State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT CHANGE

Changed Place of Use
Added Point of Withdrawal

PRIORITY DATE
October 2, 1973

WATER RIGHT NUMBER
G3-21959(A)

MAILING ADDRESS
Stanley Hughes
1024 Mojonnier Road
Walla Walla, Washington 99362

SITE ADDRESS (IF DIFFERENT)

Total Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
10	GPM	3.5

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE ADDITIVE	WITHDRAWAL OR DIVERSION RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Irrigation	10			2.5		1/1 – 12/31
Single Domestic Supply				1		

IRRIGATED ACRES ADDITIVE	IRRIGATED ACRES NON-ADDITIVE	PUBLIC WATER SYSTEM INFORMATION WATER SYSTEM ID	PUBLIC WATER SYSTEM INFORMATION CONNECTIONS
0.65			

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
A well	350602510003		6 N.	35 E.	2	SW¼NW¼	46.0303	118.4072

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

350602510003

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Lot 3 of Ridgeview Acres Subdivision according to the plat thereof recorded in the Walla Walla County Recorder's Office

Proposed Works

Well, pump and distribution system for domestic supply and yard sprinklers

Development Schedule

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

Measurement of Water Use

How often must water use be measured?	Monthly
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

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.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Eastern Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Eastern Regional Office for forms to submit your water use data.

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 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, contracting with a Certified Water Right Examiner (CWRE) 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.

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.

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 Application for change to Ground Water Certificate No. G3-21959(A), 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 24th day of June, 2015.

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 CG3-21959C
Water Right Certificate No. G3-21959(A)

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number CG3-21959C (Ground Water Certificate No. G3-21959C).

Authorized Attributes of the Water Right and Proposed Change

	Authorized	Proposed "A" portion	Proposed "B" Portion
Name	Ramona Starr	Stanley Hughes	Greg and Ramona Large
Priority Date	October 2, 1973		
Change Application Date		11/3/2009	11/3/2009
Instantaneous Rate	20 gpm	10 gpm	10 gpm
Annual Quantity	6.84 af/y	4.09 af/y	2.75 af/y
Purpose(s) of Use	Irrigation of 5.5 acres and single domestic supply	Irrigation of 0.75 acres and single domestic supply	Irrigation of 0.75 acres
Period of Use	01/01 - 12/31	01/01 - 12/31	01/01 - 12/31
Place(s) of Use	Lot 3 of Ridgeview Acres Subdivision according to plat	Lot 3 of Ridgeview Acres Subdivision according to plat (no change)	Lots 1 & 2 of Ridgeview Acres Subdivision according to plat

Authorized Source of Withdrawal

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well (Lot No. 3)	350602510003	6 N.	35 E.	2	SW¼NW¼	46.0303	118.4072

Proposed Sources of Withdrawal

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well (Lot No. 3) Portion A	350602510003	6 N.	35 E.	2	SW¼NW¼	46.0303	118.4072
Well (Lot No. 1) Portion B	350602510001	6 N.	35 E.	2	SW¼NW¼	46.0307	118.4061

CFS = Cubic Feet per Second; GPM = gallons per minute; Af/y = 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 April 16 and 23, 2009. No protests were received regarding this notice.

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, existing and proposed 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 Eric Hartwig on June 8, 2015. The project is located just to the south 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 authorized place of use describes 1.53 acres of land, within Lot 3, currently owned by Stanley Hughes. This parcel of land has a house, driveway and a large irrigated yard. The portion of the place of use lying behind the house and yard is a field with a few trees that is currently not irrigated. The originally authorized well is located within this lot and remains the only source of water for Lot 3. This well is proposed to be retained to provide water for the portion of the water right that is not moved. The well has a submersible pump with no flow meter.

History of Water Use

Ground Water Certificate No. G3-21959C was issued in 1980 for 20 gallons per minute, 5.5 acre-feet per year, for the irrigation of 1.5 acres and 1.34 acre-feet for single domestic supply. Aerial photographs were used to help verify the extent of development, historical and beneficial use of this water right.

