

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 February 25, 1948	APPLICATION NUMBER 751	PERMIT NUMBER 687	CERTIFICATE NUMBER 406-A
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NAME Judith Holloway			
ADDRESS (STREET) 119 Chamberlain Road	(CITY) Walla Walla	(STATE) WA	(ZIP CODE) 99362

PUBLIC WATERS TO BE APPROPRIATED

SOURCE A Well
TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE 18	MAXIMUM ACRE FEET PER YEAR 16
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QUANTITY, TYPE OF USE, PERIOD OF USE
 18 gallons per minute, 16 acre feet per year, each year, for the seasonal irrigation of 4 acres

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL
 1200 feet South and 400 feet East of the NW corner of Sec. 11

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) NW ¹ / ₄ NW ¹ / ₄	SECTION 11	TOWNSHIP N. 6	RANGE, (E. OR W.) W.M. 35 E.	W.R.I.A. 32	COUNTY Walla Walla
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RECORDED PLATTED PROPERTY

LOT No. 5	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION) Diaz Short Plat
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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

A tract of land located on the Northwest ¹/₄ of the Northwest ¹/₄ of Section 11 of Township 6 North in Range 35 East of the Willamette Meridian, Walla Walla County, Washington, described more particularly as follows:

Commencing at the Southwest corner of said Northwest ¹/₄ of the Northwest ¹/₄ of said Section 11; Thence North 89 degrees 37 minutes 30 seconds East for a distance of 119.00 feet, along the South line of said Northwest ¹/₄ of the Northwest ¹/₄ of Section 11 to the True Point of Beginning; Thence North 00 degrees 00 minutes 46 seconds West for a distance of 886.79 feet, parallel to the West line of said Northwest ¹/₄ of the Northwest ¹/₄ of Section 11 to a point in the East line of Lot Four of that short plat filed in Volume 4 of the Walla Walla County Book of Short Plats at Page 66; thence along the East line of said Lot Four by the following courses: Thence South 37 degrees 22 minutes 26 seconds East for a distance of 412.77 feet; Thence South 27 degrees 29 minutes 26 seconds East for a distance of 290.00 feet; Thence South 23 degrees 10 minutes 26 seconds East for a distance of 324.33 feet to the Southeast corner of said Lot Four; Thence South 89 degrees 37 minutes 31 seconds West for a distance of 511.87 feet, along the South line of said Lot Four to the True Point of Beginning.

DESCRIPTION OF PROPOSED WORKS

A well, pumps and wheel lines for irrigation

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:

Started

COMPLETE PROJECT BY THIS DATE:

April 1, 2010

WATER PUT TO FULL USE BY THIS DATE:

April 1, 2011

REPORT

BACKGROUND

An application for change/transfer was submitted by Judith Holloway of Walla Walla, Washington, to Ecology on October 15, 2002. Judith Holloway proposes to add a point of withdrawal to her portion of the water right, granted under Ground Water Certificate No. 406-A.

Ground Water Certificate No. 406-A

Name on Permit:	John W. Daniel
Priority Date:	February 26, 1948
Instantaneous Quantity – Qi:	175 gallons per minute
Annual Quantity – Qa:	160 acre feet, per year
Original Source:	A well
Point(s) of withdrawal:	See Table No. 1
Purpose of Use:	Seasonal irrigation
Period of Use:	Each year
Place of Use:	Approximation: That portion of Sec. 3, 10 and 11, T. 6 N., R. 35 E.W.M.

Proposed Change/Transfer:

Name of Applicant:	Judith Holloway
Date of Application for Change/Transfer:	October 15, 2002
Point of Withdrawal (Diversion):	Add a well
Purpose of Use:	No change
Period of Use:	No change
Place of Use:	No change

In addition to this application filed under Ground Water Certificate No. 406-A, one other application for change was filed by Judith Holloway on Ground Water Certificate No. 6508-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 Times on February 20 and February 27, 2003 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).

