



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

May 12, 2009

CERTIFIED MAIL 7003 1680 0007 1588 7258

Mr. Anthony Munns
1834 Wallula Avenue
Walla Walla, WA 99362

Re: Ground Water Right Change Application Nos. 997-D and 909-A(A)

Dear Mr. Munns:

Enclosed is a copy of the Department of Ecology's *Report of Examination for Change*. This report contains our decision regarding your application.

Your application has been approved.

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

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.



1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

Deliver your appeal in person to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

Deliver your appeal in person to:

The Department of Ecology
Appeals & Application for Relief
Coordinator
PO Box 47608
Olympia, WA 98504-7608

OR

The Department of Ecology
Appeals & Application for Relief
Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

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

*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://www.l.leg.wa.gov/CodeReviser> .*

If you have any questions, please contact Dan Tolleson at 509 329-3526.

Sincerely,



Keith L. Stoffel
Section Manager
Water Resources Program

KLS:DT:ka

Enclosures: Report of Examination for Change
Your Right To Be Heard
Focus on Water Right Relinquishment

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
APPLICATION FOR CHANGE/TRANSFER
REPORT OF EXAMINATION
 TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

- Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
- Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE The year 1939	APPLICATION NUMBER Claim No. 1040-D	PERMIT NUMBER ---	CERTIFICATE NUMBER 997-D
--------------------------------	--	----------------------	-----------------------------

NAME Anthony Munns			
ADDRESS (STREET) 1834 Wallula Avenue	(CITY) Walla Walla	(STATE) WA	(ZIP CODE) 99362

PUBLIC WATERS TO BE APPROPRIATED

SOURCE Two (2) wells
TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE 120	MAXIMUM ACRE FEET PER YEAR 40
-------------------------------	-----------------------------------	----------------------------------

QUANTITY, TYPE OF USE, PERIOD OF USE

120 gallons per minute; 40 acre-feet per year, each year, for stockwatering and the seasonal irrigation of 10 acres, less any surface water withdrawn under Walla Walla Adjudicated Certificate 189 w/chg. Vol. 2 page 525

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL

Well No. 1- SW¹/₄NE¹/₄, of Sec. 27 (Lot No. 1)
 355 feet North and 1350 feet West from the E¹/₄ corner of Sec. 27

Well No. 2- SE¹/₄NE¹/₄, of Sec. 27 (Lot No. 1)
 575 feet North and 1250 feet West from the E¹/₄ corner of Sec. 27

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) NE ¹ / ₄	SECTION 27	TOWNSHIP N. 7	RANGE, (E. OR W.) W.M. 35 E.	W.R.I.A. 32	COUNTY Walla Walla
---	---------------	------------------	---------------------------------	----------------	-----------------------

RECORDED PLATTED PROPERTY

LOT 1 and 2	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION) Anthony Munn's Short Plat
----------------	-------	---

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

10 acres within Anthony Munns Short Plat, Lot Nos. 1 and 2 of Munns Short Plat at Page 33, Book 4 of Plats, Walla Walla County, Washington, all within the NE¹/₄ of Sec. 27, T. 7 N., R. 35 E.W.M., south of Mill Creek

DESCRIPTION OF PROPOSED WORKS

2 wells for irrigation and domestic supply

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:

Started

COMPLETE PROJECT BY THIS DATE:

May 1, 2010

WATER PUT TO FULL USE BY THIS DATE:

May 1, 2011

REPORT

BACKGROUND

An application for change/transfer was submitted by Anthony Munns of Walla Walla, Washington, to Ecology on May 22, 2002. Anthony Munns proposes to change the place of use and add one point of withdrawal as granted under Ground Water Certificate No. 997-D.

Ground Water Certificate No. 997-D

Name on Certificate:	Vic Weitz
Priority Date:	The year 1939
Instantaneous Quantity – Qi:	120 gallons per minute
Annual Quantity – Qa:	40 acre-feet per year
Original Source:	A well
Point(s) of withdrawal:	Well No. 1
Purpose of use:	Seasonal irrigation
Period of use:	Each year
Place of use:	20 acres in the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ in Sec. 27, T. 7 N., R. 35 E.W.M.

