

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
APPLICATION FOR CHANGE/TRANSFER  
DRAFT  
**REPORT OF EXAMINATION**  
*Change of: Place of use and point of withdrawal*  
**WRTS File # CG3-\*06169C@1**

PRIORITY DATE February 6, 1962	APPLICATION NUMBER 6169	PERMIT NUMBER 5813	CERTIFICATE NUMBER 4486-A
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NAME Greta Hassler			
ADDRESS (STREET) 1581 McDonald Road	(CITY) Touchet	(STATE) Washington	(ZIP CODE) 99360

**APPLICATION FOR CHANGE/TRANSFER DENIED**

**PUBLIC WATERS TO BE APPROPRIATED**

SOURCE TRIBUTARY OF (IF SURFACE WATERS)		
MAXIMUM CUBIC FEET PER SEC.OND	MAXIMUM GALLONS PER MINUTE 25	MAXIMUM ACRE FEET PER YEAR 5.7
QUANTITY, TYPE OF USE, PERIOD OF USE		

**LOCATION OF DIVERSION/WITHDRAWAL**

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL					
LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY

**RECORDED PLATTED PROPERTY**

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
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**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED**

Beginning at the intersection of the East line of Section 31, Township 7 North, Range 35 East of the Willamette Meridian, with the Northerly line of the right of way of Primary State Highway No. 3, and running thence south 68°47'00" West, along the Northerly right of way line of said highway 523.85 feet, thence North 21°13'00" West 231.80 feet; thence South 68°47'00" West 116.40 feet; thence North 01°13'00" West 244.70 feet, thence N 68°47'00" East 495.00 feet; thence N 0°12'70" East 381.50 feet, more or less, to a point in the North line of that tract of land conveyed to Poultry Shipping and Feed Co. as recorded in Book 315 of Deeds at page 435, Deed records of Walla Walla County, Washington; thence South 89°45'00" East, along said North line 365.17 feet to a point in the East line of Section 30, aforesaid township and range, thence South 0°12'20" West, along the said East line of Section 30 and the East line of aforesaid Section 30, a distance of 749.00 feet to the point of beginning.

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**DESCRIPTION OF PROPOSED WORKS**

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**DEVELOPMENT SCHEDULE**

BEGIN PROJECT BY THIS DATE: N/A	COMPLETE PROJECT BY THIS DATE: N/A	WATER PUT TO FULL USE BY THIS DATE: N/A
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**REPORT**

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**BACKGROUND**

**Application:** An application for change was submitted by Phillip Hassler to the Department of Ecology on November 27, 2000. The application was accepted and processed. The applicant proposes to add a point of withdrawal (POW) and change the place of use (POU) for Ground Water Certificate (GWC) No. 4486-A. The application went to the local conservancy board originally, but was recently (August, 2004) returned to the Department for action at Mrs. Greta Hassler's request.

**Notice:** A notice of application was duly published in accordance with RCW 90.03.280 in the Walla Walla Union Bulletin on December 28, 2000 and January 4, 2001. No protest letters were submitted. The applicant applied to change the place of use and point of withdrawal to a portion of Ground Water Certificate No. 4486-A.

**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 of the following conditions are met:

- 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;
- 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 exceeds the amounts above;
- Is 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.

This application does not meet any of the proceeding conditions, and is therefore categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW.

**INVESTIGATION**

In considering the proposed change, the investigation included, but was not limited to, research and review of: (1) appropriate rules and statutes; (2) GWC No. 4486-A, and other water rights/claims/applications in the vicinity of the subject property; (3) water well reports for the subject wells, and other wells in the vicinity; (4) USGS topographic maps and Farm Services Administration (FSA) maps and records; (5) water use records; (6) analysis by staff hydrogeologists; (7) consideration of relevant existing laws and rules, in particular RCW 90.03.380, RCW 90.44.100 and WAC 173-532; and (8) and several site visits by Lynn Maser including some in October, 2004, and by Bill Neve in September, 2008.

