



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION
Change of point of withdrawal
WRTS File # CG3-00582C

PRIORITY DATE	CLAIM NO.	PERMIT NO.	CERTIFICATE NO.
March 2, 1971		G3-00582P	G3-00582C

NAME Fulgham & Fulgham		
ADDRESS/STREET	CITY/STATE	ZIP CODE
2994 Barney Road	Touchet, Washington	99360

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
One well
TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND (cfs)	MAXIMUM GALLONS PER MINUTE (gpm)	MAXIMUM ACRE FEET PER YEAR (ac-ft/yr)
	700	468

QUANTITY, TYPE OF USE, PERIOD OF USE
700 gallons per minute, 468 acre feet per year from January 1 to December 31, each year for irrigation of 120 acres

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL
100 feet north and 1200 feet east from the W ¹ / ₄ corner of Sec. 12

SOURCE	PARCEL	QTR/QTR	SECTION	TOWNSHIP	RANGE
A well	330612210002	SW ¹ / ₄ NW ¹ / ₄	12	6 N.	33 E.W.M.

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED
[Attachment 1 shows location of the authorized place of use and point(s) of diversion or withdrawal.]

N ¹ / ₂ NE ¹ / ₄ of Sec. 11, and SE ¹ / ₄ SE ¹ / ₄ of Sec. 2, all within T. 6 N., R. 33 E.W.M.; less rights of way
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DESCRIPTION OF PROPOSED WORKS

a well, pumps and irrigation system

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	WATER PUT TO FULL USE BY THIS DATE
Started	April 1, 2012	April 1, 2013

PROVISIONS

Wells, Well logs and Well Construction Standards

1. All wells constructed in the state shall 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 shall be decommissioned.
2. Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

Measurements, Monitoring, Metering and Reporting

3. An approved measuring device shall be installed and maintained for each of the sources authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", chapter 173-173 WAC. <http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>
4. Water use data shall be recorded daily and maintained by the property owner for a minimum of five years. The maximum monthly rate of diversion/withdrawal and the monthly total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.
5. Recorded water use data can be submitted via the Internet. To set up an Internet reporting account, access <https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/>. If you do not have Internet access, contact the Eastern Regional office for forms to submit your data.

Schedule and Inspections

6. Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above provisions, and to inspect at reasonable times any measuring device used to meet the above provisions.
7. The water right holder shall file the notice of project completion 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 *Superseding Certificate* will reflect the extent of beneficial use within the limitations of the change authorization. Elements of the project completion inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and compliance with provisions.

General Conditions

8. Ground Water Certificate No. G3-22103C is issued as a non-additive alternate supply and is less any water withdrawn under G3-00582C.
9. Ground Water Certificate No. G3-00582C is an alternate source and is less any water diverted under Surface Water Certificate No. 7785.
10. This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.
11. Use of water under this authorization shall 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.

FINDINGS OF FACT AND ORDER

Upon reviewing the investigator's report, I find all facts relevant and material to the subject application have been thoroughly investigated. Furthermore, I find the change of water right as recommended will not be detrimental to existing rights.

Therefore, I ORDER approval of the recommended change in point of withdrawal under Change Application No. G3-00582C, subject to existing rights and the provisions listed above.

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this document:

- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

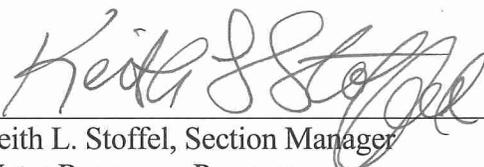
Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Please also send a copy of your appeal to:

Mr. Keith L. Stoffel
Department of Ecology
Eastern Regional Office
4601 North Monroe Street
Spokane, WA 99205-1295

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>.

Signed at Spokane, Washington, this 17th day of March, 2011.



Keith L. Stoffel, Section Manager
Water Resources Program
Eastern Regional Office

BACKGROUND

Description and Purpose of Proposed Change

An application for change/transfer was submitted by Fulgham & Fulgham of Touchet, Washington, to Ecology on December 1, 2003. Fulgham & Fulgham proposes to change the point of withdrawal by discontinuing use of the two previously authorized wells and adding an existing well under Water Right Certificate No. G3-00582C.

Attributes of the Certificate and Proposed Change

Table 1 Summary of Proposed Changes to Water Right No. G3-00582C

<i>Attributes</i>	<i>Documented</i>	<i>Proposed</i>
Name	Mrs. Leslie McCubbins, at al	Fulgham & Fulgham
Priority Date Date of Application for Change	March 2, 1971	December 1, 2003
Instantaneous Quantity	700 gallons per minute	<i>No change</i>
Annual Quantity	558 acre feet per year	<i>No change</i>
Source	Two wells	One well
Point of Diversion/Withdrawal	Well No. 1- SE¼NE¼ of Sec. 11 and Well No. 2- SW¼SE¼ of Sec. 2, all within T. 6 N., R. 33 E.W.M.	Well No. 3- SW¼NW¼ of Sec. 12, T. 6 N., R. 33 E.W.M.
Purpose of Use	Irrigation of 120 acres	<i>No change</i>
Period of Use	January 1 to December 31	<i>No change</i>
Place of Use	N½NE¼ of Sec. 11, and SE¼SE¼ of Sec. 2, all within T. 6 N., R. 33 E.W.M.; less rights of way	<i>No change</i>

Legal Requirements for Proposed Change

The following is a list of requirements that must be met prior to authorizing the proposed change by adding an additional point of withdrawal.