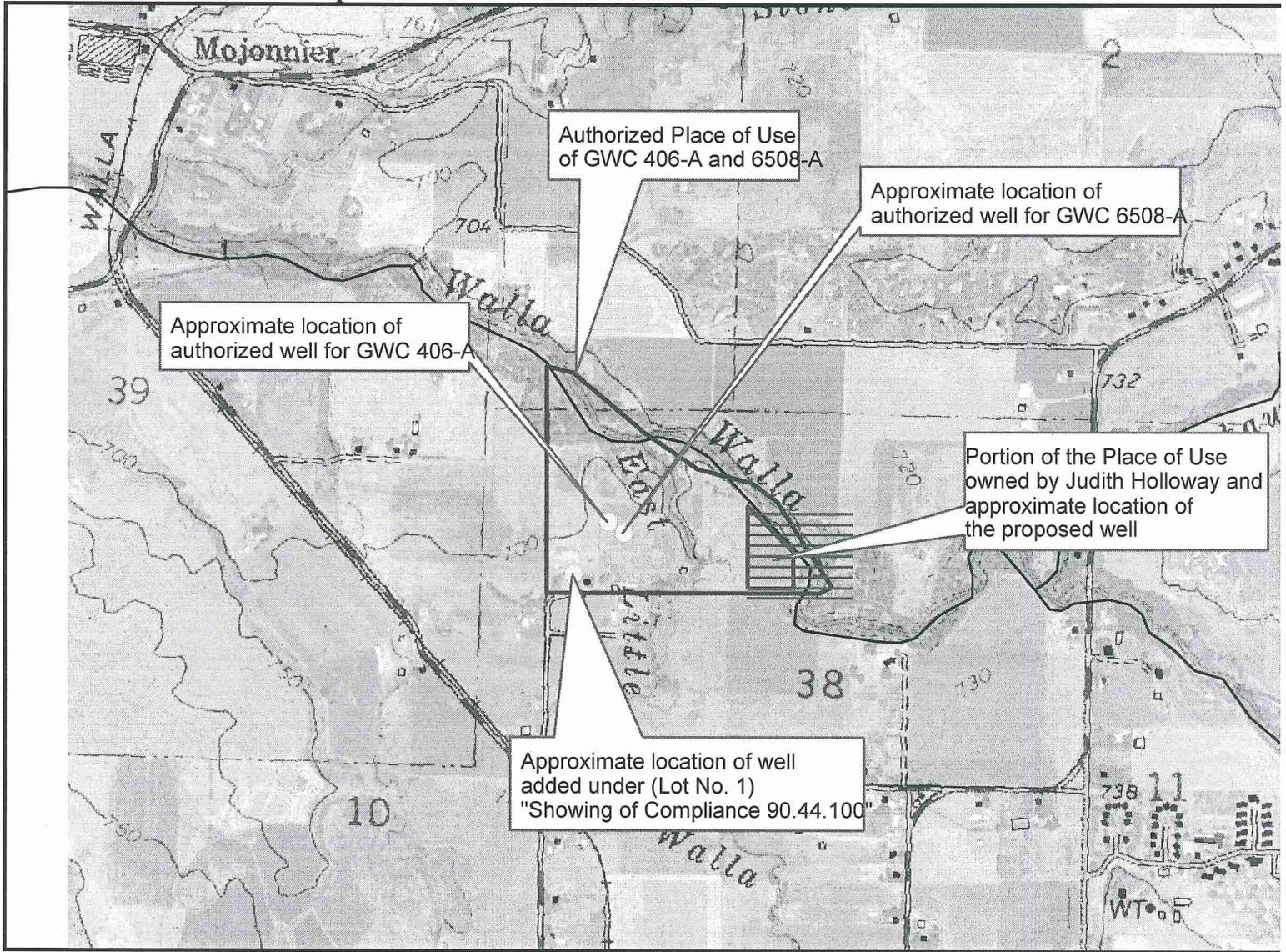
INVESTIGATION

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 Certificates Nos. 406-A, 6508-A and other water rights/claims/permits in the vicinity; (3) water well reports for the applicant's well, 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 October 20, 2005 by Dan Tolleson, with Judith Holloway. The project is located approximately 1½ miles to the Southwest of the Town of College Place, Walla Walla County. The water right 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. 406-A is described as approximately 46 acres of land within portions of the S½SE¼SE¼ of Section 3, the NE¼NE¼ of Section 10, and the W½NW¼NW¼ of Section 11, all within T. 6 N., R. 35 E.W.M. (that portion of Section 10 and 11 is also known as the W¾N½ of Section 38, depending on the survey). This parcel of land is located primarily south of the Walla Walla River and is bisected by Spring Branch (also known as the East Little Walla Walla River). This parcel is primarily open flat fields with several homes and out buildings. The lands adjacent to the Walla Walla River and Spring Branch have significant riparian vegetation. The small portions of the place of use north of the Walla Walla River appear to be undeveloped. (See map below.)

Map of Ground Water Certificate No. 406-A and 6508-A



That portion of Sec. 3, 10 and 11, T. 6 N., R. 35 E.W.M.

A hand dug well was the original authorized point of withdrawal for Ground Water Certificate No. 406-A. It appears that this well was decommissioned in 1968 and was replaced with a drilled well. Both wells were located within NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 10, T. 6 N., R. 35 E.W.M. The drilled well was constructed in conjunction with the issuance of Ground Water Right 6508-A. It appears that both Ground Water Certificate Nos. 406-A and 6508-A used the drilled well as the point of withdrawal up until the land was subdivided into five lots in 2001. Another well was added in 2005 to both Ground Water Certificate No. 406-A and 6508-A by filing of a Showing of Compliance 90.44.100 and is now used to provide water for Lot No. 1. Judith Holloway proposes to add a well to irrigate her portions of Ground Water Certificate No. 406-A and 6508-A, which is known as Lot No. 5.