Historically, the entire place of use was irrigated less the house and driveway which is approximately 1.3 acres. In 2009, this application for change was received. It requested to change a portion of the place of use and add a well to the lots immediately to the east of the original project. A new house was built within the proposed place of use in 2009. Shortly thereafter, 0.65 of an acre was irrigated within the proposed place of use. This is consistent with quantities that were proposed to be moved to this site. Irrigation within the original place of use has been reduced to approximately half of what was historically irrigated or 0.65 of an acre. Therefore, a total of 1.3 acres of irrigation have been put to beneficial use under this water right.

The maximum authorized water duty of this certificate is 5.5 acre-feet per year for the irrigation of 1.5 acres. Historically, the highest water use under this certificate was for the irrigation of lawn. The State of Washington Irrigation Guide (WA210-VI-WAIG) states that an estimated 2.9 acre-feet per acre, is required for grass/turf in the Walla Walla area. At a 75% efficiency rate of application, the maximum water duty, for the crop listed above is 3.9 acre-feet per year, per acre. This results in an allocation of 5 acre-feet per year for the irrigation of 1.3 acres.

The maximum authorized instantaneous quantity of this certificate is 20 gallons per minute. It is estimated that this instantaneous quantity was historically put to full use. It appears that the existing and proposed irrigation systems may have more capacity than authorized under the right, but this was not confirmed since there was no flow meter. Water production for each system will need to be verified and reduced if necessary so as not to exceed the authorized quantity.

The domestic supply portion of the right continues to be used for the house within the originally authorized place of use, Lot 3. The water right originally authorized 1.34 acre-feet of water for in-house domestic supply. A typical allocation for a single home with in-house use in this area is 1 acre-foot. Therefore, the in-house domestic supply portion of this right will be reduced to 1 acre-foot, per year.

Proposed Use

The applicants propose to change a portion of the place of use and to add a new point of withdrawal. This change is intended to split the irrigation portion of the water right into two equal parts. The single domestic supply portion of the water right is proposed to remain with the originally authorized house. Given the history of beneficial use listed above, the water right has been reduced the following quantities and split accordingly.

Summary of Water Right Split for Irrigation Portion of G3-21959C

Land Owner	Lot	Portion	Parcel(s)	GPM	AF/Y	Acres of Irrigation
Hughes	Lot No. 3	A*	350602510003	10	2.5	0.65
Large	Lot Nos. 1-2	B	350602510001 & 350602510002	10	2.5	0.65
			total	20	5	1.3

*This portion of the right, also has an additive in-house single domestic supply of 1 acre-foot

Measuring and Reporting Water Use

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 monthly 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.

Well Tags

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 were conducted for existing water right certificates, permits, and claims appurtenant to the project. The search focused primarily on Section 2, T. 6 N., R. 35 E.W.M. The review of Ecology records shows two other water rights appurtenant to the authorized and proposed places of use.

Lower Stone Creek Adjudicated Certificate No. 44 authorizes up to 0.84 cubic feet per second, for the irrigation of 63 acres, within a large legal description. This water right is not used within the authorized or proposed places of use of Ground Water Certificate No. G3-21959C.

Ground Water Certificate No. 6896-A, together with relinquishment issued 9/29/2004, authorizes 200 gallons per minute, 60 acre-feet per year for the irrigation of 24 acres; 2 acre-feet for domestic supply and 1 acre-foot for stockwater, all within a large legal description. This water right appears to be less any

water diverted under Lower Stone Creek Adjudicated Certificate No. 44. This water right is not used within the authorized or proposed places of use of Ground Water Certificate No. G3-21959C.

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

Hydrologic/Hydrogeologic Evaluation

Applications for change/transfer 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. 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.

The following hydrogeologic analysis was written by John Covert, Senior Hydrogeologist in the Water Resources Program Technical Unit in Ecology's Eastern Regional office.

