# State of Washington
# DRAFT
# REPORT OF EXAMINATION
# FOR WATER RIGHT CHANGE

Add Points of Withdrawal

| PRIORITY DATE | WATER RIGHT NUMBER |
|---|---|
| February 16, 1968 | G3-00339C together with change Report of Examination dated August 5, 2005 |

| MAILING ADDRESS | SITE ADDRESS (IF DIFFERENT) |
|---|---|
| Harold Bowers<br>260 Greenview Drive<br>Richland, WA 99352 | |

## Total Quantity Authorized for Withdrawal

| WITHDRAWAL RATE | UNITS | ANNUAL QUANTITY (AF/YR) |
|---|---|---|
| 20 | GPM | 32 |

Total withdrawals from all of Mr. Bower's sources under this right must not exceed the total quantity authorized for withdrawal listed above.

## Purpose

| PURPOSE | WITHDRAWAL RATE ADDITIVE | WITHDRAWAL RATE NON-ADDITIVE | WITHDRAWAL RATE UNITS | ANNUAL QUANTITY (AF/YR) ADDITIVE | ANNUAL QUANTITY (AF/YR) NON-ADDITIVE | PERIOD OF USE (mm/dd) |
|---|---|---|---|---|---|---|
| Irrigation | 20 | | GPM | | 32 | 1/1 – 12/31 |

| IRRIGATED ACRES ADDITIVE | IRRIGATED ACRES NON-ADDITIVE | PUBLIC WATER SYSTEM INFORMATION WATER SYSTEM ID | PUBLIC WATER SYSTEM INFORMATION CONNECTIONS |
|---|---|---|---|
| | 14 | | |

## Source Location

| COUNTY | WATERBODY | TRIBUTARY TO | WATER RESOURCE INVENTORY AREA |
|---|---|---|---|
| Walla Walla | Groundwater | | 32-Walla Walla |

| SOURCE FACILITY/DEVICE | PARCEL | WELL TAG | TWP | RNG | SEC | QQ Q | LATITUDE | LONGITUDE |
|---|---|---|---|---|---|---|---|---|
| Well 1 (big well) | 350732510003 | | 7 N. | 35 E. | 32 | NW¼NW¼ | 46.0471 | 118.4627 |
| Well 2 (small well) | 350732510003 | | 7 N. | 35 E. | 32 | NE¼NW¼ | 46.0469 | 118.4676 |

Datum: NAD83/WGS84

## Place of Use (See Attached Map)

**PARCELS (NOT LISTED FOR SERVICE AREAS)**

350729330002

**LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE**

The W½ of Section 29, Township 7 N., Range 35 E.W.M., lying south of Old Highway 12

## Proposed Works

2 wells, mainlines and big gun irrigation system

## Development Schedule

| BEGIN PROJECT | COMPLETE PROJECT | PUT WATER TO FULL USE |
|---|---|---|
| Begun | January 1, 2016 | January 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 (gpm) |

## Provisions

Water Right Certificate Nos. WWAC 462, SWC 8611, G3-00339C and G3-01029C shall not exceed 53 acre-feet of water for the seasonal irrigation of 14 acres for Mr. Bower's portion of the water rights, which are appurtenant to the W½ of Section 29, Township 7 N., Range 35 E.W.M., lying south of Old Highway 12.

Ground Water Certificate Nos. G3-00339C and G3-01029C shall not exceed 42 gallons per minute for the seasonal irrigation of 14 acres for Mr. Bower's portion of the water rights, which is appurtenant to the W½ of Section 29, Township 7 N., Range 35 E.W.M., lying south of Old Highway 12.

**Wells, Well Logs and Well Construction Standards**

All wells constructed in the state must 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 must be decommissioned.

All wells must be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag must remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

**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 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 or certificate of change 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 Application for Change/Transfer under Ground Water Certificate No. G3-00339C, 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**<br>Attn: Appeals Processing Desk<br>300 Desmond Drive SE<br>Lacey, WA 98503 | **Department of Ecology**<br>Attn: Appeals Processing Desk<br>PO Box 47608<br>Olympia, WA 98504-7608 |
| **Pollution Control Hearings Board**<br>1111 Israel Road SW Ste 301<br>Tumwater, WA 98501 | **Pollution Control Hearings Board**<br>PO Box 40903<br>Olympia, WA 98504-0903 |

Signed at Spokane, Washington, this day of 2014.