Table No. 1 - Well Status

Well	Status	Size (in)	Depth (feet)
No. 1 (original well)	Decommissioned in 1968	--	--
No. 1 (replacement well)	Online	8	116
No. 2 (added under showing of compliance)	Online, in use for Lot No. 1	8	80
No. 3 (proposed to be added by this change)	Proposed for Lot No. 5	---	---

EVALUATION OF THE RIGHT AND BENEFICIAL USE ANALYSIS

The Washington State Supreme Court, in *Okanogan Wilderness League 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. The court 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, this right has been used to irrigate pasture. 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 70% efficiency rate of application, the approximate maximum water duty, for crops listed above, is 4.2 acre-feet per year, per acre. This appears to be consistent with the authorized water duty of 4 acre-feet, per acre.

Ground Water Certificate Nos. 406-A and 6508-A are appurtenant to one another and share the same place of use. Walla Walla Adjudicated Certificate No. 595 (WWAC 595) is appurtenant to the place of use of Ground Water Certificate Nos. 406-A and 6508-A, except for that portion of the place of use within Section 11. The portion of

the place of use that is owned by Judith Holloway is all within Section 11, therefore not overlapped by WWAC 595. It appears that WWAC 595 was issued as a primary right and Ground Water Certificate Nos. 406-A and 6508-A were issued as alternate rights. The total of all three rights was up to a maximum of 40 acres of irrigation.

The place of use of Ground Water Certificate Nos. 406-A and 6508-A was subdivided in 2001, into five separate parcels. Along with the subdivision of land the water right was divided (per a written agreement) as outlined in the tables below:

Ground Water Certificate No. 406-A

	Irrigation	Qi	Qa
Lot No. 1	9 acres	39 gpm	36 acre feet
Lot No. 2	5 acres	22 gpm	20 acre feet
Lot No. 3	8 acres	35 gpm	32 acre feet
Lot No. 4	11 acres	48 gpm	44 acre feet
Lot No. 5	7 acres	31 gpm	28 acre feet
Total	40 acres	175 gpm	160 acre feet

