



State of Washington REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Added and Changed Point of Diversion

PRIORITY DATE The Year 1926 (Class 64)	WATER RIGHT NUMBER Walla Walla River Surface Water Adjudicated Certificate No. 862, with Certificate of Change Vol. 1, Pg. 482
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MAILING ADDRESS Michael Buckley 11537 West Highway 12 Walla Walla, WA 99362	
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Total Quantity Authorized for Diversion

MAXIMUM DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.60	CFS	150

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE	ANNUAL QUANTITY (AF/YR)
Irrigation	0.4 CFS from 04/01 to 07/01	150
	0.3 CFS from 07/01 to 10/01	
	0.6 CFS from 10/1 to 04/01*	

*when allowed in accordance with the Walla Walla Adjudication

ADDITIVE	IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
	NON-ADDITIVE		WATER SYSTEM ID	CONNECTIONS
30				

Source Limitations

SOURCE FACILITY/DEVICE	PERIOD OF USE
1) Diversion	June - February
2) Diversion	March - May

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Walla Walla	Walla Walla River	Columbia River	32-WALLA WALLA

and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

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.

Department of Fish and Wildlife Requirement(s)

The intake(s) must be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program. Phone: (360) 902-2534 if you have questions about screening criteria. <http://wdfw.wa.gov/about/contact/>

Easement and Right-of-Way

The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. 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.

Water Use Efficiency

Use of water under this authorization will 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.

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 Provisions

When the supply of water for irrigation purposes from April 1 to October 1 is insufficient in the Walla Walla Valley to fill any right contained in the foregoing schedule (4.2 acre-feet per acre), the owner of such right is entitled to divert water during the period of October 1 to April 1 (up to 5 acre-feet per acre).

By virtue of the decree in the case of the Lowden Co. et al. vs. the Walla Walla Irrigation Co., records of the above-entitled court, this right is prior to that of the Walla Walla Irrigation Co. in Class 30 of the decree referred to in line 1 of this certificate. This references Walla Walla Adjudicated Certificate No. 406, currently owned by Gardena Irrigation District.

Ground Water Certificate Nos. 7157-A and G3-27042C shall be less any water diverted under Walla Walla Adjudicated Certificate No. 862.

Surface Water Certificate Nos. 862 and 1748 shall be limited to 2.0 cfs from April 1 to July 1, 1.3 cfs from July 1 to October 1, when allowed, 2.6 cfs October 1 to April 1; 545 acre-feet for the irrigation of 124 acres.

INVESTIGATOR'S REPORT

Dan Tolleson, Department of Ecology

Water Right Control Number CS3-*28862J

Walla Walla River Adjudicated Surface Water Certificate No. 862, with Chg. Vol. 1 Pg. 482

BACKGROUND

Mr. Buckley has filed changes concurrently under Surface Water Certificate Nos. 427, 862 and 1748. Each application will have decisions based on its own respective findings.

Description and Purpose of Proposed Change

An application for change/transfer was submitted by Michael Buckley of Walla Walla, Washington, to Ecology on September 26, 2011. Mr. Buckley proposes to change the authorized point of diversion and add a second point of diversion as granted under Walla Walla Adjudicated Surface Water Certificate No. 482 together with Certificate of Change Vol. 1 pg. 482 (WWAC 427). The change to the authorize point of diversion is intended to correct the certificate to point of diversion actually being used. The proposed second point of diversion is intended to be the only source for March-May, with the changed original source being used for the remainder of the irrigation season. This proposed schedule of use is intended to provide mitigation water for the Bergevin –Williams and Old Lowden irrigation efficiency project.