Proposed Change/ Transfer:

Name of Applicant:	Anthony Munns
Point of Withdrawal (Diversion):	Add one well
Purpose of Use:	<i>No change</i>
Period of Use:	<i>No change</i>
Place of Use:	Anthony Munns Short Plat, Lot Nos. 1, 2, 3 and 4, Walla Walla County, Washington

In addition to this application filed under Certificate No. 997-D, one other application was filed by Anthony Munns on Certificate No. 909-A. Each application will have decisions based on its own respective findings.

Notice

A notice of application was duly published in accordance with RCW 90.03.280 in the Walla Walla Union Bulletin on November 5 and November 12, 2002 and no protests were received. An amended notice of application was duly published in accordance with RCW 90.03.280 in the Walla Walla Union Bulletin on September 20 and September 27, 2005, and no protests were received.

SEPA

This application is categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW, due to the fact that the water quantities proposed for change are less than five (5) cubic feet per second (2250 gallons per minute).

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 Nos. 909-A, 997-D and other water rights/claims/applications in the vicinity; (3) water well reports for the applicant's wells, and other wells in the vicinity; (4) USGS topographic maps, aerial photographs, State of Washington Irrigation Guide (WA210-VI-WAIG, October 1985) and; (5) discussions with Department of Ecology regional program staff.

A site visit of the project was conducted on July 12, 2005 by Dan Tolleson with Anthony Munns. The project is located directly to the east of College Place, Washington, within Walla Walla County. The project is located in the Walla Walla Basin and is managed under Chapter 173-532 WAC Water Resources Program for the Walla Walla River Basin, WRIA 32.

The place of use authorized under Ground Water Certificate No. 997-D is described as the 20 acres within S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ in Sec. 27, T. 7 N., R. 35 E.W.M., which is approximately 35 acres of land. The project is located on a relatively flat parcel of land south of Mill Creek and north of the Wallula Road. Most of the place of use in SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ has been subdivided into small lots with homes. The remainder of the place of use is primarily farm land with some riparian vegetation along Mill creek, a house and out buildings. The irrigation system consists primarily of wheel lines with a few solid set and hand line sprinklers.

The proposed place of use is similar to what is currently authorized, but is intended to be narrowed down to Anthony Munn's Short Plat, Lot Nos. 1 and 2, Walla Walla County. These lots are located in the NE¼ of Sec. 27, T. 7 N., R. 35 E.W.M., lying south of Mill Creek. This place of use is intended to more accurately describe what has been historically irrigated.