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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 CG3-00339C@2
Ground Water Certificate No. G3-00339C

## BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number CG3-00339C@2 (Ground Water Certificate No. G3-00339C)

### EXISTING Water Right Attributes

| | |
|---|---|
| **Name on Water Right:** | Edward Stiller and Quentin Schwenke |
| **Priority Date:** | 2/16/1968 |
| **Place of Use** | That portion of Gov't Lot 1, Section 32 T. 7 N., R. 35 E.W.M., lying northerly of State Highway 12. ALSO: The W½ of Section 29, T. 7 N., R. 35 E.W.M. EXCEPTING THEREFROM, however, the right of way of State Highway 12 over and across said premises. ALSO EXCEPTING THEREFROM; the following described tract: Beginning at the NW corner of Section 32, T. 7 N., R. 35, and run thence South 0°11'21" W, along the West line of said Section, a distance of 215.57 feet to a point in the Northerly right of way of SR 12, thence N 68°47'00" E, along said Northerly right of way, 1455.80 feet to the True Point of Beginning for this description; thence continued N 68°47'00" E, along said right of way, 692.51 feet; thence N 21°13'00" W, 629.11 feet; thence S 73°21'58" W, 391.03 feet, thence S 67°41'39" W, 302.78 feet; thence S21°13'00" E, 654.60 feet to the true point of beginning. (Stiller 10 acres) |

| County | Waterbody | Tributary To | WRIA |
|---|---|---|---|
| Walla Walla | Groundwater | | 32-Walla Walla |

| Purpose | Rate | Unit | Ac-ft/yr | Begin Season | End Season |
|---|---|---|---|---|---|
| Domestic single | 432 | GPM | 2 | 01/01 | 12/31 |
| Irrigation of 300 acres | | | 688 | 01/01 | 12/31 |
| Stock water | | | 1 | 01/01 | 12/31 |

| Source Name | Parcel | Well Tag | Twp | Rng | Sec | QQ Q | Latitude | Longitude |
|---|---|---|---|---|---|---|---|---|
| Well # 1 | | | 7N | 35E | 29 | W½E½SW¼ | | |
| Well # 2 | | | 7N | 35E | 29 | SE¼NE¼SW¼ | | |
| Well # 3 | | | 7N | 35E | 29 | SW¼SW¼ | | |
| Well # 4 | | | 7N | 35E | 29 | W½ | | |
| Well # 5 | | | 7N | 35E | 29 | N½S½NW¼ | | |
| Well # 6 (Stiller) | | | 7N | 35E | 29 | N½S½SW¼ | | |

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:** | Harold Bowers |
| **Date of Application:** | 1/10/2006 |
| **Place of Use** | The W½ of Section 29, T. 7 N., R. 35 E.W.M., lying south of Highway 12 |

| County | Waterbody | Tributary To | WRIA |
|---|---|---|---|
| Walla Walla | Groundwater | | 32-Walla Walla |

| Purpose | Rate | Unit | Acre-feet/yr | Begin Season | End Season |
|---|---|---|---|---|---|
| Irrigation of 14 acres | 20 | GPM | 32 | 01/01 | 12/31 |

| Source Name | Parcel | Well Tag | Twp | Rng | Sec | QQ Q | Latitude | Longitude |
|---|---|---|---|---|---|---|---|---|
| Proposed Well 1 | 350732510003 | | 7 N. | 35 E. | 32 | NW¼NW¼ | 46.0471 | 118.4627 |
| Proposed Well 2 | 350732510003 | | 7 N. | 35 E. | 32 | NE¼NW¼ | 46.0469 | 118.4676 |

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 Waitsburg Times on February 16 and 23, 2006. No protests were received regarding this application.

