicants proposed to change the authorized point of withdrawal to an existing well.

History of Water Use

This right was originally part of a larger group of water rights that were historically used to irrigate more acres. These overlapping rights included primary rights, alternate rights and rights that were a combination of both. In 2004, each of the water rights within this group was subdivided by way of a *Request for Administrative Confirmation of Division of a Water Right*. This administrative division was the product of the original farm being split into various lots. This resulted in a primary portion of Ground Water Certificate Nos. 5254-A(D), 6328-A(D) and G3-01011(B) being assigned to the Lot 4 of Frog Hollow View (Galasso Lot). This division also created a situation in which the Galasso Lot no longer had any access to the authorized source. In 2005, this application for change was submitted and the proposed well was constructed. Seasonal changes were approved in 2007 and 2011-2014 that authorized the well proposed under this permanent application for change. These seasonal changes mirror this proposed application.

Aerial photographs were used to help verify the extent of development, historical and beneficial use of this project. Historically, when this right was part of a larger farm, it appears that the entire place of

use, described under this right was irrigated. Since the split in 2004, the Galasso Lot has been irrigated in most years. The entire lot has typically been irrigated which totals approximately 10 acres. Ground Water Certificate No. G3-01011(B) authorizes the irrigation of 1.25 acres. The total authorization under Ground Water Certificate Nos. 5254-A(D), 6328-A(D) and G3-01011(B) is 8.15 acres of land. Therefore, irrigation within the Galasso Lot will need to be reduced by 1.85 acres to maximum of 8.15 acres. Irrigating acres beyond what is authorized may be subject to fines of up to $5,000 per day, per violation.

Superseding Certificate No. G3-01011C(B) issued October 19, 2004, stated that the total withdrawal, for instantaneous quantities, under Ground Water Certificate Nos. 5254-A(D), 6328-A(D) and G3-01011(B) shall not exceed 28.98 gallons per minute. This instantaneous quantity of 29.98 gallons per minute was issued incorrectly due to a ministerial error in adding. Therefore, the total withdrawal of water under Ground Water Certificate Nos. G3-01011(B), 5254-A(D) and 6328-A(D) shall be limited to 29.07 gallons per minute.

Ground Water Certificate Nos. G3-01011(B), 5254-A(D) and 6328-A(D) share the same well and meter. The pumping capacity of system is estimated to be similar to the total authorized under these rights which is 29.07 gallons per minute. Therefore, the maximum instantaneous quantities authorized under Certificate No. G3-01011(B), which is 12 gallons per minute, is still being put to beneficial use.

The maximum authorized water duty of Certificate 5254-A(D) is 2.48-acre-feet per year, per acre. The authorized place of use of Ground Water Certificate Nos. 5254-A(D), 6328-A(D) and G3-01011(B) is the same 10 acre parcel of land. Together these rights utilized one well and irrigation system. Although each right has a different authorized water duty, there is no practical way to determine what water was used under each right. The maximum annual quantity of this combination of rights is 16.69 acre-feet or 2.01 acre-feet per acre. Historically, these rights have been used to irrigate a variety of crops, with alfalfa having the highest water requirement. The State of Washington Irrigation Guide (WA210-VI-WAIG) states that a 2.73 acre-feet, per acre, for alfalfa is required in the Walla Walla area. At a 75% efficiency rate of application, the maximum water duty, for the crop listed above, is 3.9 acre-feet per year, per acre. This means that the combination of the above listed water rights do not authorize enough water for some crops in a dry years. Given the system design, the condition of the field, the use indicated in aerial photographs and combination of crops irrigated, it is estimated actual water use has been close to what is authorized, but may have exceeded the authorizations in some years. This mean a total of 2.48 acre-feet per acre has been put to beneficial use under Ground Water Certificate No. G3-01011(B). Therefore, an allocation of 3.1-acre-feet per year for the irrigation of 1.25 acres under Ground Water Certificate No. G3-01011(B) is available for change. Water use beyond what is authorized under this water right may result in fines of up to $5,000 per day, per violation.

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 project. The search focused primarily on Section 3 within, T. 6 N., R. 34 E.W.M. This review shows four water rights appurtenant to the authorized place of use which are as follows:

Walla Walla River Adjudicated Surface Water Certificate No. 779 authorizes up to 1.5 cubic feet per second, for the irrigation of 75 acres, within a 400 acre legal description. This water right is not in use within the authorized place of use of this project. According to notes in the "*Division of Water Right –*

Frog Hollow Tracts/McCaw" table from this water right file, Certificate No. 779 has been relinquished for non-use.

