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DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION
Change Point of Withdrawal

PRIORITY DATE
September 15, 1939

WATER RIGHT NUMBER
398-D(C)

MAILING ADDRESS
Roger O. Cockerline
1088 Frankland
Walla Walla, WA 99362

SITE ADDRESS (IF DIFFERENT)
149 Bunchgrass Lane
Walla Walla, WA 99362

Source
A Well – Alluvial aquifer, in hydraulic continuity with Mill Creek.

Quantity Authorized for Withdrawal

WITHDRAWAL RATE	INSTANTANEOUS QUANTITY (GPM)	ANNUAL QUANTITY (AF/YR)
The total quantity authorized for 398-D(C) and 4082-A(C) is less any water used under surface water rights WWRAC 590(D) and WWRAC 731(D)	23.58	18.87

Purpose of Use
Irrigation: 23.58 gallons per minute, 18.87 acre-feet per year for irrigation of 10.99 acres

Source Limitations

SOURCE FACILITY/DEVICE	DIVERSION RATE (gpm)	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE (mm/dd)
A well	23.58	18.87	Year around

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Walla Walla	Alluvial aquifer		32-Walla Walla

SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
POW	350727110004	7 N.	35 E.	27	NE¼NE¼	46.0606885	118.4143883 Datum: WGS84

Place of Use (See Attached Map)
LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

11.99 acres within parcel #350727110004, and within portions of the NE¼ of Sec. 27, Township 7 N., Range 35 E.W.M., more specifically described as Blalock Orchards Parcel B, as shown and recorded on SP 4-41, SP 4-53, Book 10 Page 144, June 5, 2007, County of Walla Walla, State of Washington

Proposed Works

One well, pump, pipes, sprinklers (already completed)

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	Completed	January 2017

Measurement of Water Use

How often must water use be measured?	Weekly
How often must data be reported to Ecology?	Annually
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Diversion (gpm)

Provisions

Relationship to Other Rights

The total instantaneous quantity (Qi) of water allocated under surface water rights WWRAC 590(D) and supplemental (additive) right WWRAC 731(D) is limited to:

0.155 cfs (April 1 – July 1)
0.199 cfs (July 1 – October 1)
0.24 cfs (October 1 – April 1)

The total annual quantity (Qa) of water allocated under the two surface water rights is limited to 42.97 acre-feet/year for the irrigation of 10.99 acres.

Groundwater Certificate No. 398-D(C) and No. 4082-A(C) are alternate source groundwater rights that include the place of use of surface water rights WWRAC 590(D) and WWRAC 731(D). Instantaneous and annual quantities authorized for these two groundwater rights are non-additive, so quantities of groundwater used must be less any water used under the two surface water rights.

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 it's 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 shall 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 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, 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.

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 right 398-D(C), 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 **Pollution Control Hearings Board** 1111 Israel Road SW Ste 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 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
Ying Fu, Department of Ecology
Water Right Control Number
Ground Water Certificate No. 398-D(C)

BACKGROUND

Ground Water Certificate 398-D was issued to Oliver E. Cockerline in 1947, as an alternate source for surface water rights WWRAC 590 and 731, and based on a declaration which claimed beneficial use of ground water. The certificate authorized a well, a point of withdrawal (POW), which is located within the SE¼SE¼ of Sec. 22, Township.7 N.and Range 3 5E.W.M. in Walla Walla, Washington.

In 2006, the original place of use (POU) for Certificate 398-D was split among three land owners: Cheryl Scholl/Michael Lasher; Roger Cockerline and Bunch Grass LLC. On May 13, 2013, the three land owners filed a Request for Administrative Confirmation of Division of a Water Right to split Certificate 398-D into: 398-D(A) for Scholl/Lasher; 398-D(B) for Bunchgrass LLC, and 398-D(C) for Roger Cockerline. The administrative division was approved by Ecology in June of 2013 and superseding certificates were subsequently issued.

Application

On June 26, 2013, Roger Cockerline filed a change application to formally change the legal POW of GW 398-D(C) to the location where water is currently being pumped from an existing well. The application proposes to change the POW from the well in the SE¼SE¼ of Section 22 to a well in the NE¼NE¼ of Section 27, all within T. 7 N., R. 35 E.W.M.

The proposed well was installed November 2005. It is located in the NE¼NE¼ of Sec. 27, T. 7 N., R. 35 E.W.M. at GPS coordinates 46.0606885; -118.4143883. The well has been in use since 2006, without legal authorization.

The place of use for Certificate 398-D(C) is 11.99 acres within portions of the NE¼ of Sec. 27, Township 7 N., Range 35 E.W.M., more specifically described as Blalock Orchards Parcel B, as shown and recorded on SP 4-41, SP 4-53, Book 10 Page 144, June 5, 2007, County of Walla Walla, State of Washington, as shown on the map below.