**Project Description**

The main Hassler ranch is several miles west of the City of Walla Walla and is south of the Walla Walla River. Mud Creek flows to the west through the property. Over the years, the Hasslers have been involved with at least 15 water rights on the lands that they have owned and/or farmed in the area. Those rights are for water from multiple sources including the Walla Walla River, Mud Creek, and numerous wells.

In 2003, six reports were issued by the Department approving changes to six of the Hassler's water rights. Those changes mainly involved integrating four wells and making adjustments to the place of use (POU). There is a very detailed discussion of all of the appurtenant water rights in those six reports, and the readers of this report are referred to those for further information about the water rights for the main ranch (see list below).

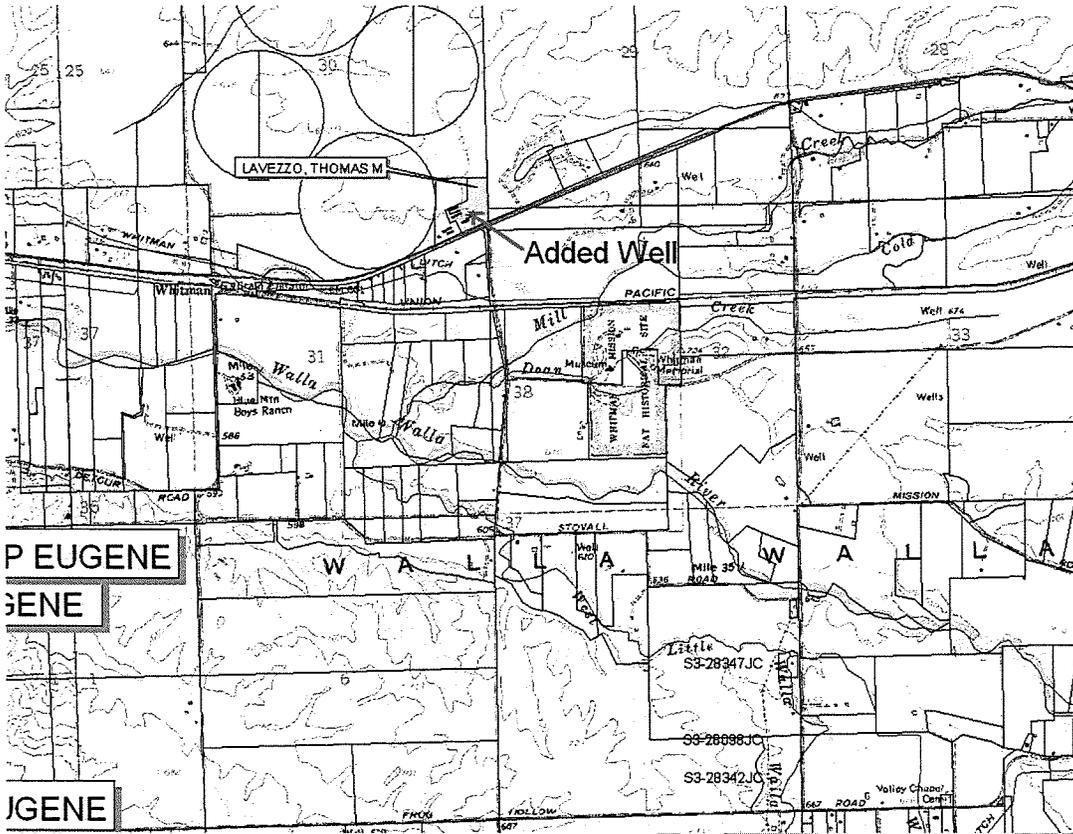
This project involves transferring five acres of water right from the main ranch to property just north, and adjacent to, State Highway 12 owned by the Hassler's daughter (and Thomas Lavezzo). That property, known as 'Onion World' because of the store by that name that is located there, is about four miles to the northeast of the main ranch and is not contiguous. In order to accomplish this transfer, the water right is being split into two parts, with the bulk of the right remaining at the main ranch.

