



State of Washington REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Added or Changed Point of Withdrawal/Diversion

PRIORITY DATE January 1, 1885 (Class 5)	WATER RIGHT NUMBER Doan Creek Adjudicated Certificate No. 71
MAILING ADDRESS Donna Hanebut 3532 West Whitman Drive Walla Walla, Washington 99362	SITE ADDRESS (IF DIFFERENT)

Total Quantity Authorized for Diversion

DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.067	CFS	19.5

Total diversions from all sources must not exceed the total quantity authorized for diversion listed above.

Purpose

PURPOSE	DIVERSION RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Irrigation	0.067		CFS	19.5		4/1 - 11/1

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
5			

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Walla Walla	Doan Creek	Walla Walla River	32-Walla Walla

SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Pumpstation 1 -Doan Creek	350732140004	7 N.	35 E.	32	SE¼NE¼	46.0438	-118.4552
Pumpstation 2 -Doan Creek	350732140004	7 N.	35 E.	32	SE¼NE¼	46.0438	-118.4553

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)
350732140004

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Beginning at the southeast corner of the northeast quarter of Section 32 in Township 7, North of Range 35 E.W.M. and running thence north 13.79 chains to the south line of the railroad right of way;

thence westerly along said right of way to the east line of the Whitman Mission Claim; thence south along said east line 13.34 chains to the south line of the said northeast quarter; thence east 30 chains more or less to the point of beginning, containing 40.55 acres more or less.

Proposed Works

Two diversions from Doan Creek, main lines and sprinklers

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
October 1, 2021	October 1, 2022	October 1, 2023

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 (cfs)

Provisions

The maximum authorized quantities authorized under Doan Creek Adjudicated Certificate No. 71 and Ground Water Certificate No. G3-22276C shall be limited to 112 acre-feet per year for the seasonal irrigation of 30 acres.

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.

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/>

No dam or weir may be constructed in connection with this diversion.

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.

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 the change to Doan Creek Adjudicated Certificate No. 71, 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	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 11th day of December, 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 CS3-*14071J
 Doan Creek Adjudicated Certificate No. 71

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number CS3-*14071J under Doan Creek Adjudicated Certificate 71.

EXISTING Water Right Attributes

Water Right Owner:	Ella Coffin
Priority Date:	1/1/1885 (class 5)
Place of Use	Beginning at the southeast corner of the northeast quarter of Section 32 in Township 7, North of Range 35 E.W.M. and running thence north 13.79 chains to the south line of the O.W.R & N. Company's right of way; thence westerly along said right of way to the east line of the Whitman Mission Claim; thence south along said east line 13.34 chains to the south line of the said northeast quarter; thence east 30 chains more or less to the point of beginning, containing 40.55 acres more or less

County	Waterbody	Tributary To	WRIA
Walla Walla	Doan Creek	Walla Walla River	32-Walla Walla

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Irrigation	0.067	CFS	28	04/01	11/01

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Doan Creek	350732140004	7 N.	35 E.	32	SE¼NE¼	46.0429	-118.4511

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:	Donna Hanebut
Date of Application:	8/18/2006
Place of Use	<i>No change</i>

County	Waterbody	Tributary To	WRIA
Walla Walla	Doan Creek	Walla Walla River	32-Walla Walla

Purpose	Rate	Unit	Acre-feet/yr	Begin Season	End Season
Irrigation	0.067	CFS	28	04/01	11/01

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Pumpstation 1 -Doan Creek	350732140004	7 N.	35 E.	32	SE¼NE¼	46.0438	-118.4552
Pumpstation 2 -Doan Creek	350732140004	7 N.	35 E.	32	SE¼NE¼	46.0438	-118.4553

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 September 20 and 27, 2006. No protests were received regarding this notice.

Consultation with the Department of Fish and Wildlife

The Department must give notice to the Department of Fish and Wildlife of applications to divert, withdraw or store water. Notice was sent by email on July 18, 2014. A letter was received from WDFW on September 8, 2014, that indicated they do not oppose the change since it will not have any additional impacts. The project is subject to state Hydraulic Code (Chapter 77.55 RCW) and fish screening statutes (RCW 77.57.010, RCW 77.57.040 and RCW 77.57.070).