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 interfingered 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 existing point of withdrawal for this change application is a 6"x175' well constructed in 1971 in the SW¼ NW¼ of section 2, T06N R35E. It was completed in unconsolidated sand and fine gravel and reported a static water level of 57 feet. The proposed well is listed as a 6"x201' well with a well tag of AKO729. It was constructed in 2009 in the SW¼ NW¼ of Section 2, T06N R35E. It was completed in gravel with brown clay and reported a static water level of 47 feet. Both the original point of withdrawal and the proposed point of withdrawal are completed in the same body of public groundwater, the Walla Walla gravel aquifer.

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 portion of the right proposed for change, has been exercised and beneficially used from the proposed source for the last five years. There has been no documented history of pumping interference problems between existing wells in this area. The proposed change to add a point of withdrawal will not enlarge the quantity of water withdrawn from the aquifer, nor increase the irrigated acres. Several wells already exist in the vicinity of the proposed location. The instantaneous rate of withdrawal for the wells associated with this change application will not exceed what is already being exercised. It is not anticipated that the proposed change would cause any impairment to existing water rights.

Public Interest Considerations

There has been no public expression of protest or concern regarding this specific proposal, and no findings through this investigation that indicate 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 change a portion of the place of use, and add one point of withdrawal as granted under Ground Water Certificate No. G3-21959C 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:

10 gallons per minute
3.5 acre-feet per year
Single Domestic Supply and the irrigation of 0.65 of an acre

Point of Withdrawal

SW¼NW¼ of Section 2, Township 6 N., North, Range 35 E.W.M.

Place of Use

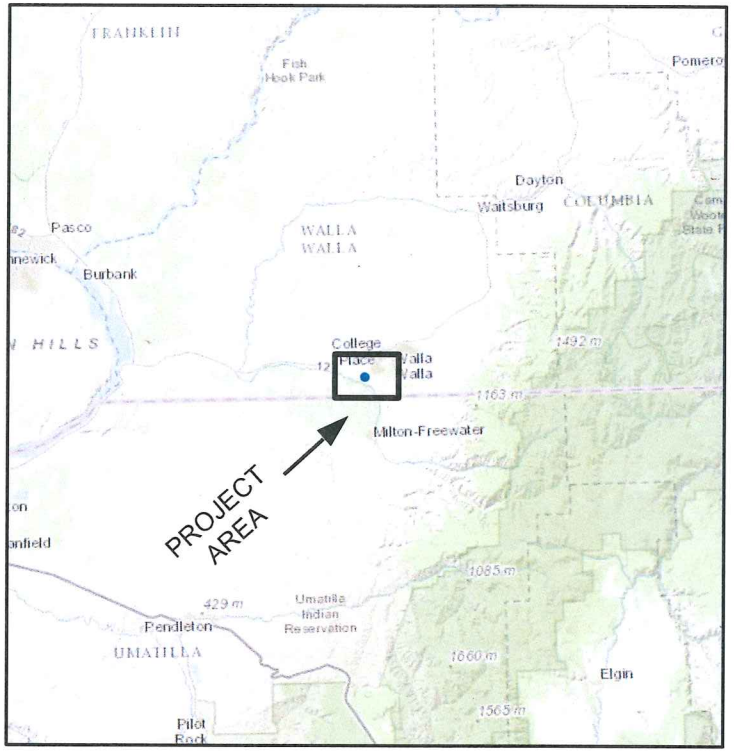
As described on Page 2 of this Report of Examination.

Dan Tall 6-24-2015

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.

Stanley Hughes
G3-21959(A)
T06N/R35E



Basemap - (ESRI US Topographic Maps)

Legend

Authorized Place of Use

Townships

Sections

Authorized Point of Withdrawal

(Source locations may vary in their accuracy and precision as stated within the body of the report.)

Feet
0 165 330 660

Basemap - (NAIP 2013 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 6/23/2015

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