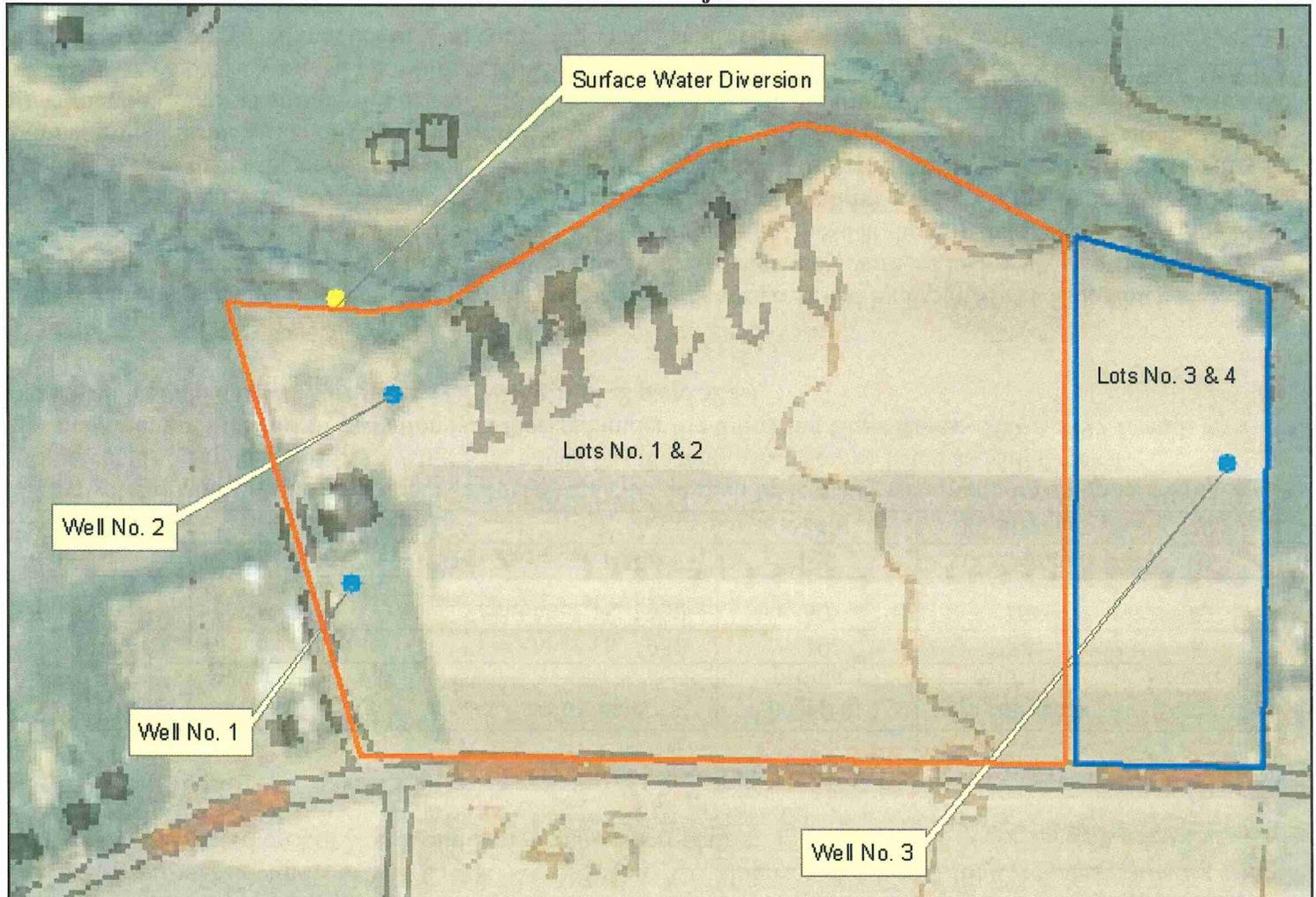
The applicant proposes to add one well (now known as Well No. 2) for a total of two wells. Wells No. 1 and 2 are an existing integrated system that is capable of irrigating Anthony Munn's Short Plat, Lot Nos. 1 and 2.

Well Specifications

Well No.	Status	Size (in)	Depth (feet)	Meter Status	Pump Type	Location
1	Online	8	100 ¹	required	submersible	Lot 1
2	Online	8	122	required	submersible	Lot 1

¹estimated depth, no well log available

Munns Project



(Within Sec. 34, T. 25 N., R. 29 E.W.M. and Within Sec. 10 and 15, T. 24 N., R. 29 E.W.M.)

EVALUATION OF RIGHT AND BENEFICIAL USE ANALYSIS

The Washington State Supreme Court, in *Okanogan Wilderness v. Town of Twisp and Department of Ecology*, 133 Wn.2d 769, 947 P.2d 732 (1997), found that applications for change may be granted only to the extent the water has been historically put to beneficial use, as beneficial use determines the measure of a water right. They also found that the existence and quantification of a water right must be determined, including whether or not the water right has been lost for non-use before the Department can approve a change or transfer of the water right.