- **Public Notice**

A notice of application was duly published in accordance with RCW 90.03.280 in the Union Bulletin on December 4 and 11, 2008, and no protests were received.

- **State Environmental Policy Act (SEPA)**

Environmental review under SEPA is required for many projects; however, some minor projects are categorically exempt from SEPA. Appropriations of one cfs or less of surface water, or of 2,250 gpm or less of ground water, for any purpose, and appropriations of 50 cfs or less for surface water used for irrigation are categorically exempt from SEPA. See WAC 197-11-305

- **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

RCW 90.44.100(2) requires that any well or wells added to a ground water permit must tap the same body of public ground water as the original well on the permit.

INVESTIGATION

In considering the proposed changes/transfers, the investigation included, but was not limited to, research and review of: (1) appropriate rules and statutes; (2) Ground Water Certificate No. G3-00582C, and other water rights/claims/permit in the vicinity; (3) wells; (4) USGS topographic maps, aerial photographs, State of Washington Irrigation Guide (Natural Resources Conservation Service 1997) and; (5) discussions with Department of Ecology regional program staff.

A site visit of the project was conducted on September 22, 2008, by Dan Tolleson. This project is located approximately 2½ miles southeasterly of Touchet, 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 approximately 120 acres of farm land within Sections 11 and 2, Township 6 north, Range 33, E.W.M. This parcel of land is uneven and slopes generally to the north. This project lies within a larger area of irrigated farm land.

The authorized points of withdrawal are two wells located on lands not owned by the applicant. These authorized wells are proposed to be removed as sources from this certificate since there is currently no access. The proposed well was constructed as the authorized source for Ground Water Certificate No. 4797-A. This well is located on lands owned by the applicant and is proposed to serve as the only source to this water right.

History of Water Use

Aerial photographs were used to help verify the extent of development, historical use and beneficial use of Ground Water Certificate No. G3-00582C. 120 acres have been historically irrigated within the authorized place of use.

The maximum authorized water duty of this certificate is 4.65 acre-feet per year, per acre. Historically, this right has been used to irrigate various crops with alfalfa seed having the highest water duty. The State of Washington Irrigation Guide (WA210-VI-WAIG) states that 2.7 acre-feet, per acre, for alfalfa hay is required in the Walla Walla area. Alfalfa seed growers generally apply more water in the winter and spring on seed than on alfalfa hay, which offsets non-use in summer. The period of time of non-use in the summer varies (generally speaking, 1 to 2 months in mid July to mid September), depending on what varieties of alfalfa are grown and the practices that follow harvest, such as planting new seedlings. In years that they follow up harvest with new seeding, their use would be similar to the irrigation of alfalfa hay. The planting of new seedlings occurs approximately every 3-5 years. At a 70% efficiency rate of application, the approximate maximum water duty, for crops listed above, is up to a maximum of 3.9 acre-feet per year, per acre. Therefore, the maximum annual quantity authorized is 468 acre-feet per year to irrigate 120 acres. The remaining 90 acre-feet per year, (0.75 of an acre-foot, per acre) is no longer required due to farming practices.

Other Rights Appurtenant to the Place of Use

A review of Ecology records was conducted for existing water rights, permits, and claims in the area surrounding the project. The search focused primarily on Sections 1, 2, 11 and 12, Township 6 north, Range 33 E.W.M. The review of Ecology records shows two water rights that overlap the authorized place of use, which are as follows:

Surface Water Certificate No. 7785 authorizes 1.55 cubic feet per second, 640 acre-feet per year for the irrigation of 160 acres. The authorized place of use is the NW¼ of Section 10 and the N½NE¼ of Section 11, T. 6 N., R. 33 E.W.M. The point of diversion is from Pine Creek in the SW¼SE¼ of Section 1, T. 6 N., R. 33 E.W.M. This right is used to supply irrigation to the place of use of Ground Water Certificate No. G3-00582C, along with other water rights, when water is available from Pine Creek. Ground Water Certificate No. G3-00582C is an alternate source that is less water supplied under Surface Water Certificate No. 7785.

Ground Water Certificate No. G3-22103C authorizes 500 gallons per minute, 800 acre-feet per year for the irrigation of 480 acres and domestic supply. The authorized place of use is within portions of Section 1, 2, 11 and 12, T. 6 N., R. 36 E.W.M. The points of withdrawal are from two wells. This right was issued as supplemental to existing rights which includes G3-00582C. This means that G3-22103C is an alternate non-additive source to G3-00582C. It appears this right is used infrequently, due to the length and elevation gain of the pipeline, to supply water to the place of use of G3-00582C.