### *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.*

RCW 90.44.100 allows Ecology to amend a ground water permit to (1) allow the user to construct a replacement or additional well at a new location outside of the location of the original well, or to (2) change the manner or place of use of the water, if:

(a) The additional or replacement well taps the same body of public ground water as the original well. RCW 90.44.100(2)(a),
(b) Where a replacement well is approved, the user must discontinue use of the original well and properly decommission the original well. RCW 90.44.100(2)(b),
(c) Where an additional well is constructed, the user may continue to use the original well, but the combined total withdrawal from all wells shall not enlarge the right conveyed by the original permit or certificate. RCW 90.44.100(2)(c),
(d) Other existing rights shall not be impaired. RCW 90.44.100(2)(d).

When changing or adding points of withdrawal to groundwater rights (RCW 90.44.100), or when consolidating exempt wells with an existing permit or certificate (RCW 90.44.105), the wells must draw from the *same body of public groundwater*. Indicators that wells tap the *same body of public groundwater* include:

(a) Hydraulic connectivity.
(b) Common recharge (catchment) area.
(c) Common flow regime.
(d) Geologic materials that allow for storage and flow, with recognizable boundaries or effective barriers to flow.

## 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) existing and proposed wells, irrigation system, and the places 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); and (7) discussions with Department of Ecology regional program staff.

A field investigation was conducted by Dan Tolleson and Evelyn Cummings with Harold Bower on August 13, 2014. The project is located two miles west of the City 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 place of use authorized under this water right is primarily located within the W½ of Section 29, with few acres located within Section 32, all within T. 7 N., R. 35 E.W.M. This parcel of land is mostly irrigated farm land, with a few homes and roads. The northern portion of the place of use is now bisected by new Highway 12 and there is an old pond (Stiller Pond) used for an aquifer recharge program. Mr. Bowers owns the 14 acres of this place of use located south of Old Highway 12. His portion of the place of use is used as irrigated farm land with a big gun irrigation system.

This water right has an authorized well field with six points of withdrawal that are used for the irrigation of the place of use lying north of old Highway 12. The applicant proposes to add two existing wells located just to the south of this project within the N½ of Section 32, T. 7 N., R. 35 E.W.M . These wells are currently used for this project and provide water for other water rights in the area. Proposed well 1 (big well) is intended to be the primary source for Mr. Bower's portion of the right. Proposed Well 2 (small well) is intended to be a back-up well for Mr. Bower's portion of the right.

## History of Water Use

Ground Water Certificate No. G3-00339C was issued in May of 1973 as supplemental supply to Surface Water Certificate Nos. 7832, 8611 and WWAC 462. This right is an alternate source, meaning the annual quantity and acres of irrigation were non-additive. An application for change was approved, under this water right, in the Report of Examination (ROE) dated 8/5/2005. This approval authorized a minor change in the place of use and the addition of five wells. The approval also delineated how the right was historically used and divided up between the three land owners. Mr. Bower's portion of the right was determined to be an alternate supply for 20 gallons per minute, 32 acre-feet, seasonally for the irrigation of 14 acres. The *Proof of Appropriation* form related to the change was accepted in 2014 and a final examination is pending.

Aerial photographs were used to help verify the extent of development, historical and beneficial use of Mr. Bower's portion of this water right. Approximately 14 acres have been historically irrigated south of Old Highway 12, which is the portion of the place of use owned by Mr. Bowers. This is consistent with the previously issued Report of Examination dated 9/5/2005. The irrigation of Mr. Bower's 14 acres of the place of use has continued since the report was issued in 2005.

According to the 2005 Report of Examination, Mr. Bower's portion of the instantaneous quantity of the right was 20 gallons per minute. It is estimated that this instantaneous quantity was historically put to full use, on his lands. The proposed system of wells can produce more water than is authorized under this right, which is a result of these wells being used as a source for multiple rights. Since this system has multiple water right s and wells, water withdrawals will need to be coordinated so as not to exceed the quantities authorized under each right.

The maximum authorized water duty of this certificate is 2.29 acre-feet per year, per acre. Historically, the highest water use under this certificate was for the irrigation of alfalfa. 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. At a 75% efficiency rate of application, the maximum water duty, for the crop listed above is 3.6 acre-feet per year, per acre. Since this right is used as an alternate source in a portfolio of water rights, the quantity authorized is adequate for the crops irrigated. Therefore, an allocation of 32 acre-feet per year for the irrigation of 14 acres is appurtenant to Mr. Bower's portion of the place of use.

Water use beyond what is authorized may be subject to fines of up to $5,000, per day, per violation.