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*.

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 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) Doan Creek Adjudication; and (8) discussions with Department of Ecology regional program staff.

A field investigation was conducted by Dan Tolleson and Evelyn Cummings on August 13, 2014. The project is located approximately two miles west of College Place, 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 is a parcel of land within the S½NE¼ of Section 32, Township 7 N., Range 35 E.W.M. The parcel of land is primarily bottom land that is bisected by Doan Creek which generally runs east-west. This bottom land is currently not used for agriculture since it is in the Conservation Reserve Enhancement Program (CREP). A southwestern portion of the place of use is hilly and for the most part not irrigable. Two homes are located in this area along with an access road and out buildings.

The authorized point of diversion was abandoned when the place of use was put into the CREP program. The two proposed points of diversion are intended to be located directly downstream of the original within the SE¼NE¼ of Section 32, T. 7N, R. 35 E.W.M. Currently, the proposed diversions have not been developed other than having an electrical line run to the site. Flow meters will need to be installed at each proposed pump station in accordance with WAC 173-173. In addition, a fish screen is required for each pump station 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, at 600 Capitol Way N, Olympia, WA 98501-1091, Attention: Habitat Program or by phone at (360) 902-2534, if you have questions about screening criteria.

According to Ms. Hanebut, water use for the houses and the immediate yards within the place of use are provided from a domestic well under the exemption (RCW 90.44.050). The exemption only allows for a maximum of one-half acre of lawn/garden for irrigation.

Proposed Use

The applicants propose to change the authorized diversion and add a second diversion, for a total of two points of diversion.

History of Water Use

Aerial photographs were used to help verify the extent of development, historical and beneficial use of this water right. Doan Creek Adjudicated Surface Water Certificate No. 71 was issued in 1923 under the adjudication. The water right authorizes five acres of irrigation within approximately 40 acres of land, of which 30 acres are irrigable bottom land along the creek. In most years, this right was used to irrigate a five acre tract of the bottom land when water was available from Doan Creek. In the summer months, Doan Creek can often get too low to pump or can go dry entirely. This means the source is not reliable and a ground water right was typically used in the summer months when Doan Creek water was unavailable. This pattern of use continued until approximately 2010, when the place of use was put into CREP program and irrigation was stopped. This program qualifies as an exception to relinquishment under RCW 90.14.140, meaning the right remains in good standing during the ten year contract. The CREP contract expires in 2021, which is the date that Ms. Hanebut proposes to begin construction under this change.

It is estimated that the maximum instantaneous quantities authorized under this right were still being used when last irrigated. The authorized instantaneous quantity of the water right is 0.067 CFS (30 gpm) from 4/1 to 11/01. The total diversion, from both proposed pump stations, shall be limited to 0.067 cfs at any given time. Therefore, the pump stations will need to be sized accordingly.

The Doan Creek Adjudication, Report of Referee states that the gross water duty within the Doan Creek area is 9.6 inches per 30 days, per acre. The maximum authorized water duty of this certificate, in a given year, is approximately 5.6 acre-feet per year, per acre. Historically, this right was used to irrigate a variety of crops, with the irrigation of grass hay being the most common and the highest water use. The State of Washington Irrigation Guide (WA210-VI-WAIG) states that 2.9 acre-feet, per acre, for pasture/turf 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 results in an allocation of 19.5 acre-feet per year for the irrigation of 5 acres.