175 gallons per minute, 160 acre feet per year, for the irrigation of 40 acres less amount of water available from east Spring Branch under Walla Walla River Adjudicated Certificate No. 395

Ground Water Certificate No. 6508-A

	Irrigation	Qi	Qa
Lot No. 1	9 acres	35.5 gpm	30.5 acre feet
Lot No. 2	5 acres	20 gpm	17 acre feet
Lot No. 3	8 acres	31.5 gpm	27 acre feet
Lot No. 4	11 acres	43 gpm	37.5 acre feet
Lot No. 5	5 acres	20 gpm	17 acre feet
Total	38 acres	150 gpm	129 acre feet

150 gallons per minute, 129 acre-feet per year, for the irrigation of 38 acres from March 1 to November 1 each year (Less any water withdrawn under Ground Water Certificate No. 406 and WWAC 595)

It should be noted that per the written agreement Lot No. 4 was to receive all of the surface water right from Spring Branch under WWAC 595. Walla Walla Adjudicated Certificate No. 595 authorized 38 acres of irrigation and Lot No. 4 is approximately 13 acres of land. Spring Branch only flows through Lot Nos. 3 and 4. Reportedly this right has only been used on Lot No. 4, since the land was subdivided in 2001. Any portion of this water right that is not beneficially used for a period of five consecutive years is subject to relinquishment.

Aerial photographs were used to help verify the extent of development, historical use and beneficial use of Ground Water Certificate No. 406-A and 6508-A. It appears that much of the place of use was historically irrigated up to possibly 40 acres of land. Over time it appears the actual irrigated acres have been reduced by encroachment of riparian vegetation, roads and building. It appears currently only about 30 acres within the place of use are irrigable. Of the land that is irrigable it appears much of it has not been irrigated since the land was subdivided in 2001. Any water right or portion of a water right that is not beneficially used for a period of five consecutive years is subject to relinquishment. The current status of each lot is as follows:

- Lot No. 1 (10.12 deeded acres owned by Mark and Shamaree Fortune, per Walla Walla County Assessor) It appears that approximately 7 acres of land are irrigable within this lot. It appears most of the 7 acres have been irrigated since 2005 by utilizing Well No. 2 which was added under a Showing of Compliance (RCW 90.44.100). The validity and extent of this portion of the right are not determined in this report and has only been estimated with available information.
- Lot No. 2 (10.01 deeded acres owned by Lars Dias, per Walla Walla County Assessor). It appears approximately 2-3 acres of lands are still irrigable, but have not been irrigated since 2001. Much of this lot appears to be undeveloped. The validity and extent of this portion of the right are not determined in this report and have only been estimated with available information.
- Lot No. 3 (10.01 deeded acres owned by Keith and Jane Pumphrey, per Walla Walla County Assessor) It appears approximately 6.3 acres of land are still irrigable within this lot and have been irrigated since 2001 by utilizing the authorized well (Well No. 1) and/or Spring Branch. The validity and extent of this portion of the right are not determined in this report and have only been estimated with available information.
- Lot No. 4 (13.05 deeded acres owned by Kathleen McCaw, per Walla Walla County Assessor) It appears approximately 9 acres of land are still irrigable, but have not been irrigated since 2001. The validity and extent of this portion of the right are not determined in this report and have only been estimated with available information.
- Lot No. 5 (5.9 acres owned by Judith Holloway, per Walla Walla County Assessor) It appears approximately 4 acres of land are still irrigable. The remainder of the lot is covered in riparian vegetation. In 2001, the main line from the authorized well was cut to this lot. In October of 2002, Judith Holloway submitted a change to Ecology to add a well to her portion of the water right. Since that time she has been unable to utilize the authorized source. Because she was not allowed access to the authorized source, Judith Holloway was not able to exercise the water right after 2001. She does have a fixed and determined plan, per this change application dated October 15, 2002. With the determined plan and the inability to use water on the authorized place of use it appears 4 acres of the right are available for change (RCW 90.14.140[c]).