Attributes of the Existing Water Right and Proposed Change

	Existing	Proposed
Name	Floyd King	Michael Buckley
Priority Date	The year 1926 (class 64)	
Change Application Date		09/26/2011
Instantaneous Rate	Up to 0.6 cfs	Up to 0.6 cfs
Annual Quantity	150 af/yr	150 af/yr
Purpose(s) of Use	Irrigation of 30 acres	Irrigation of 30 acres
Period of Use	Continuously	Continuously
Place(s) of Use	Approximation: Portions of Section 28, 29, 32 and 33 within, T. 7 N., R. 34 E.W.M.	Approximation: Portions of Section 28, 29, 32 and 33 within, T. 7 N., R. 34 E.W.M.

Proposed Sources of Diversion

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
1) Walla Walla River Diversion	340735220002	7N	34E	35	SE¼NW¼	46.0430	-118.5255
2) Walla Walla River Diversion	340729440005	7N	34E	29	SE¼SE¼	46.0495	-118.5870

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*

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) diversion works, ditch systems 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); (7) Walla Walla River Adjudication; and (8) discussions with Department of Ecology regional program staff.

A field investigation was conducted by Dan Tolleson on November 6, 2011. The project is located to the 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 lies south of the Walla Walla River and north of Detour Road within the W½ of Louis Daune Donation Claim within, T. 7 N., R. 34 E.W.M. This place of use is approximately 135 acres of relatively flat land, on which 30 acres of irrigation are authorized under WWAC 862. The irrigation system consists of a pump to pressurize a handline sprinkler system.

The authorized point of diversion was the Garden City Ditch, which has been abandoned. This authorized point of diversion is proposed to be changed to the currently used point of diversion. The currently used point of diversion (Diversion No. 1) is a gravity feed unlined ditch system. This ditch diverts water directly from the Walla Walla River by way of head gate with associated dam and integrated fish screen. This system, which is called the Lowden No. 2 Ditch, provides water to multiple water rights and water users. The proposed second point of diversion (Diversion No. 2) is an existing pressurized pumping station, with associated fish screen located on the Walla Walla River.

History of Water Use

Aerial photographs were used to help verify the extent of development, historical and beneficial use of this project. Historically, it appears that entire place of use was irrigated, with approximately 124 acres being irrigated in recent years. Of this, 30 acres are irrigated under Walla Walla Adjudicated Certificate No. 862, leaving a remaining 94 acres, irrigated under Surface Water Certificate No. 1748. This reduction in acres is the result of a combination of factors including changes in the Walla Walla River channel, growth of riparian vegetation and modern farming practices, which require more instantaneous quantities on a per acre basis. It is estimated that the maximum instantaneous quantities authorized under each right is still used despite the fact that some of the authorized acres under GWC 1748 are no longer irrigated. In addition, several alternate source water rights overlap this place of use.

Ground Water Certificate No. 7157-A authorizes 1220 gallons per minute, 570 acre-feet for the irrigation of 190 acres. This certificate is an alternate right and is non-additive to GWC 1748.

Ground Water Certificate No. G3-27042C authorizes 800 gallons per minute, 785-acre-feet per year for the irrigation of 169 acres. This certificate is an alternate right and is non-additive to GWC 1748.

Walla Walla Adjudicated Certificate No. 648 authorizes 0.020 cubic feet per second for stockwater and domestic supply. This water right is not associated with this project.

Walla Walla Adjudicated Certificate No. 874 authorizes up to 0.20 cubic feet per second for the irrigation of 10 acres. The authorized source is Mud Creek, which is often unreliable but is used as an alternate source when required.