Water use beyond what is authorized maybe subject to 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 within the project and the surrounding area. The search focused primarily on Section 32, T. 7 N., R. 35 E.W.M. The review of Ecology records shows one water right appurtenant to the authorized place of use, which is as follows:

Ground Water Certificate No. G3-22276C authorizes 300 gallons per minute, 111 acre-feet for the seasonal irrigation of 30 acres. This right was issued as less any existing water right which includes Doan Creek Adjudicated Certificate No. 71. This means the G3-22276C is primary for 25 acres and is an alternate source for 5 acres. The estimated beneficial use under Doan Creek 71 is 3.9 acre-feet per acre and authorized maximum quantity under G3-22276C is 3.7 acre-feet per acre. Therefore the maximum authorized quantities authorized under Doan Creek Adjudicated Certificate No. 71 and G3-22276C are 112 acre-feet per year for the seasonal irrigation of 30 acres.

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, under Doan Creek Adjudicated Certificate No. 71. The diversion is proposed to be moved downstream approximately a quarter of a mile to two new proposed pump stations. There is no significant change in the stream or no diversions between the authorized and proposed points of diversion. The instantaneous rate of withdrawal for the right, under both proposed diversions, may not exceed what is already authorized. In addition, no increase in irrigated acres is allowed. The proposed change will not increase the amount of water diverted from the Doan Creek nor will it increase or expand the right. Therefore, no impairment is anticipated by changing the authorized point of diversion.

Conclusions

In conclusion, there is a water right available for change under Doan Creek Adjudicated Certificate No. 71. In accordance with Chapters 90.03 RCW, approval of this application to change the point of diversion and add a second diversion will not enlarge the quantity of water historically authorized, nor will it impair existing rights 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 by the certificate.

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:

0.067 cubic feet per second
19.5 acre-feet per year
5 acres of irrigation

Points of Diversion

Doan Creek Pumpstation 1 - SE¼NE¼, Section 32, Township 7 North, Range 35 E.W.M.
Doan Creek Pumpstation 2 - SE¼NE¼, Section 32, Township 7 North, Range 35 E.W.M.

Place of Use

As described on Page 1 of this Report of Examination.