Surface Water Certificate No. 5230, authorizes 0.22 of a cubic foot per second, for the irrigation of 11 acres, within a 400 acre legal description. This water right is not in use within the authorized place of use of this project.

Ground Water Certificate Nos. 5254-A(D) and 6328-A(D) currently have applications for change that were filed by Mr. and Mrs. Galasso. These applications are being processed at the same time as this change. Each of these applications will have its decisions based on its own respective findings.

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

Hydrologic/Hydrogeologic Evaluation

Applications for change/transfer of water right permits and certificates are governed by RCW 90.44.100, which states 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 by the Department only on the conditions that: (1) the additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) other existing rights shall not be impaired. The Department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment.

The following hydrogeologic analysis was written by John Covert, Senior Hydrogeologist in the Water Resources Program Technical Unit in Ecology's Eastern Regional office.

The existing wells for these change applications are listed as: 6328-A(D) -4'x24'; 5254-A(D)- 12"x154'; and G3-01011(B)- permit indicates that it is a 12"x160' well with no well log. The 24' well drilled in connection with 6328-A was constructed in 1949 in the NE¼SE¼SE¼ of Section 3, T. 6 N., R. 34 E. It was completed in river gravel at 24 feet and reported a static water level of five feet. The 154' well drilled in connection with 5254-A was constructed in 1962 in the SW¼SW¼ of Section 2, T. 6 N., R. 34 E. It was completed in sand and gravel and reported a static water level of 25'. The reported 160' well (no log available) drilled in connection with G3-01011 is located in the NE¼SW¼ of Section 2, T. 6 N., R. 34 E. At a depth of 160', it would have been completed in unconsolidated sediments (based on surrounding well logs in the area).

The proposed well is listed as a 6"x160' well with a well tag of AKO714. It was constructed in 2005 in the SE¼SE¼ of Section 3, T. 6 N., R. 34 E. It was completed in loose gravel and reported a static water level of 89 feet. Both the original points of withdrawal and the proposed point of withdrawal are completed in the same body of public groundwater.

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 proposed well has been used to irrigate the authorized place of use, for most of the last decade, without any documented adverse impacts to other water rights in the area. The authorized and proposed wells withdraw water from the same source according to the Hydrogeologic Evaluation. No significant increases in pumping rates are proposed and no additional water will be withdrawn under this change beyond what is authorized. 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 authorized point of withdrawal as granted under Ground Water Certificate No. G3-01011(B) 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.

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:

12 gallons per minute
3.1 acre-feet per year
Irrigation of 1.25 acres

Point of Withdrawal

S½SW¼ of Section 3, Township 6 North, Range 34 E.W.M.