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

Impairment Considerations

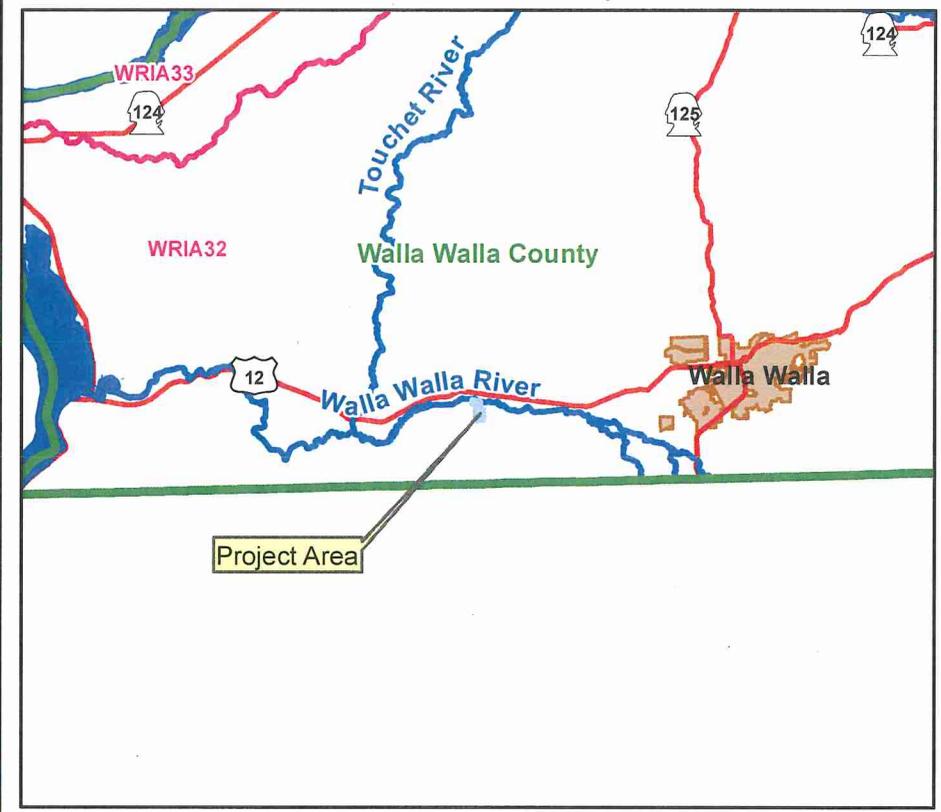
“Impair” or “impairment” means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection, not including earlier filed applications (HB 1832); and/or 2) to prevent the beneficial use of the water to which one is entitled; and/or 3) to adversely affect 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 applicant is requesting authorization to change the authorized point of diversion and add a second point of diversion to Walla Walla Adjudicated Certificate No. 862. The change to the authorized point of diversion is an upstream move of approximately 2,000 feet to an existing diversion structure (Diversion No. 1). The originally authorized diversion (Garden City ditch) was abandoned five years ago and water has been diverted from the proposed diversion without issue. There are no significant changes in the stream or major diversions between the authorized and proposed point of diversion. The proposed second point of diversion (Diversion No. 2) is located approximately 3 miles downstream from the authorized point of diversion. Water is proposed to be diverted from March –May, which is during a time of year when regulation does not occur, so there is adequate water available for the existing right. Therefore, no impairment is anticipated by changing the authorized point of diversion and adding a second point of diversion. The proposed change will not increase the amount of water withdrawn from the Walla Walla River, nor will it increase or expand the right.