The requested changes in this application are for changing the point of withdrawal (well) and place of use to a portion of GWC 4486-A (which is one of the six rights approved for change in 2003). The parameters of GWC 4486-A requested for transfer under this application are 25 gallons per minute, 5.7 acre-feet per year, for the

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seasonal irrigation of 5 acres. The added well is on the Onion World property. The five acres proposed for transfer from the main ranch will no longer be irrigated. Five of the ten acres at Onion World are to be irrigated. The added, existing well is approximately 1/2 mile northwest of Mill Creek, and is closer still to a number of ditches and ponds.

The family also has a pending application for a new water right (G3-30222A) on file with the department. That application is for 60 gpm for stockwater and irrigation of 9 acres, from the same existing well at Onion World. It is not known when that application may be acted upon.



This map shows the Onion World property where the existing well is to be added under this water right. The main Hassler Ranch is about four miles to the southwest.

**Existing Water Rights/Claims**

For the Onion World property the existing well has been used just for domestic use under the permit exemption (RCW 90.44.050). No water rights are listed for the property in the Department's records.

For the main ranch, as mentioned, the existing water rights are discussed extensively in the recent reports for the six changes approved in 2003. The focus here is mainly the N1/2 of Section 3 where GWC 4486-A is appurtenant. The list below shows the overlapping rights for the ranch. The situation for the N1/2 of Section 3 is a kind of jigsaw puzzle of supplemental and partly supplemental rights stacked on top of each other. (The ones with asterisks were recently changed.)

<u>Water Right #</u>	<u>Source</u>	<u>Acres</u>	<u>Notes</u>
(East of McDonald Road:)			
N1/2 of Sec. 3 -			(some of these overlap into the S1/2)
WWRAC #192	Mud Creek	103 Ac	(Adj. decree #744-38)
**GWC #4486A	well #4	140	(partly supp to 192)
**G3-24732C	well #3	72	(supp)
**G3-25251C	well #2	320	(supp to 192, etc)
Also, N1/2 of Sec. 3 -			
SWC #9411	Walla Walla	115	(was originally also in SE1/4 of Sec. 34; supp)
SWC #10334	Walla Walla	22	(was originally also in SE1/4 of Sec. 34; supp)
Section 34 -			
**SWC #7730	Walla Walla	30	(Recently moved to Sec.3)
S 1/2 of Sec. 3 -			
**GWC #3514A	well #1	20	
**GWC #3519A	well #1	100	

The recent (2003) changes authorized the integration of the four wells on the ranch, and GWC 4486-A is one of several rights that now has all four wells as authorized points of withdrawal. The details for this right, after the change, are as follows:

**GWC 4486-A** (App. 6169, permit 5813)

- Priority:** 2/06/1962
- Quantities:** 200 gallons per minute, 160 acre-feet per year (Partially supplemental to WWRAC No. 192)
- Source:** 4 wells (gravel aquifer)
- Purpose:** Irrigation of 140 acres
- POU:** N½ of Section 3 and that part of SW¼ lying North of Mud Creek, all within Section 3, 6/34.
- POW:**
  - 1) Well #1 - 1460 feet East and 1985 feet North from the SW corner of Section 3, within the NE¼SW¼ of Section 3. (GPS: 46°01'31.63"N, 118°32'53.03"W)
  - 2) Well #2 - 475 feet East and 2335 feet North from the SW corner of Section 3, within the NW¼SW¼ of Section 3. (GPS: 46°01'35.7"N, 118°33'07.1"W)
  - 3) Well #3 - 485 feet East and 1730 feet South from the NW corner of Section 3, within the W½NW¼ of Section 3 (046°01'49.60"N, 118°33'6.40"W)
  - 4) Well #4 - 1860 feet East and 1830 feet South from the NW corner of Section 3, within the SE¼NW¼ of Section 3. (046°01'48.40"N, 118°32'47.30"W)