## Proposed Use

Mr. Bowers proposes to add two existing points of withdrawal to supply his portion of Ground Water Certificate No. G3-00339C.

### Well Metering and Tags

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.

WAC 173-160 contains requirements for well drillers, system operators and/or owners to tag new and existing wells with identification tags supplied by Ecology. The well identification program creates a standard system to identify all newly constructed or existing wells, so that property owners and various agencies can readily share well data. In addition, Ecology field staff use the well tag to identify the well. Accordingly, this decision contains provisions requiring each well to be tagged with a unique identification number.

## 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 Sections 29 and 32 within, T. 7 N., R. 35 E.W.M. This review shows five other water rights appurtenant to the authorized place of use, in addition to this water right. The overlapping rights are as follows:

Certificates Nos. G3-22110C and 7832: According to the ROE dated 8/5/2005, and Mr. Bowers, both of these water rights are not used on his lands. There are appurtenant to the portion of the place of use lying north of the Old Highway 12.

Certificates Nos. G3-01029C, G3-00339C, 8611 and 462 are appurtenant to the lands owned by Mr. Bowers. The relationship of these water rights for his parcel of land is listed in the table below:

**Bowers Portion of Water Rights**

| Certificate | Acres Primary | Acres Non-additive | Qi Maximum | Qi Season | Qa Primary | Qa Non-additive | Source |
|---|---|---|---|---|---|---|---|
| WWAC 462 | 14 | -- | 0.279 cfs | 1/1 - 12/31 | 53 | -- | Mill Creek |
| SWC 8611 | -- | 14 | 0.086 cfs | 4/1 - 5/15 | -- | 5.6 | Mill Creek |
| G3-00339C | -- | 14 | 20 gpm | 1/1 - 12/31 | -- | 32 | Gravel well |
| G3-01029C | -- | 14 | 22 gpm | 1/1 - 12/31 | -- | 35 | Gravel well |
| Maximum Total | 14 | | | | 53 | | |

- Water Right Certificate Nos. WWAC 462, SWC 8611, G3-00339C and G3-01029C shall not exceed 53 acre-feet of water for the seasonal irrigation of 14 acres.
- Surface Water Certificate Nos. WWAC 462 and 8611 shall not exceed 0.272 cfs from 4/1 – 5/15; 0.186 cfs from 5/15 – 7/1; 0.139 cfs from 7/1 – 10/1; 0.279 cfs form 10/1 – 4/1, for the seasonal irrigation of 14 acres.
- Ground Water Certificate Nos. G3-00339C and G3-01029C shall not exceed 42 gallons per minute for the seasonal irrigation of 14 acres.

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

## Hydrologic/Hydrogeologic Evaluation

The following hydrogeologic analysis was written by Guy J. Gregory, L.G., L.Hg. Hydrogeologist and Unit Supervisor of the Water Resources Program Technical Unit in Ecology's Eastern Regional office.

Applications for change/transfer of water right permits and certificates of ground water 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. Such amendment shall be issued by the Department only on the conditions that: (1) the 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) other existing rights shall not be impaired. The Department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment.

This application proposes to add two points of withdrawal for an existing right. The prime hydrogeologic considerations in these cases is whether the points of diversion produce water from the same body of public groundwater, and whether or not the change will cause detriment or injury to existing rights.

The Walla Walla valley consists of Miocene basalts, structurally modified to form a basin, into which are deposited sediments of Miocene or later age, known as "supra-basalt sediments". The suprabasalt sedimentary aquifer is an unconfined shallow aquifer of glaciofluvial sediments considered geologically and by rule [WAC 173-525-040(2)] to be a body of public groundwater that is connected to surface water in the basin.

There are six authorized points of withdrawal for the existing rights. Well 1, constructed in 1968, is 12 inches in diameter and 155 feet deep. Well 2, constructed in 1970, is 10 inches in diameter and 147 feet deep. Well 3, constructed in 1974, is 10 inches in diameter and 165 feet deep. Wells 4 and 5 were permitted under existing rights, but never constructed. Well 6, constructed in 1987, is 8 inches in diameter and 146 feet deep. All these wells are located in sections 29 and 32, T 7 N., R 35 E. W. M. These wells all penetrate a series of intercalated sands, gravels, and clays typical of the suprabasalt sedimentary aquifer, terminating in "blue clay". Water is produced from those sediments. All wells have relatively shallow heads, the latest reported static elevation being well 6 at 27 feet below ground surface in 1987.