The authorized water duty of this certificate is 4 acre-feet per year, per acre. Historically, a variety of crops have been grown under this water right permit, with alfalfa having the highest required water duty. The State of Washington Irrigation Guide (WA210-VI-WAIG) states that an estimated 2.7 acre-feet, per acre, is required for alfalfa in the Walla Walla area. The current irrigation system of sprinklers is estimated at a 70% efficiency rate of application. With a 70% efficiency rate of application an estimated 4 acre-feet per acre would need to be applied for crops that use 2.7 acre-feet per acre.

Aerial photographs were used to help verify the extent of development, historical use and beneficial use of Ground Water Certificate No. 997-D. It appears that approximately 20 acres of land have been irrigated within Munn's Lot Nos. 1-4. These four lots are the proposed place of use and appear to be the historically irrigated place of use. A map located within the original file of Ground Water Certificate No. 997-D indicates that Lot Nos. 1 and 4 are approximately the same place of use as the proposed place of use. The only difference between the map and the proposed place of use is that the proposed place of use includes a small strip of land along Mill Creek (located

within the following: south of Mill Creek within the N½SE¼NE¼ of Sec. 27, T. 7 N., R. 35 E.W.M.). This place of use and acreage irrigated is consistent with that authorized by Ground Water Certificates No. 909-A and 997-D. The remainder of the place of use, outside of Lot Nos. 1-4, appears to be covered by other water rights or is not irrigated. According to Mr. Munn's, Ground Water Certificate No. 997-D has historically been irrigated within what is currently known as Munn's Lot Nos. 1 and 2. Ground Water Certificate No. 909-A has historically been irrigated within what is currently known as Munn's Lot Nos. 2, 3 and 4. An estimated 10 acres have been historically and beneficially irrigated under Ground Water Certificate No. 909-A(A and B) and 10 acres have been historically and beneficially irrigated under Ground Water Certificate No. 997-D.

This certificate originally authorized stock feeding as a purpose of use. According, to Mr. Munns, stock has historically been watered under this right first as a pig farm and now for horses, which were present during the investigation. Therefore, stock feeding will remain with the certificate but the name will be changed to the more common term of stockwatering.

Water rights are appurtenant to a specific parcel of land or place of use on an acre per acre basis. Therefore, the place of use of this permit will be narrowed down to the smallest legal description possible which is as follows: 10 acres within Anthony Munn's Short Plat, Lot Nos. 1 and 2 of Munns Short Plat at Page 33, Book 4 of Plats, Walla Walla County, Washington. All within the NE¼ of Sec. 27, T. 7 N., R. 35 E.W.M., south of Mill Creek.

Ground Water Certificate Nos. 909-A and 997-D were issued with the provision that they were less any water withdrawn from Mill Creek. The authorization for water from Mill Creek (Walla Walla Adj. Certificate No. 189 w/chg. 525) is appurtenant to this project. It appears Ground Water Certificate No. 909-A and 997-D were issued as alternate rights to the surface water right. This surface water right was issued prior to Ground Water Certificate Nos. 909-A and 997-D. Ground Water Certificate No. 909-A and Ground Water Certificate No. 997-D shall be less any water withdrawn from Mill Creek. According to Mr. Munns, water from Mill Creek has primarily and historically been used on Lot Nos. 1 and 2 of Munn's short plat.

Water Right Specifications

Certificate No.	current owner	Priority date	Qi (g.p.m.) primary	Qa (af/year) primary	Acres of Irrigation
909-A(A)	Munns	September 18, 1950	70	¹ 24	6
909-A(B)	D and R Northwest LLC	September 18, 1950	50	16	4
997-D	Munns	The year 1939	120	¹ 40	10
Total			¹240	¹80 af/year	²20

¹(Any water quantity withdrawn under 909-A(A) and 997-D shall be less any water withdrawn under Walla Walla Adjudicated Certificate No. 189 w/chg. 525, which has the authorized source listed as Mill Creek.)