**Changes Requested: Add one well, and change POU.** The intent is to add a point of withdrawal on the Onion World property, and to add that property as an authorized POU. So, Part A of this right (as detailed just above) would generally remain the same in terms of its four wells and POU, but would be reduced by the quantities moved to Part B (5 acres, 25 gpm, 5.7 acre-feet). It will also be reduced in that a specific five acres that were previously irrigated will no longer be irrigated. The specific changes requested are described below:

**New well:** 300 feet West and 160 feet South from the NE corner of Section 31.

**New POU:** See legal description for Onion World on page 1 (in Sec. 30 & 31, T. 7, R. 35). Of that area, it is roughly the east five acres that will be irrigated there.

(Part A POU: The five acres that will no longer be irrigated, from any source, will be the E½NE¼NE¼NE¼.)

If this change is approved then, it would impact the water right situation that GWC 4486-A is a part of. After the recent changes that situation involving seven overlapping rights was summed up by the following chart, and provision:

<u>Surface Water Certs. (cfs):</u>	<u>4/1-7/1</u>	<u>7/1-10/1</u>	<u>10/1-4/1</u>	
<b>WWRAC 192</b>	1.373	1.03	2.06	
<b>SWC 7730</b>	.39	0.0	.60	(early season has split amounts)
<b>SWC 9411</b>	1.53	0.0	1.53	
<b>SWC 10334</b>	.29	0.0	0.29	

<u>Ground Water Certs.</u>	<u>(gpm):</u>
<b>GWC 4486</b>	200
<b>G3-24732C</b>	100
<b>G3-25251C</b>	480

“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). 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.”

Consequently, approval of this change would mean several things. In the chart, GWC 4486-A will become GWC 4486-A (Part A) and the associated gpm will be reduced from 200 to 175. The provision would effectively be modified to reflect the GWC 4486-A (Part A), the acre feet would be reduced to 1334.3, and the acreage would be reduced to 330 acres.

**Hydrogeologic Analysis**

Applications for change 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. Any amendment shall be issued by the Department of Ecology (Ecology) only under the conditions that (1) an 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) all existing water rights shall not be impaired. Ecology may specify an approved manner of well construction and shall require a showing of compliance with the provisions of the amendment.

The points of withdrawal for this change application are located within the Walla Walla Basin, a hydrologic sub basin of the Columbia Plateau. This basin developed as a structural trough within the Columbia River Basalt Group that was later overlain by unconsolidated sediments. The lowermost sediment unit is referred to as the "blue clay" which rests directly on the basalt basement rock. Directly overlying the "blue clay" and interfingered with it, is the gravel unit. The various unconsolidated gravels serve as the aquifer material which forms the uppermost, unconfined, water table aquifer. Aquifers are also present within the consolidated, Tertiary-aged, Columbia River Basalt Group. These predominately confined basalt aquifers are separated from the gravel aquifer by the "blue clay" unit.

Information from well drilling logs throughout the basin indicates that the gravel aquifer is generally unconfined. Long-term water level measurements (on the order of half a century) collected by both the USGS and the Oregon Water Resources Program indicate that the gravel aquifer is experiencing a slow, gradual, decline in the water table surface. This is occurring on top of the seasonal variation in water level that typically occurs in unconfined aquifers.

"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).

The proposed change to add an existing point of withdrawal will not enlarge the quantity of water withdrawn from the aquifer, nor increase the irrigated acres. Several wells already exist in the vicinity of the proposed location. The instantaneous rate of withdrawal for the wells associated with this change application will not exceed what is already being exercised. There has been no documented history of pumping interference problems between existing wells in this area, and it is not anticipated that the proposed change would cause any impairment to existing ground water rights.

