DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT CHANGE

Change Point of Diversion

PRIORITY DATE
January 1, 1892 (class 30)

WATER RIGHT NUMBER
Walla Walla River Adjudicated Surface Water Certificate No. 437

MAILING ADDRESS
Charmaine Beck
3508 Old Milton Hwy
Walla Walla, WA 99362

Total Quantity Authorized for Diversion

MAXIMUM DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.188	CFS	27.3

Purpose

PURPOSE	DIVERSION RATE	ANNUAL QUANTITY (AF/YR)
Irrigation	0.125 CFS from 04/01 to 07/01 0.094 CFS from 07/01 to 10/01 0.188 CFS from 10/1 to 04/01*	27.3

*when allowed in accordance with the Walla Walla Adjudication (see provisions)

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
7			

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Walla Walla	Little Walla Walla River East	Walla Walla River	32-Walla Walla

SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Pump Station No. 1 (Antle)	350611320076	6 N.	35 E.	11	NW¼SW¼	46.0101°N	-118.4082° W
Pump Station No. 2 (Beck)	350611320076	6 N.	35 E.	11	NW¼SW¼	46.0109°N	-118.4081° W

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

Antle - 350611320075 and Beck - 350611320076)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Tract 3, containing 9.39 acres, as shown on the plat or map of the sub-division of the NW¼ of the SW¼ of Section 11, T. 6 N., R. 35 E.W.M., which map was recorded on January 28th, 1916, in Book "D" of Plats at page 80, records of the Auditor of Walla Walla County, Washington, less roads

Proposed Works

Two pump stations, two main lines and irrigation systems

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	February 1, 2016	February 1, 2017

Measurement of Water Use

How often must water use be measured?	Weekly
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

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 data shall be recorded weekly and maintained by the property owner for a minimum of five years. The maximum rate of withdrawal and the annual total volume shall be submitted to the Department of Ecology by January 31st of each calendar year. Recorded water use data shall be submitted to the Eastern Regional Office.

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/

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 *superseding certificate* 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.

The total diversion capacity between both pump stations will need to be verified and reduced if necessary. The maximum authorized quantities are 0.125 CFS (56 gpm) from 04/01 to 07/01, 0.094 CFS (42 gpm) from 07/01 to 10/01 and 0.188 CFS (48 gpm) from 10/1 to 04/01.

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.

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, the owner of such right is entitled to divert water during the period of October 1 to April 1.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used.

Findings of Facts
Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated.

Therefore, I ORDER the request to change and add a point of diversion under change to Walla Walla River Adjudicated Surface Water Right 437, 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 February, 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-*28437J

Walla Walla River Adjudicated Certificate No. 437

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number CS3-*28437J (Walla Walla River Adjudicated Surface Water Right 437). The applicant 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. 437.

EXISTING Water Right Attributes

Water Right Owner:	Martin H. Knight
Priority Date:	1/1/1892 (class 30)
Place of Use	Tract 3, containing 9.39 acres as shown on the plat of the map of the subdivision of the NW¼ of the SW¼ of Section 11, Township 6 N., Range 35 E.W.M., which map was recorded on January 28, 1916, in Book 'D' of Plats at page 80, records of the auditor of Walla Walla County, Washington

County	Waterbody	Tributary To	State
Umatilla	Big Spring Branch	Little Walla Walla River East	Oregon

Purpose	Diversion Rate	Annual Quantity (Af/Yr)
Irrigation of 9.38 acres	0.125 CFS from 04/01 to 07/01 0.094 CFS from 07/01 to 10/01 0.188 CFS from 10/1 to 04/01*	46.9

*when allowed in accordance with the Walla Walla Adjudication

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:	Charmaine R. Beck
Date of Application:	8/24/2004
Place of Use	No change

County	Waterbody	Tributary To	WRIA
Walla Walla	Little Walla Walla River East	Walla Walla River	32-Walla Walla

Purpose	Diversion Rate	Annual Quantity (Af/Yr)
Irrigation of 9.38 acres	0.125 CFS from 04/01 to 07/01 0.094 CFS from 07/01 to 10/01 0.20 CFS from 10/1 to 04/01*	46.9

*when allowed in accordance with the Walla Walla Adjudication

Source Name/Facility	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Pump Station No. 1 (Antle)	350611320076	6 N.	35 E.	11	NW¼SW¼	46.0101°N	-118.4082° W
Pump Station No. 2 (Beck)	350611320076	6 N.	35 E.	11	NW¼SW¼	46.0109°N	-118.4081° 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 May 18 and 25, 2005 and no protests were received.