Cockerline POU for 398-D(C) and 4082-A(C)

Attributes of the Existing Water Right and Proposed change

Table 1 GW 398-D(C) Existing and Proposed Attributes

Attributes	Existing	Proposed
Name	Roger O. Cockerline	same
Priority Date	September 15, 1939	same
Instantaneous Quantity: Qi gpm	23.58	same
Annual Quantity: Qa (acre-feet/yr)	18.87	same
Purpose of Use	Irrigation	same
Place of Use: for the irrigation of 11.79 acres	11.99 acres within portions of the NE¼ of Sec. 27, Township 7 N., Range 35 E.W.M., more specifically described as Blalock Orchards Parcel B, as shown and recorded on SP 4-41, SP 4-53, Book 10 Page 144, June 5, 2007, County of Walla Walla, State of Washington	same
Point of Withdrawal	SE¼SE¼ of Sec.22, T. 7 N., R. 35 E.W.M.	NE¼NE¼ of Sec. 27, T. 7 N., R. 35 E.W.M.

Legal Requirements for Proposed Change

- **Public Notice**

  RCW 90.03.280 requires that notice of a water right application be published once a week for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in The Walla Walla Daily Union-Bulletin, a daily newspaper for the County of Walla Walla, during the weeks of July 24 and July 31, 2013. No protests or objections were received.

- **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.

  - It is a surface water right application for more than one cubic feet 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;

- It is a groundwater right application for more than 2,250 gallons per minute;
- It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- 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);
- 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.

This application is exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21 RCW, due to the fact that the cumulative quantities of water for this project under all water rights constitute a withdrawal of less than 2,250 gallons per minute, and none of the other conditions described above are met.

- **Water Resources Statutes and Case Law**

RCW 90.03.380(1) allows for a water right that has been put to beneficial use to be changed. The point of diversion, place of use, and purpose of use may be changed if the change would not result in harm or injury to existing 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. When changing or adding points of withdrawal to groundwater rights (RCW 90.44.100), the wells must draw from the *same body of public groundwater*.

INVESTIGATION

Reports and materials considered during the course of this investigation include the following:

- Change application for GW 398-D(C).
- State Water Code, administrative rules and policies, relevant case law
- Related water right files
- Notes documenting one site visit by Ying Fu and other Ecology WRP staff
- Washington Irrigation Guide (WIG)
- Aerial photographs when they are available for the past 10 years
- USGS topographic maps

- Farm Service Administration crop records
- Walla Walla County Assessor records
- Discussions with other staff in Ecology's ERO Water Resources Program

Site Inspections

The project site is located approximately one mile west of City of the College Place and four miles west of the City of Walla Walla, along State Hwy 12 in Walla Walla County, Washington.

A field examination was conducted by Ying Fu and Ecology staff Dan Tolleson and Jeff MacLennan on July 12, 2012. A meeting was conducted to meet with all five land owners and water right holders to discuss pending change applications for surface water rights WWRAC 590(B) and WWRAC 731(B) and Ground Water Certificates 398-D & 4082-A, prior to the administrative division of these rights in 2013.

Mr. Richard Czyhold provided copies of historical FSA crop records for all farm land in the collective places of use of these water rights. From 1980s to 2006, Mr. Czyhold farmed the approximate 120 acres which covered the place of use of the original ground water rights: 398-D and 4082-A. From 2007 to 2012 Mr. Ted Reid planted and harvested Mr. Cockerline's land as the contract famer. In 2013, Mr. Cockerline farmed part of his own land, and alfalfa was planted as the only crop in 2013. Crop records submitted from 1998 to 2010 show crops have been rotated; they include pasture, alfalfa, wheat, barley, and oats. The irrigation system was set up using handline piping system and sprinklers.

Dan Tolleson took a GPS reading for the proposed Cockerline well which was installed in 2005. This new well was an unauthorized added POW to Certificates 398-D and 4082-A, before these rights were administratively divided in 2013. The GPS reading was N46.0606885; W118.4143883. This POW has been in use since 2006, without legal authorization from Ecology.

At the time of the site visit, a pumping system was online. The water meter serial number is 1200234. Pumping or metering records were not provided at the time of our visit.

Other Rights Appurtenant to the Place of Use

Two surface rights cover the same POU as Groundwater Certificates 398-D(C) and 4082-A(C). They are the primary water rights to irrigate the combined 10.99 acres for the land owner's 11.99 acre parcel. The two ground water rights are alternate source water rights that cover the same place of use as the surface water rights WWRAC 590(D) and WWRAC 731(D). Table 2 below shows the existing allocations for each of the four rights.

WWRAC 590(D) -- Walla Walla River Adjudicated Certificate Vol. 4A, Page 590, was issued August 22, 1929. The water source was from Spring Branch, a tributary to Mill Creek. In 2006, Superseding Certificate WWRAC 590(B) (a split from the original right) was issued to the Estate of Alta P. Cockerline c/o Roger Cockerline. In June 2013, the B portion of the right was further divided into two parts through filing an Administrative Confirmation of Division of a Water

Right. The previously shared (by three land owners) WWRAC 590(B) is now divided into 590(B) for Bunchgrass LLC, and 590(D) for Roger Cockerline. In the division process, Scholl/Lasher claimed zero interest in their previously owned portion of WWRAC 590(B).