The gravel aquifer which is the subject of this change is hydraulically connected to the surface water bodies within the Walla Walla watershed. Groundwater studies (Newcomb, 1965) and (Barker, et al., 1976) clearly document the dynamic relationship between the water table, gravel aquifer in the Walla Walla valley and the surface water bodies (see the Walla Walla Watershed Level 1 Assessment for the most recently published assessment of the inter-relationship between the gravel aquifer and the surface waters of the watershed).

Where shallow ground water discharges to surface water drainages, pumping from the shallow aquifer will capture ground water that would have discharged locally to surface water. The water table map published in Barker and MacNish (their Figure 10) indicates that groundwater flow at the original points of withdrawal is to the northwest, running parallel to Mud Creek (Barker, et al., 1976). Flow paths at the proposed point of withdrawal are to the southwest as that water approaches its discharge points along the Walla Walla River. Pumping the new point of withdrawal would impact that reach of the Walla Walla River between its confluence with Mud Creek and its confluence with Mill Creek. This reach is above the reach that would be impacted by the existing pumping that is occurring at the original points of withdrawal along Mud Creek.

The Walla Walla River is closed to further consumptive appropriations May 1 through Nov 30, each year and Mill Creek is closed to further consumptive appropriations May 1 through Oct 1 (WAC 173-532-040). The Washington Supreme Court ruled in its Postema decision "Stream closures by rule embody Ecology's determination that water is not available for further appropriations. Since this is a basis on which a water permit application must be denied under RCW 90.03.290 independent of the question whether a withdrawal would impair an existing right, we hold that a proposed withdrawal of groundwater from a closed stream or lake in hydraulic continuity must be denied if it is established factually that the withdrawal will have any effect on the flow or level of the surface water." Allowing the transfer to occur would essentially be a new appropriation from that reach of the river between the confluences of Mud and Mill Creeks. As this reach is closed during the irrigation season, this change application must be denied on grounds that water is not available.

Allowing this change application to proceed would periodically impact approximately eighteen adjudicated surface water rights that have their respective points of diversions located along the Walla Walla River in that reach between the confluences of Mud and Mill Creeks. Some of these irrigation rights are subject to regulation to protect more senior adjudicated rights located downstream of Mud Creek. Moving the proposed point of withdrawal to a point four miles upstream of the current point of withdrawals will cause an impairment to some of these 18 rights as they will be subject to regulation sooner than they would be if the change application is not granted.

A stream depletion model (developed by Western Water Consulting, Inc.) based on the work of R. E. Glover (Glover, 1974) was used to estimate the timing and magnitude of depletion of the Walla Walla River through pumping of the proposed well. Aquifer properties used in the analysis were taken from the publication Water Supply Bulletin 45 (Barker, et al., 1976) and from pump test data collected from wells located near the proposed location. The results indicate that pumping of the gravel aquifer at the proposed location would result in stream depletion (reduction of ground water flow to the stream) after approximately two months of continuous pumping. Depletion effects would continue long after seasonal pumping of the subject well ceases. Should regulation require that the subject well be shut off to protect senior surface water rights, those surface water right holders would not be made whole for a significant length of time (potentially months).

The Water Resources Program for the Walla Walla River Basin, WRIA 32, (WAC 173-532) was amended in September of 2007. Amendments adopted into rule included the establishment of instream flows, and closures to new appropriations from surface waters and the gravel aquifer, within the basin. These flows and closures were established based on the recommendations of the local Watershed Planning Unit and through consultation with, among others, the Washington State Dept. of Fish & Wildlife and the Confederated Tribes of the Umatilla Indian Reservation.

Based on historical and current low flows and diversion by existing water right holders, the Basin Rule established instream flows *and* a seasonal closure to new appropriations (WAC 173-532-030, 040). Language in the rule also explicitly holds that gravel aquifers are hydraulically connected to surface waters in the Basin, and closed gravel aquifers to new appropriations (WAC 173-532-040).