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. This notice was submitted via email on October 2, 2013 to Steve Boessow and a reminder was sent on November 18, 2013. No response was received, but the project will be required to follow the hydraulic code (Chapter 77.55) and fish screen statutes (RCW 77.57).

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, 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 with Charmaine Beck on November 12, 2013. The project is located south of College Place, Washington near the Oregon Stateline. 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 west of the Old Milton Highway and is bisected by the Little Walla Walla River East, all within portions of the NW¼SW¼ of Section 11, T. 6 N., R. 35 E.W.M. The majority of this land is irrigated but it does have a riparian zone along the river. The place of use has been subdivided into two lots. Ms. Beck owns the larger of the lots (Lot No. 3-B) located in the northern and western portion of the place of use. Her irrigation system consists of a mainline with big guns and backup handlines for irrigation of her fields. Mr. and Mrs. Antle own the smaller lot (Lot No. 3-A) within the southeastern portion of the place of use. This irrigation system consists of a mainline with big guns for irrigation their fields. Each of the land owners has a house with various out buildings.

According to Ms. Beck, domestic water use for each of the houses and irrigation of the yards adjacent to each of the houses is provided under the exemption (RCW 90.44.050). Each house has its own private domestic well.

The authorized source is Big Spring Branch which is located in Oregon. This spring branch empties into the Little Walla Walla River East approximately 1/5 of a mile upstream from the project. The Little Walla Walla River East has a fairly small flow of water not much larger than Big Spring Branch source. Typically water is available in both the Spring Branch and the river. In many areas, both the Spring Branch and the river have been channelized resulting in streams that have the characteristics of an irrigation ditch.

Historically water was diverted in Oregon, through a ditch system that delivered to this water right. This ditch system has been abandoned for decades. As a result two pumps were put directly into the Little Walla Walla River East in that portion of the river that runs through the place of use.

The proposed points of diversion are not integrated, but are used in coordination so as not to exceed the water right. Pump Station No. 1 is proposed to supply Ms. Beck's parcel of land on both sides of the river and pump station No. 2 is proposed to supply Mr. and Mrs. Antle's lot. Each pump station consists of centrifugal pump and fish screen, with no flow meter. The proposed pump stations will each be required to install a flow meter in accordance with WAC 173-173, which describes the requirements for data accuracy, device installation and operation, and information reporting.

History of Water Use

Aerial photographs were used to help verify the extent of development, historical and beneficial use of the water right. The place of use is 9.17 acres, which is less than the water right authorization of 9.38 acres. This discrepancy appears to be from lot adjustments related to the current layout of roadways. Ms. Beck owns 7.17 acres of land within the place of use that consist mostly of irrigated fields. She irrigates 5.8 acres of land from the surface water right, with the remainder of the place of use being sub-irrigated or irrigated from the domestic well. Mr. and Mrs. Antle own two acres of land within the place of use that consists mostly of irrigated fields and a yard. They irrigate 1.2 acres of land from the surface water right, with the remainder of the place of use being sub-irrigated or irrigated from the domestic well. Therefore, a total of 7 acres are irrigated under this right, with the rest being relinquished from non-use.

Since portions of the authorized place of use are now roads, the legal description will be reduced to what is actually irrigated. The place of use will be reduced to Lot No. 3-A owned by Mr. Antle and Lot No. 3-B owned by Ms. Beck.

The maximum instantaneous quantities authorized under this right are still being put to beneficial use. It appears that the irrigation system may have more capacity than authorized under the right, but this was not confirmed since the pump stations did not have meters. Production from the proposed pump stations cannot exceed the maximum authorized quantity and shall be reduced if necessary. The maximum authorized quantities are 0.125 CFS (56 gpm) from 04/01 to 07/01, 0.094 CFS (42 gpm) from 07/01 to 10/01 and 0.188 CFS (48 gpm) from 10/1 to 04/01.