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

Hydrologic/Hydrogeologic Evaluation

The following hydrogeologic analysis was written by Guy Gregory, in the Water Resources Program Technical Unit in Ecology's Eastern Regional office.

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/her priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he/she 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 point of withdrawal for this change application is located within the Walla Walla Basin, a hydrologic sub basin of the Columbia Basin. This basin developed as a structural trough within the Tertiary-aged Columbia River Basalt Group which was later overlain by unconsolidated sediments. The lowermost sediment unit is referred to as the "blue clay" which rests directly on the basalt. Directly overlying the "blue clay", and interfingered with it, is the gravel unit. The various unconsolidated clastic units serve as the aquifer material which forms the uppermost, unconfined, water table aquifer in the Walla Walla Basin. Aquifers are also present within the underlying 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. Water level measurements obtained over the last fifty years in this area by both the United States Geological Survey 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.

Logs are available for all 3 wells. Well 1 is described as a 10-inch well drilled 295 feet below ground surface in 1957, bottoming in clay and gravel. In 1957 its static water level was 90 feet below ground surface. It is cased to 141 feet below ground surface.

Well 2 is described as a 10-inch well drilled 294 feet below ground surface in 1964, bottoming in blue clay. In 1964 its static water level was 55 feet below ground surface. It is cased to 228 feet below ground surface.

Well 3, the proposed well, is described as a 12-inch well drilled 311 feet below ground surface in 1964, bottoming in clay. In 1964 its static water level was 95 feet below ground surface. It is cased to 238 feet below ground surface.

All wells produce water from the unconsolidated aquifer of the Walla Walla Basin. Therefore, the proposed well produces from the same body of public ground water as the authorized wells.

Impairment Considerations

"Impair" or "impairment" means to: 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection, 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 change will not increase the amount of water withdrawn from the aquifer, nor will it increase or expand the right. There has been no documented history of pumping interference between existing wells in this area. It is not anticipated that the proposed change would cause impairment to existing water rights.

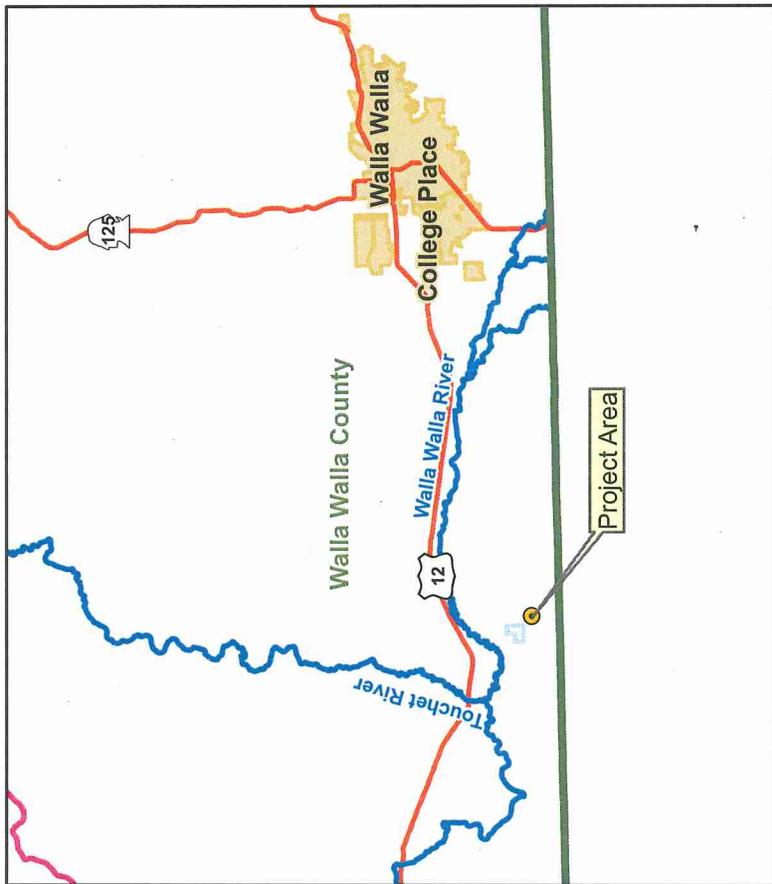
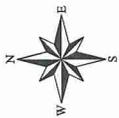
Public Interest Considerations

There has been no public expression of protest or concern regarding the subject 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.

Attachment 1



Fulgham & Fulgham
 Change to Ground Water Certificate G3-00582C
 Sec. 2, 11 & 12, T 06N, R 33E, W.M.
 WRIA 32 - Walla Walla County



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

Comments:
 Place of use, points of withdrawal/diversions are as defined on the cover sheet under the heading, 'LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED.'