Of particular relevance to this application is language that was adopted in the rule to protect these instream flows: "Instream flow rights shall be protected from impairment by junior water rights and by all future changes and transfers of senior and junior water rights". (WAC 173-532-030(3)).

This application is proposing to transfer part of a water right from a gravel aquifer well approximately 4 miles upgradient from where the water is currently withdrawn. Such a change, if approved, would result in a withdrawal of water that would result in a depletion of flow of that would not have occurred otherwise. For the reaches impacted, this would result in impairment of the existing instream flow water rights and the seasonal closure.

## **FINDINGS**

When considering an application for change to a water right, Ecology must determine that the proposed change can be made without detriment or injury to existing water rights. Factors considered when determining potential impact include the following:

- A valid right exists that is eligible to be changed;
- The change must not cause detriment or injury to existing rights;
- The change must not be detrimental to the public welfare;
- The change shall not allow for the enhancement of the right perfected under the original certificate; and
- All new points of withdrawal must tap the same source of water as authorized under the original certificate.

### **Validity of the Right:**

While the Superior Court, through an adjudicative process, is the only authority that can make a final determination as to a water right's extent, validity and priority, Ecology can make a tentative determination of these factors for purposes of making decisions on change applications.

Evidence indicates that the fields covered by GWC 4486-A have been fully irrigated in recent years with alfalfa and/or pasture (see 2003 report). The systems in place are capable of pumping 200 gallons per minute. The acre-foot allowance under the original right was 160 acre-feet per year, and that allowance is within the amount appropriate for these crops in this area. This right is valid for 1.1 acre-feet per acre.

### **No Impairment to Existing Rights:**

The proposed change has been evaluated as to the potential for impairment to existing water rights in the area. The possible impacts include (1) rights to nearby wells and (2) rights to surface water that may be hydraulically connected to the gravel aquifer.

(1). Gravel Wells: The closest well appears to be the "Braden-Nelson" well on the parcel adjacent to the west. It is several hundred feet away, and is reportedly a domestic well, but a well log could not be located for it. Among the nearby gravel aquifer wells is one that was certificated under GWC 6971-A. It is located approximately 800 feet south of the Onion World well, and is across (south of) Highway 12. That water right is for 75 gpm for stockwater and irrigation of 12 acres. Water right G3-24525C is for a well that is approximately 1,250 feet

southwest of the Onion World well. That right is for 20 gpm for stockwater, domestic supply, and irrigation of 1.5 acres.

There are no apparent interference problems between these wells, nor is there any history of interference between alluvial aquifer wells in the general vicinity. Given the capacity of the aquifer in this area and the quantities of water being pumped, it is not anticipated that the proposed change will impair any existing gravel aquifer water rights.

(2). Surface Water:

The proposed new point of withdrawal is located approximately 4 miles northeast (upgradient) of the original wells. This well would withdraw water from the gravel aquifer, which is hydraulically connected to basin surface waters. A hydrologic analysis of this change has concluded that pumping from the proposed well would deplete the flow of the Walla Walla River between the confluence of the River with Mill Creek and Mud Creek.

The Water Resources Program for the Walla Walla River Basin, WRIA 32, (WAC 173-532) was amended in September of 2007. Amendments adopted into rule included the establishment of instream flows, and closures to new appropriations from surface waters and the gravel aquifer, within the basin. These flows and closures were established based on the recommendations of the local Watershed Planning Unit and through consultation with, among others, the Washington State Dept. of Fish & Wildlife and the Confederated Tribes of the Umatilla Indian Reservation.

Based on historical and current low flows and diversion by existing water right holders, the Basin Rule established instream flows *and* a closure to new appropriations in Mill Creek from the headwaters to the confluence with the Walla Walla River, from June through November. The rule also established a closure to any new surface appropriations from June 1 to November 30 on the Walla Walla River from the Detour Road Bridge to the stateline with Oregon, including tributaries (WAC 173-532-030, 040). Language in the rule also explicitly holds that gravel aquifers are hydraulically connected to surface waters in the Basin, and closed gravel aquifers to new appropriations (WAC 173-532-040).