The maximum authorized water duty of this certificate is 5 acre-feet per year, per acre. According to the adjudication 4.2-acre-feet per acre is the maximum allowed when water is available during the regular irrigation season, which is authorized from April 1 to October 1. If a full quantity of water is not available during the regular irrigation season, then water may be diverted from October 1 to April 1 up to a maximum of 5 acre-feet per acre. Historically, this right has been used to irrigate pasture and alfalfa. The State of Washington Irrigation Guide (WA210-VI-WAIG) states that 2.9 acre-feet per acre for pasture is required in the Walla Walla area. At a 75% efficiency rate of application, the maximum water duty for pasture is 3.9 acre-feet per year, per acre. This results in an allocation of 27.3 acre-feet per year for the irrigation of 7 acres.

Proposed Use

The purpose of this change is to correct the location of the point of diversion. The applicant proposes to move the point of diversion downstream to two existing pump stations.

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 vicinity of the project. The search focused primarily on Section 11, T. 6 N., R. 35 E.W.M. The review of Ecology records shows no other water rights being appurtenant to the authorized place of use.

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 applicant is requesting authorization to move the authorized point of diversion downstream approximately one mile to existing pump stations No. 1 and No. 2. There is no significant change in the stream or major diversions between the authorized and proposed points of diversion. Water is typically available at both the authorized and proposed points of diversion. The proposed pump stations have been in use for decades without any complaints. Therefore, no impairment is anticipated by changing the authorized point of diversion downstream to the existing pump stations. The proposed change will not increase the amount of water withdrawn nor will it increase or expand the right.

Conclusions

In conclusion, there is a water right available for change under Walla Walla River Adjudicated Certificate No. 437. In accordance with Chapters 90.03 RCW, approval of this application to change the authorized point of 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:

0.125 CFS from 04/01 to 07/01
0.094 CFS from 07/01 to 10/01
0.188 CFS from 10/1 to 04/01 (when allowed in accordance with the Walla Walla Adjudication)
27.3 acre-feet per year
Irrigation of seven acres

Points of Diversion

Pump Station No. 1 (Antle) NW¼SW¼ of Section 11, Township 6 North, Range E.W.M.
Pump Station No. 2 (Beck) NW¼SW¼ of Section 11, Township 6 North, Range E.W.M.