The proposed wells are constructed in Section 32, T 7 N., R 35 E.W.M. Well 1 was constructed in 1971 and is 10 inches in diameter and 145 feet deep, Well 2 was constructed prior to 1954. It is hand dug, 36 inches in diameter and 27 feet deep. Both proposed wells produce water from the suprabasalt sediments.

All wells involved in this change produce water from the same body of public groundwater.

Should any replacement wells be constructed for these rights, they shall not penetrate basalt formations. They shall be constructed in accordance with the well construction requirements of Ch. 173-160 WAC.

## 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 authorized and proposed wells withdraw water from the same source according to the hydrogeologic evaluation. The instantaneous rate of withdrawal for the right, including the new wells at the proposed location, may not exceed what is already authorized. No additional acres will be irrigated and no additional annual quantity will be withdrawn under this change. The proposed wells have been used to irrigate Mr. Bower's portion of the authorized place of use for most of the last decade. There has been no documented history of pumping interference problems between existing wells in this area, and it is not anticipated that the proposed change would cause any impairment to existing water rights. In the unforeseen event that these new wells cause impairment to these existing rights, they will be

treated as a junior appropriator and regulated accordingly. There are no indications that this change will cause detriment or injury to existing rights.

## Public Interest Considerations

There has been no public expression of protest or concern regarding this specific 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.

## Conclusions

In accordance with Chapters 90.03 and 90.44, approval of this application to add two points of withdrawal as granted under Ground Water Certificate No. G3-00339C 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 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.

# 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:

20 gallons per minute
32 acre-feet per year
Irrigation of 14 acres (alternate right)

Point of Withdrawal

Well No. 1 NW¼NW¼, Section 32, Township 7 North, Range 35 E.W.M.
Well No. 2 NE¼NW¼, Section 32, Township 7 North, Range 35 E.W.M.

Place of Use

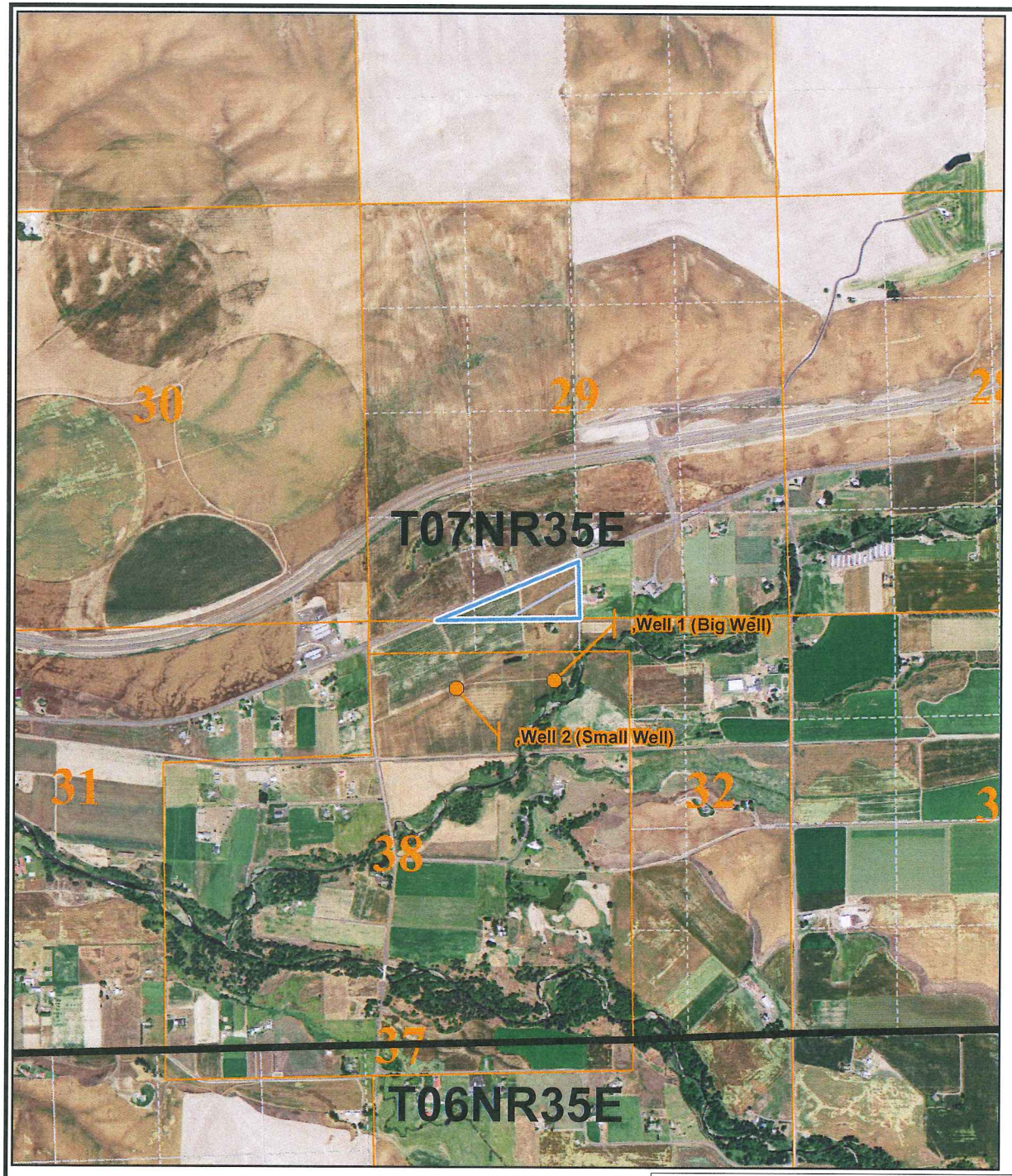
As described on Page 1 of this Report of Examination.