Of particular relevance to this application is language that was adopted in the rule to protect these instream flows:

“Instream flow rights shall be protected from impairment by junior water rights and by all future changes and transfers of senior and junior water rights”. (WAC 173-532-030(3)).

This application is proposing to transfer part of a water right from a gravel aquifer well approximately 4 miles upgradient from where the well where water is currently withdrawn. Such a change, if approved, would result in a withdrawal of water that would result in a depletion of flow of the Walla Walla River through a reach (Mill Creek confluence to Mud Creek confluence) that is not currently affected by the withdrawal of water from the existing well. Approval of this change would result in impairment to both instream flows established by rule and existing diversionary rights within this reach of the Walla Walla River.

**No Detriment to the Public Welfare:**

Instream flows and closures established through WAC 173-532 are based on the recommendations of the Walla Walla Basin Watershed Planning Unit through adoption of the Walla Walla Watershed Plan. This Plan was developed over a period of five years, under authority of Washington’s Watershed Management Act (Chapter 90.82 RCW). The Planning Unit consists primarily of local stakeholders, representing a broad range of entities and interests in the basin. This locally driven planning process, which resulted in development and adoption of the Watershed Plan, can be viewed as an expression of the public interest with regard to watershed planning and management.

Impairment of instream flows or closures adopted based on the recommendation of the local Watershed Planning Unit, would be contrary to the public interest and be detrimental to the public welfare.

**No Enhancement of the Original Certificate:**

No withdrawal of water over and above what has been historically put to beneficial use would be authorized through approval of this change.

**Same Source of Water:**

All four existing wells are relatively shallow, upper-aquifer, gravel wells withdrawing water from the same source of public ground water.

Well #1, originally authorized under GWC 3514-A & GWC 3519-A, was constructed in 1959 to a depth of 172 feet. Well #2, originally authorized under G3-25281C, was constructed in 1971 to a depth of 150 feet. Well #3,

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originally authorized under G3-24732C, was constructed in 1976 to a depth of 125 feet, and well #4 was constructed in 1962 to a depth of 120 feet.

The Onion World well was constructed in the 1960's to a depth of 126 feet. Static water level was determined to be at about 34 feet. Hence, this well is also withdrawing water from the gravel aquifer.

### **CONCLUSION**

It is the conclusion of this examiner that, in accordance with RCW 90.44.100, this application for change to change the place of use and point of withdrawal to a portion of GWC 4486-A will not enlarge or enhance the original right, nor will it allow the withdrawal of water from a different source of public ground water. However, it is also the conclusion of this examiner that this application for change, if approved, would impair existing rights (instream flows) and be detrimental to the public welfare.

### **RECOMMENDATIONS**

It is recommended that this application for change to change the place of use and point of withdrawal to a portion of Ground Water Certificate No. 4486-A be **DENIED**.

Dated this --- day of , 2009 in Spokane, Washington.

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Bill Neve  
Water Resources Program  
Department of Ecology

### **REFERENCES**

**Barker, R. A. and Mac Nish, R. D. 1976.** *Digital Model of the Gravel Aquifer, Walla Walla River Basin, Washington and Oregon.* s.l. : WA Department of Ecology Water Supply Bulletin 45, 1976.

**Glover, R. E. 1974.** *Transient Ground Water Hydraulics.* s.l. : Department of Civil Engineering, College of Engineering, Colorado State University, 1974.

**Newcomb, R. C. 1965.** *Geology and Ground-Water Resources of the Walla Walla River Basin Washington-Oregon.* s.l. : Division of Water Resources, Water Supply Bulletin No. 21, 1965.

**Postema, ET AL.,** Appellants, v. The PCHB, ET AL., Respondents. 142 Wn.2d 68 (2000)

W/Draft ROEs/Neve 2009/4486-A Hassler