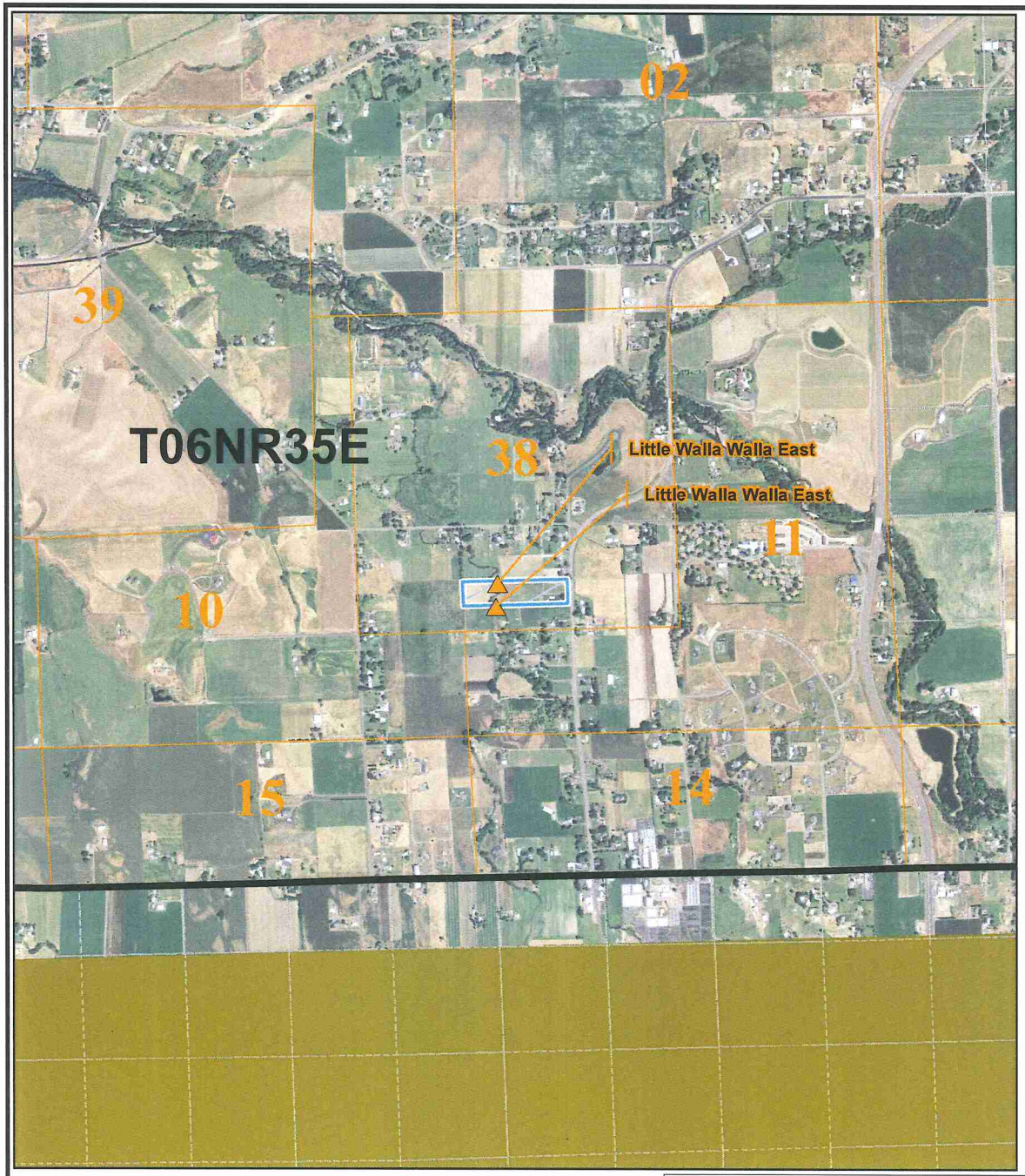
Place of Use

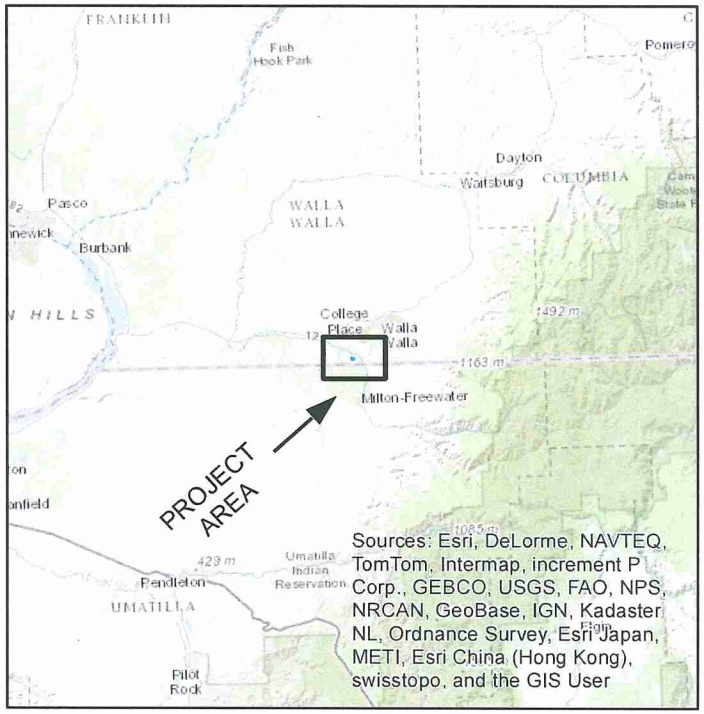
As described on Page 1 of this Report of Examination.

Dan Tolleson, Report Writer — Date 2/11/2014

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.

Charmaine Beck
WWRAC No. 437
T06N/R35E





Basemap - (ESRI US Topographic Maps)

Legend

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

Feet
0 660 1,320 2,640 3,960 5,280 6,600

Basemap - (NAIP 2011 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 1/21/2014

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