Walla Walla Adjudicated Certificate No. 595: This water right certificate authorizes 38 acres of irrigation within the place of use of Ground Water Certificate Nos. 406-A and 6508-A. Walla Walla Adjudicated Certificate No. 595 was issued as a primary right and Ground Water Certificate Nos. 406-A and 6508-A were issued as alternate rights. It appears the total under all three rights is 40 acres of irrigation. The place of use of this Walla Walla Adjudicated Certificate No. 595 does not describe the portion owned by Judith Holloway. Therefore, this adjudicated water right is not appurtenant to her portion of the place of use. The validity and extent of this right 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 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.

This application is requesting authorization to add a well, granted under Ground Water Certificate No. 406-A. It appears the Ground Water Certificate No. 406-A has been partially exercised and beneficially used in the past.

FINDINGS

There is a water right available for change/transfer under Ground Water Certificate No. 406-A in the amount of 18 gallons per minute, 16 acre-feet per year for the seasonal irrigation of 4 acres. This is only applicable to Lot No. 5 which is owned by Judith Holloway.

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

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, 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.

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 RCW 90.03 and RCW 90.44, this application for change (by adding a point of withdrawal, granted under Ground Water Certificate No. 406-A) 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 a water right (by adding a point of withdrawal, granted under Ground Water Certificate No. 406-A) is **approved**, subject to the following provisions:

“The total amount of water authorized for withdrawal under Ground Water Certificate Nos. 406-A and 6508-A for Lot No. 5 only, is a maximum of 34 gallons per minute, 16 acre feet per year, each year, for the seasonal irrigation of 4 acres.”

“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 and required.”

"An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request."

"The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements.

The portions of the rights appurtenant to the property owned by Judith Holloway were issued as supplemental to one another. The term “supplemental” is no longer used per Policy POL-1040, therefore her portion of Ground Water Certificate No. 406-A is a primary right and her portion of Ground Water Certificate No. 6508-A is an alternate right. The relationship of her portion of the rights is as follows:

Relationship between Ground Water Certificate Nos. 406-A and 6508-A

Water Right	Primary Qi	Primary Qa	Alternate Qa	Primary acres	Non-Additive Acres
406-A	18	16	---	4	---
6508-A	16	---	14	---	4
¹Total	34	16		4	

¹Total: 34 gallons per minute, 16 acre-feet per year for the irrigation of 4 acres

HYDROGEOLOGIC ANALYSIS

Applications for change of ground 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 water 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.

The basalt aquifer system is comprised of a series of zones, some of which easily conduct water. These high-conductivity zones alternate with zones of dense basalt, which impede the flow of water, and are considered to have low hydraulic conductivity. The highly permeable basalt zones range in thickness from a few feet to 25 feet or more. It is the composite of these permeable, water conducting zones that constitutes the “basalt aquifer” within the sub basin.

Authorized and Proposed Wells

Original Well No. 1 (Ground Water Certificate No. 406-A) is identified as 48” x 18 feet deep. The well was constructed in 1949. The static water level is described as 4 feet below land surface and the land surface elevation is approximately 700 feet above mean sea level. The well is described as being cased to a depth of 18 feet. It appears that this well was decommissioned in 1968 and was replaced.

Replacement of Well No. 1 (Ground Water Certificate No. 6508-A) is identified as 8” x 116 feet deep. The well was constructed in 1968. The static water level is described as 4 feet below land surface and the land surface elevation is approximately 700 feet above mean sea level. The well is described as being sealed to a depth of 18 feet with perforated casing extending to a depth of 85 feet. The well log suggests that it was completed into the unconsolidated aquifer.

Well No. 2 is identified as 8” x 80 feet deep. The well was constructed in 2005. The static water level is described as 4 feet below land surface and the land surface elevation is approximately 700 feet above mean sea level. The well is described as being cased and sealed to a depth of 78 feet. The well log suggests that it was completed into the unconsolidated aquifer. The well was added under the Showing of Compliance (RCW 90.44.100) form.