²(A maximum of 20 acres of irrigation is authorized under the following Certificates: 909-A, 997-D and Walla Walla Adjudicated Certificate 189 w/chg. Vol. 2 page 525.)

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 point of withdrawal for this change application is 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 interfingering 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.

Well No. 1 (original) has an 8" well bore that is estimated at 100-120 feet deep. No well log exists.

Well No. 2 (proposed) is identified as 8" x 122 feet deep. The well was constructed in 2001. The static water level was described as 12.5 feet below land surface and the land surface elevation is approximately 745 feet above mean sea level. The well is described as being cased to a depth of 116 feet and sealed to a depth of 18 feet.

The originally authorized Well No. 1 and the proposed Well No. 2 appear to be completed into the unconsolidated layer of the Walla Walla Basin. Any reconstruction or replacement wells must be constructed into the unconsolidated layer of the Walla Walla Basin.

EXISTING AND OVERLAPPING RIGHTS

A review of Ecology records was conducted for existing water rights, permits, and claims in the surrounding area of the proposed project. The search focused primarily on Section 27, T. 7 N., R. 35 E.W.M. The review of Ecology records shows four (4) water rights appurtenant to the place of use, other than those proposed to be changed by Mr. Munns.

Walla Walla Adjudicated Surface Water Certificate 189 w/chg 525, authorizes a right of up to 1 cfs, 250 acre-feet per year, for the irrigation of 50 acres. The authorized place of use is south of Mill Creek and North Wallula Avenue within Sec. 27. The authorized points of diversion are within in the SE $\frac{1}{4}$ of Sec. 27, all within, T. 7 N., R. 35 E.W.M. It appears that 12.64 acres of this right are still in use and appurtenant to Anthony Munn's Short Plat, Lot Nos. 1 and 2, Walla Walla County, Washington. The overlapping ground water rights (Ground Water Certificates No. 997-D and 909-A) are provisioned to be less water withdrawn from this right.

Ground Water Certificate 4603-A authorizes 70 gallons per minute, 40 acre-feet per year, for the irrigation of 10 acres, stock water and domestic supply. This right is non-additive to Walla Walla Adjudicated Surface Water Certificate 189 w/chg 525. The authorized place of use is within a portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 27, see legal description and map. The authorized point of withdrawal is within in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 27, all within, T. 7 N., R. 35 E.W.M. This right is appurtenant to lands being removed from the original legal description of Ground Water Certificates No. 909-A and 997-D. The priority date of 4603-A is well after that of Ground Water Certificates No. 909-A and 997-D. It appears 4603-A was issued outside the actual and historical place of use of Ground Water Certificates No. 909-A and 997-D. Therefore, there is no connection between these water rights and they will no longer be appurtenant to the same place of use or overlap one another. This will be accomplished by a reduction in the description of the authorized place of use of Ground Water Certificate Nos. 997-D and 909-A.

Ground Water Certificate G3-23128C authorizes 30 gallons per minute, 11.2 acre-feet per year, for the irrigation of 2.5 acres, stock water and domestic supply. The authorized place of use is within a portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 27 (see legal description and map). The authorized point of withdrawal is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 27, all within T. 7 N., R. 35 E.W.M. This right is appurtenant to lands being removed from the original legal description of Ground Water Certificate Nos. 909-A and 997-D. The priority date of G3-23128C is well after that of Ground Water Certificate Nos. 909-A and 997-D. It appears G3-23128C was issued outside the actual and historical place of use of Ground Water Certificate Nos. 909-A and 997-D. Therefore, there is no connection between these water rights and they will no longer be appurtenant to the same place of use or overlap one another. This will be accomplished by a reduction in the description of the authorized place of use of Ground Water Certificate Nos. 997-D and 909-A.

*Water Right Claim 113667 claims 80 gallons per minute, 30 acre-feet per year, for the irrigation of 10 acres. The claimed place of use is within a portion of the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 27 (see legal description). The claimed point of withdrawal (a well) is within in the NE $\frac{1}{4}$ of Sec. 27, all within, T. 7 N., R. 35 E.W.M. This claim appears to be claiming existing state issued water rights and the date of first use of this claim in 1966. Therefore, it appears that this claim may be invalid due to the date of first beneficial use.