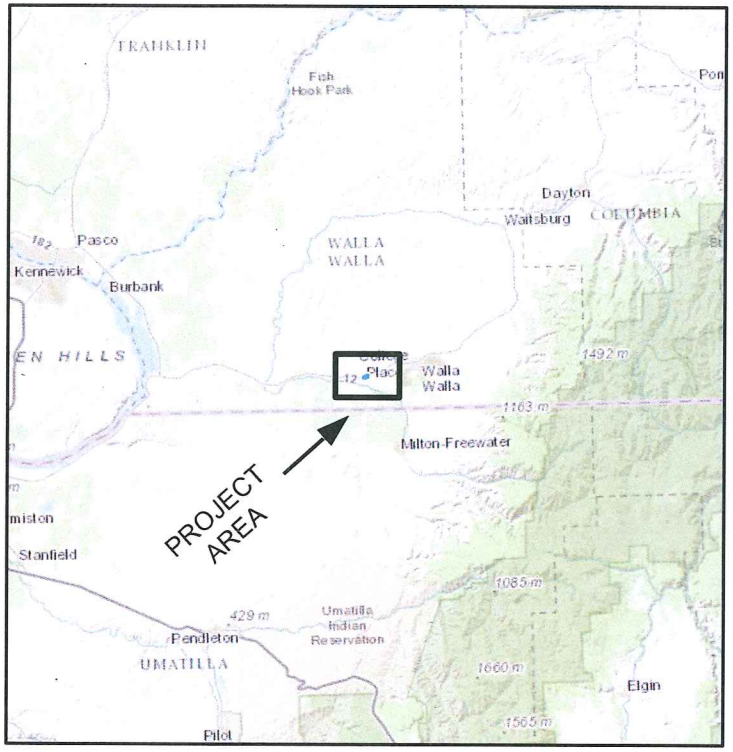
*Dan Tolleson, Report Writer* *Date*

*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.*

Harold Bowers
G3-00339C together with change
Report of Examination dated August 5, 2005

T07N/R35E




Basemap - (ESRI US Topographic Maps)

**Legend**

Authorized Place of Use

Townships

Sections

Authorized Point of Withdrawal

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

Basemap - (NAIP 2013 1m color)

DEPARTMENT OF ECOLOGY State of Washington

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 identfied in the header above.

ATTACHMENT 1