Well No. 3 is proposed to be constructed for the irrigation of Lot No. 5. The well must be completed into the unconsolidated aquifer.

EXISTING RIGHTS

A review of Ecology records was conducted for existing water rights, permits, and claims in the surrounding area of the Holloway Project. The search focused primarily on Sections 10 and 11, T. 6 N., R. 35 E.W.M. The review of Ecology records shows one water right appurtenant to the authorized place of use, which is as follows:

Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements."

"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 conditions, and to inspect at reasonable times any measuring device used to meet the above conditions."

"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)."

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

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

"Upon completion of the project and full beneficial use, and after a final examination is made, Ecology will issue a Certificate of Change."

"Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations."

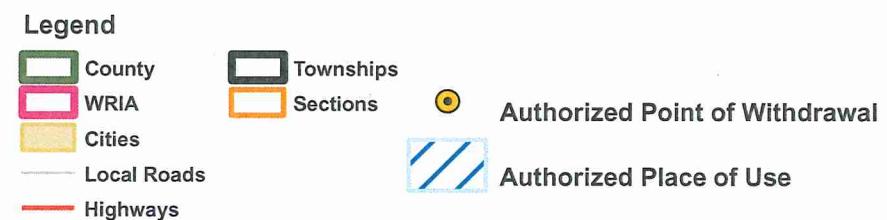
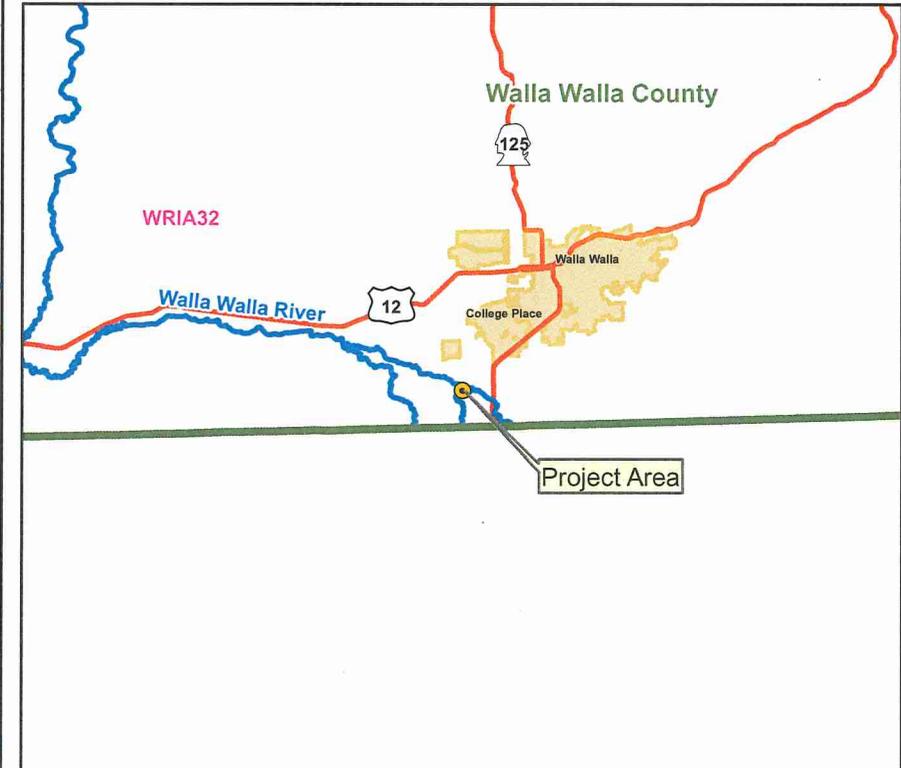
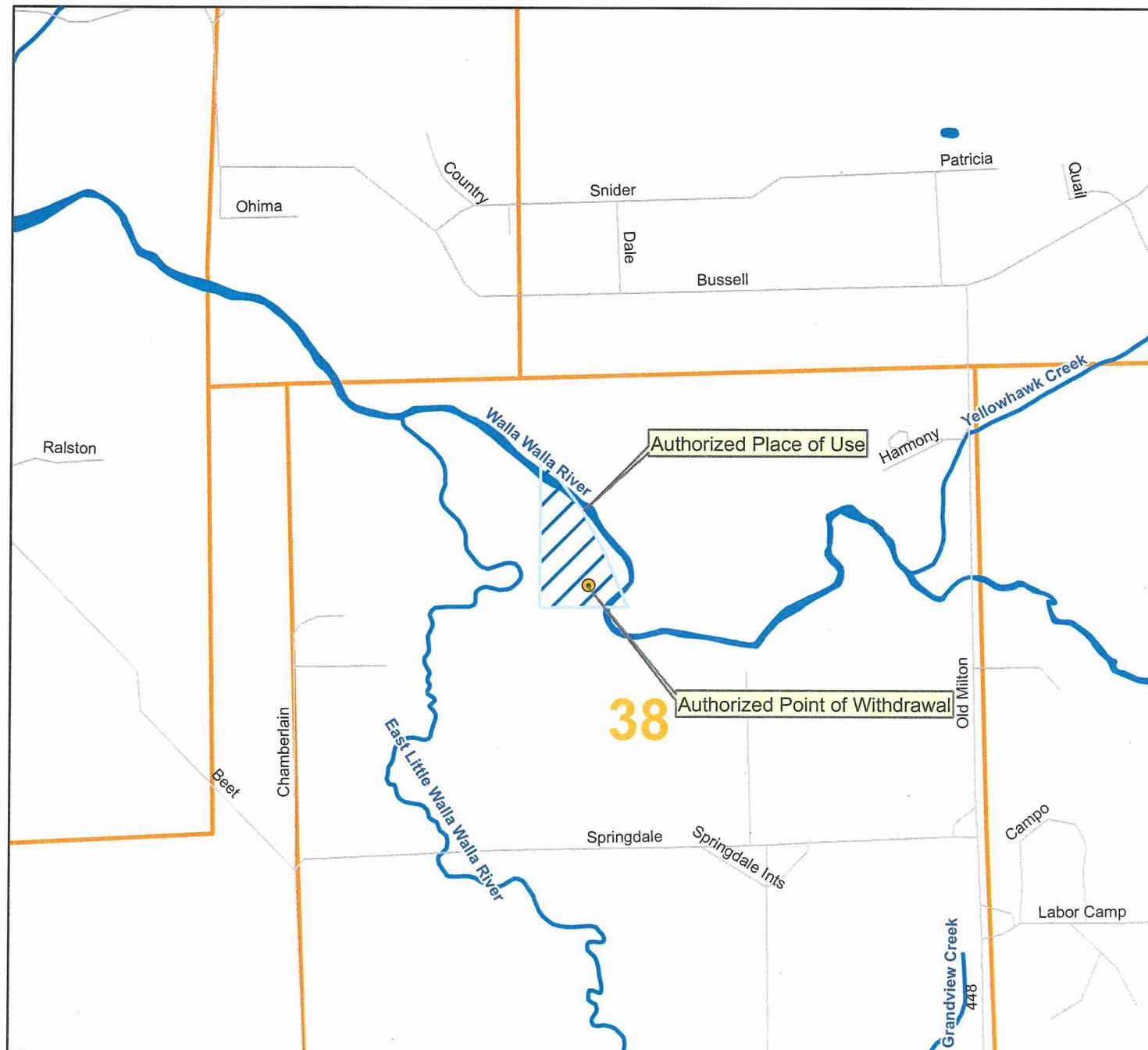
"This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise."

"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."

Signed at Spokane, Washington
this ____ day of ____, 2009

DAN TOLLESON
Water Resources Program
Eastern Regional Office
Department of Ecology

W/Draft ROEs/Tolleson2009/Holloway 406-A



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.'