Place of Use

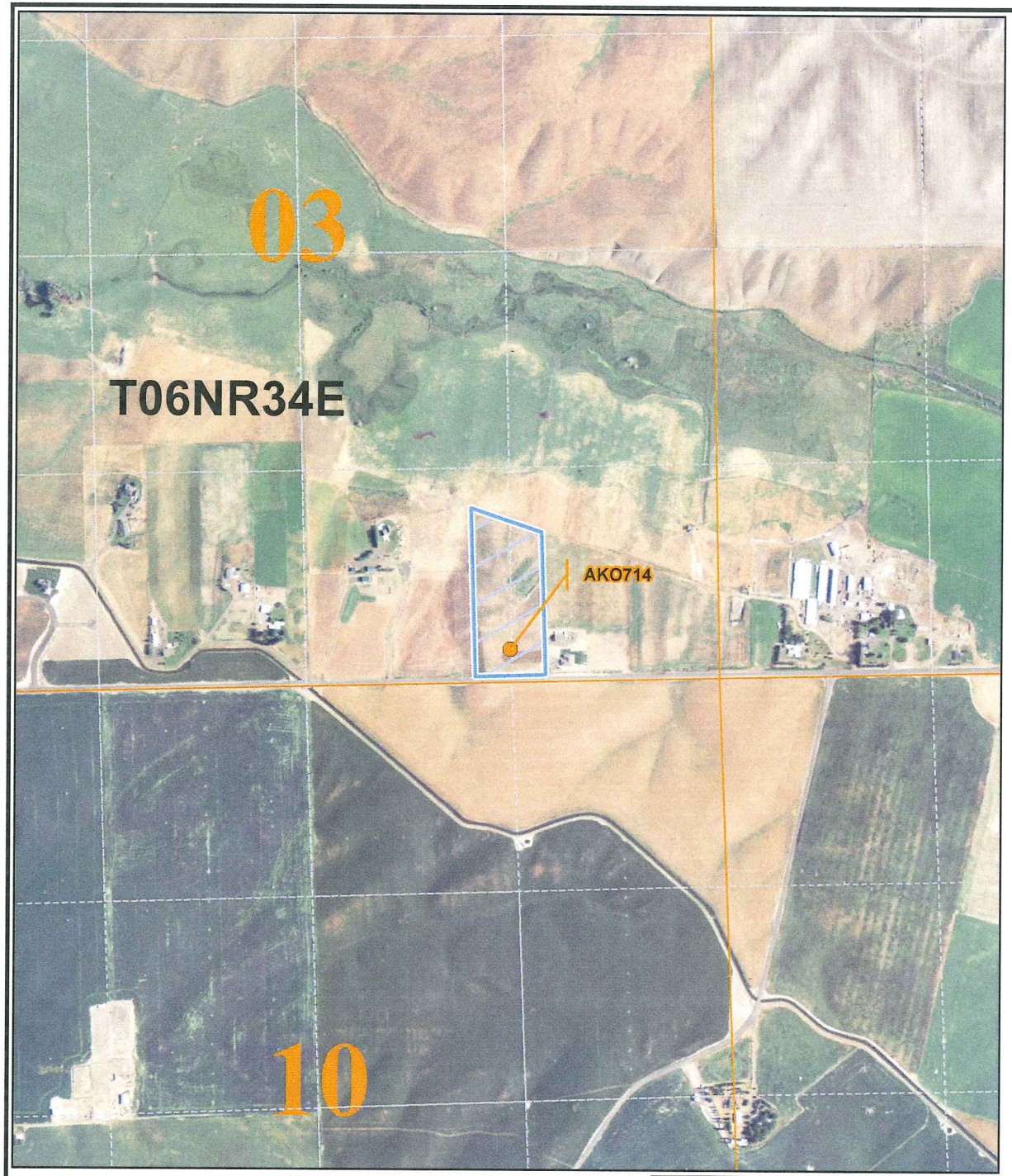
As described on Page 1 of this Report of Examination.

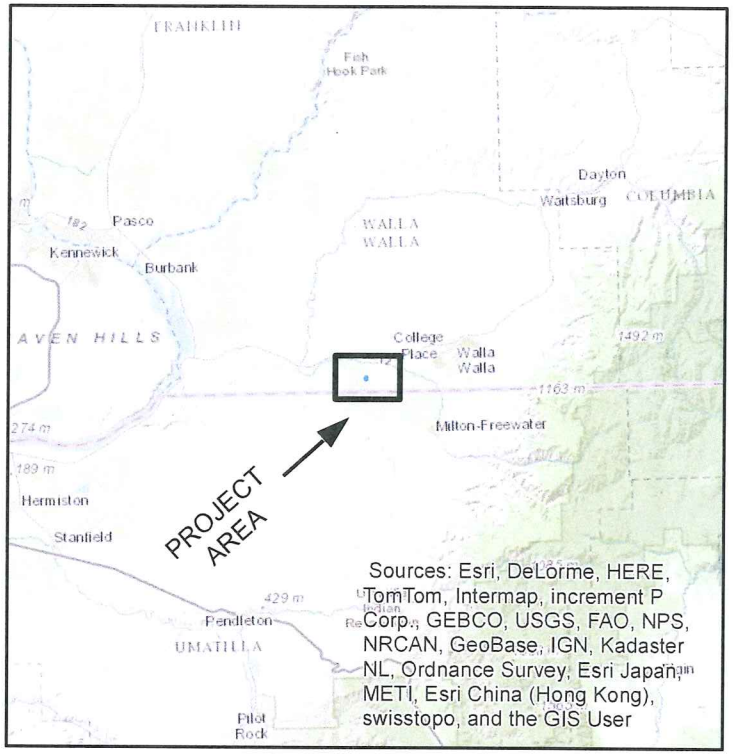
Dan Tolleson 8/12/2014

Dan Tolleson, Report Writer *Date*

If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Christopher & Kimi Galasso
G3-01011C(B)
T06N/R34E





Basemap - (ESRI US Topographic Maps)

Legend

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

Feet
0 330 660 1,320 1,980 2,640 3,300

Basemap - (NAIP 2011 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 7/3/2014

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

ATTACHMENT 1