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

IMPAIRMENT ANALYSIS

"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 flows 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.

This application is requesting authorization to change the place of use and one well, as granted under Ground Water Certificate No. 997-D. It appears the Ground Water Certificate No. 997-D has been exercised and beneficially used in the past.

FINDINGS

There is a water right certificate available for change/transfer under Ground Water Certificate No. 997-D.

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:

No Impairment to Existing Rights:

There has been no documented history of pumping interference between existing wells in this area, and it is not anticipated that the proposed change/transfer would cause impairment to existing water rights.

No Detriment to the Public Welfare:

There has been no public expression of protest regarding the subject proposal, and no findings through this investigation indicate there would be any detrimental impact to the public welfare through issuance of the proposed change/transfer.

No Enhancement of the Original Right:

No withdrawal of water over and above what has been authorized for beneficial use would be authorized through approval of this change. It appears that this right has been beneficially used for 4 acre-feet per acre. The proposed change will not increase the amount of water withdrawn from the aquifer nor will it increase or expand the right.

Same Source of Water:

The ground water to be withdrawn is supplied by the same body of public water.

CONCLUSION

It is the conclusion of this examiner that, in accordance with Chapters 90.03 and 90.44, this application for change (by changing the place of use and adding one well, granted under Ground Water Certificate No. 997-D) will not enlarge the quantity of water historically authorized, nor will it impair existing rights or be detrimental to the public welfare provided the terms and conditions below are followed.

RECOMMENDATIONS

The applicant's request to change/transfer of water right (by changing the place of use and adding one well, granted under Ground Water Certificate No. 997-D) is **approved**, subject to the following provisions:

"The maximum withdrawal for Well Nos. 1, 2, 3 and 4 under Ground Water Certificates is 909-A, 909-A(B) and 997-D, is 240 gallons per minute and 80 acre-feet per year for the irrigation of 20 acres."

"A maximum of 20 acres of irrigation is authorized under the following Certificates: 909-A, 909-A(B) and 997-D and that portion of Walla Walla Adjudicated Certificate 189 w/chg. Vol. 2 page 525, located south of the Mill Creek, within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 27, T. 7 N., R. 35 E.W.M."

"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."

"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."

"The water quantities and uses recommended and/or the number of acres to be irrigated may be reduced at the time of issuance of a final water right commensurate with the capacity of the installed system and the uses and/or the number of acres actually irrigated."

"Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities."

"A superseding certificate of water right will not be issued until a final examination is made."

"The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land."

"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", WAC 173-173.
<http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>

Water use data shall be recorded bi-weekly (every other week) and maintained by the property owner for a minimum of five years. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.

WAC 173-173 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. Installation, operation and maintenance requirements are enclosed as a document titled "Water Measurement Device Installation and Operation Requirements".
<http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>

Department of Ecology personnel, upon presentation of proper credentials, shall 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.”

“All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).”

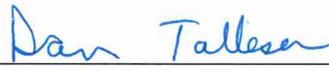
“Any reconstructed or replacement well shall be constructed into the unconsolidated layer of the Walla Walla Basin.”

“Installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An airline and gauge shall be installed in addition to the access port.”

“Any future pump test data for the new well shall be submitted as it is obtained to the Department of Ecology.”

“A well log of the completed well shall be submitted by the driller to the Department of Ecology within thirty (30) days of completion of this well. This well log shall be complete and all information concerning the static water level in the completed well in addition to any pump test data shall be submitted as it is obtained.”

Signed at Spokane, Washington this 12th day of May, 2009.



DAN TOLLESON
Water Resources Program
Eastern Regional Office
Department of Ecology

MyDocs/W/DraftROEs/Tolleson2009/997-D Munns