Consideration of Protests and Comments

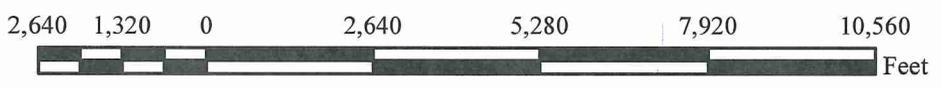
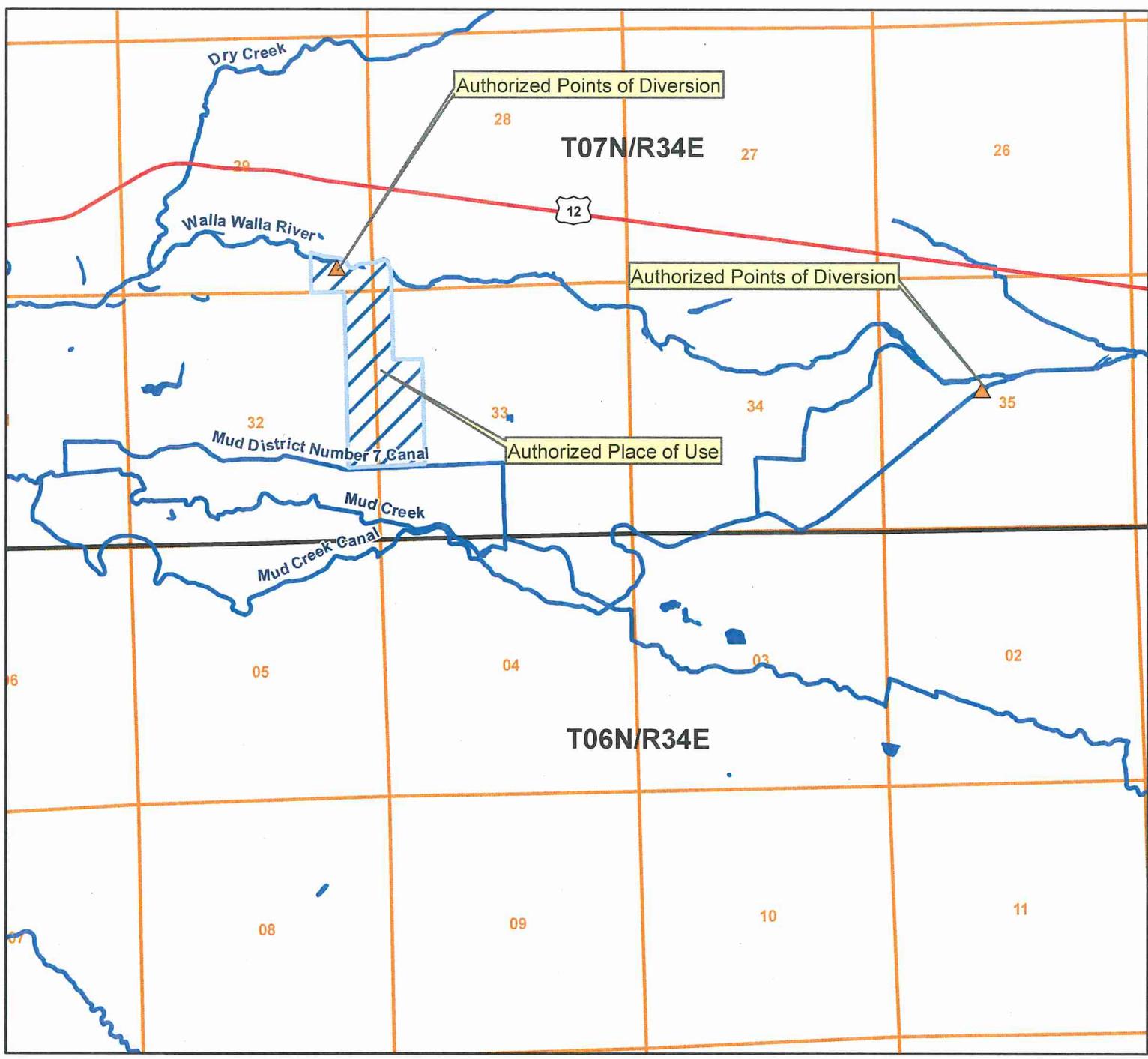
No protests were filed against this application.

Michael Buckley
 Adjudicated Certificate No. 862
 Certificate of Change Vol. 1, Pg. 482
 T07N/R34E.W.M.
 WRIA 32 - Walla Walla County



- Legend**
- County
 - Townships
 - Authorized Point of Diversion
 - WRIA
 - Sections
 - Authorized Point of Withdrawal
 - Cities
 - Authorized Place of Use
 - Local Roads
 - Highways

Comments:



Attachment 1