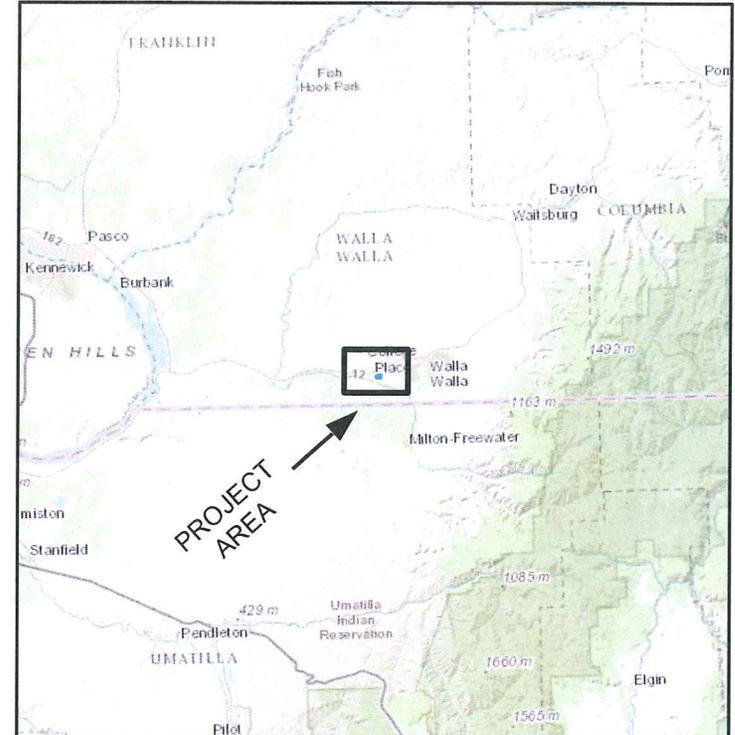
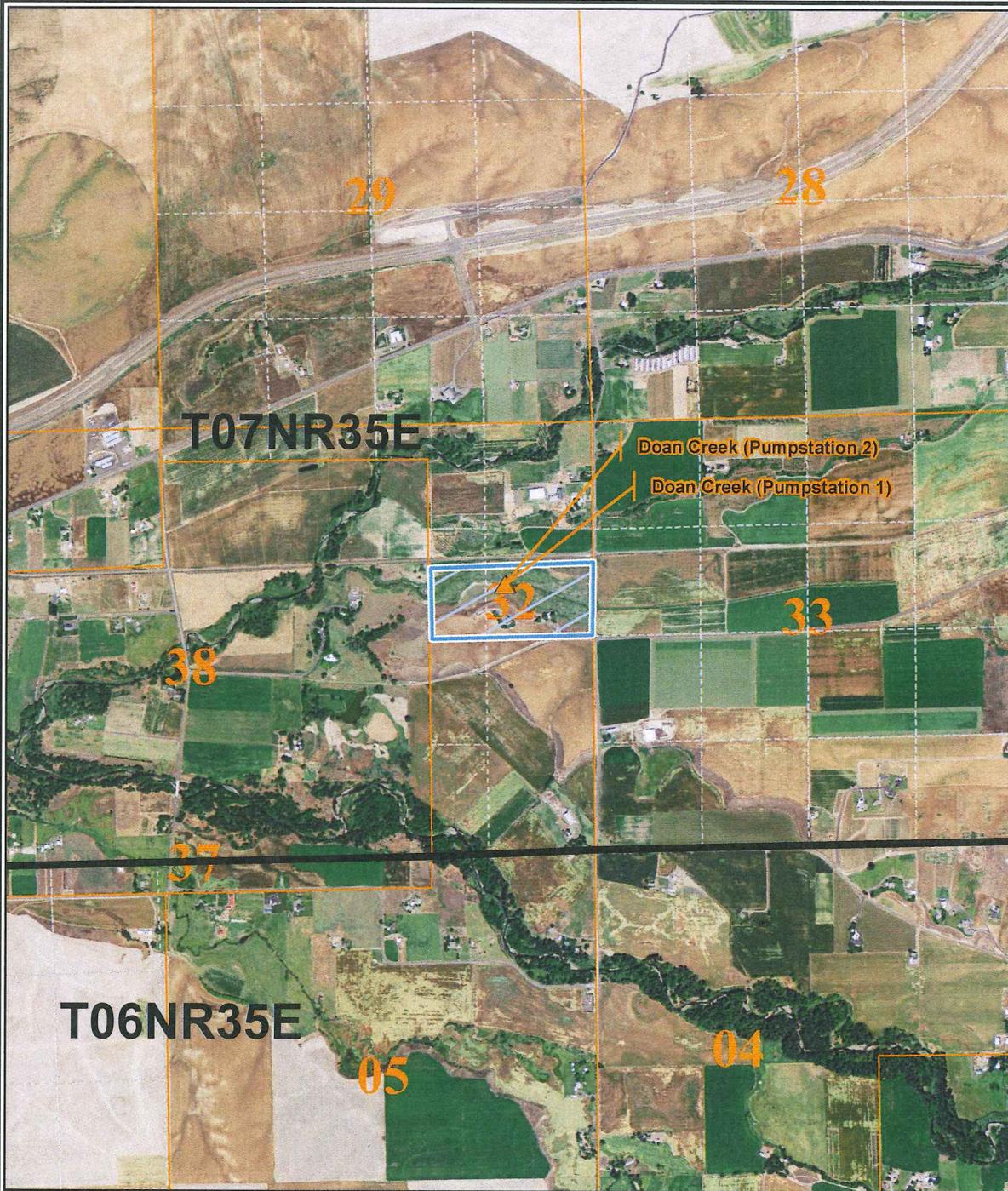
Dan Tolleson, Report Writer

12-11-2014

Date

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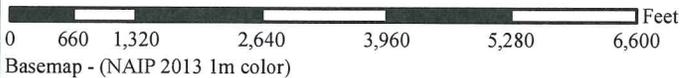
Donna Hanebut
 Doan Creek Adjudicated Certificate No. 71
 T07N/R35E



Basemap - (ESRI US Topographic Maps)

Legend

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



Basemap - (NAIP 2013 1m color)



Map Date: 10/5/2014



Comment:

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