WWRAC 731(D) – Walla Walla River Adjudicated Certificate Vol. 4B, Page 731, was issued August 23, 1929. In 1974, certificate of change No. 118 was issued to move the point of diversion (POD) for WWRAC 731 from NW¼NW¼ Sec. 26 to NW¼SE¼NE¼ Sec. 27, all within T. 7 N., R. 35 E.W.M. In 2005, WWRAC 731 w/change No. 118 was subsequently administratively split into three rights: WWRAC 731(A), 731(B) and 731(C).

In June 2013, the B portion of the right was further divided into two parts through filing an Administrative Confirmation of Division of a Water Right. The previous shared (by three land owners) WWRAC 731(B) is now divided into 731(B) for Bunchgrass LLC, and 731(D) for Roger Cockerline. In the division process, Scholl/Lasher claimed zero interest in their previously owned portion of WWRAC 731(B).

4082-A(C) -- Ground Water Certificate No. 4082-A was issued in 1960 as a supplemental groundwater right for the Ground Water Right 398-D, which was issued as an alternate source for Surface Water Rights WWRAC 590 and 731. In 2013, Certificate 4082-A was administratively split into three rights: 4082-A(A) for Scholl/Lasher, 4082-A(B) for Bunchgrass LLC, and 4082-A(C) for Roger Cockerline.

Table 2 Allocations for Roger Cockerline Water Rights

	Qi (cfs or gpm)	Qa (ac-ft/yr)	Acres (POU)	Acres (irrigated)
WWRAC 590(D)	0.09 cfs (A-J) 0.07 cfs (J-O) 0.14 cfs (O-A)	35.09	11.99	7.03
WWRAC 731(D)	0.065 cfs (A-J) 0.049 cfs (J-O) 0.10 cfs (O-A)	24.86	11.99	4.96
Alternate source groundwater				
398-D(C)	23.58 gpm	18.87	11.99	11.79
4082-A(C)	44.92 gpm	44.92	11.99	11.23

In addition, a review of Ecology records was conducted for existing water rights surrounding the project's place of use. The search focused primarily on Section 27, Township 7 N., and Range 35 E.W.M. Table 3 below lists those water rights that overlap some of the place of use of Certificate 398-D(C).

Table 3 Summary of Water Rights Overlapping POU with 398-D(C)

Water right #	Priority date	Recorded name	Purpose of use	Source water	Place of use
WWRAC 396	1892	Blalock Irrigation District No. 3	Irrigation	Mill Creek	369.66 acres within the District
WWRAC 621	1904		Irrigation	Mill Creek	247.44 acres within the District
WWRAC 636	1904		Irrigation	Spring branch	14.1 acres within the District
WWRAC 649	1904		Irrigation	Lower Butcher Creek	5 acres within the District

WWRAC 396, 621, 636, 649: These four adjudicated surface water rights belong to the same water right holder: Blalock Irrigation District #3. Their combined irrigated acres are approximately 500 acres and overlap with the POU of 398-D(C). The District diverts water from different surface water sources. The changes proposed in this ROE would not interfere, or have any impact to the District's ability to provide water to its customers.

History of Water Use

Washington State Supreme Court, in Okanogan Wilderness vs. Town of Twisp and Department of Ecology 133 Wn.2d 769,947 P.2d 732 (1997), held that applications for change may be granted only to the extent the water has been 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 relinquished or abandoned, before the Department can approve a change or transfer of the water right. While the superior court, through an adjudicative process, is the only authority that can make a final determination as to a water rights extent, validity and priority, Ecology is required to make a tentative determination of these factors for purposes of making decisions on change applications.

The site visit, past 10 years of aerial photos, contract farmers' personal statements and FSA crop records confirm that water has been historically and beneficially used on Roger Cockerline property within the legally authorized place of use of 11.99 acres. Although no metering records or power records were presented by Mr. Cockerline, the crop records submitted allow calculation of historical water use for Mr. Cockerline's property.

The quantities of water beneficially used were determined by using the Washington Irrigation Guide, and the FSA crop records, aerial photos, to estimate water use for the highest water duty crop grown in the most recent five consecutive years, which is alfalfa.

Beneficial Use Acre-ft per acre

The equation to calculate the water use per acre unit is as following:

(1 acre x $\frac{[1]\text{Crop water need}}{12 \text{ inch/1ft}}$ / [2]Ea) = ___?___AF (acre-feet)

[1] The specific crop water need is based on Washington State Irrigation Guide 2010. Alfalfa requires 32.85 inches of water in the project area.
[2] The application efficiency Ea is determined in Ecology guidance document GUID-1210. For hand-line irrigation, it is determined to be 75% efficient.

(1 acre x 32.85 inch/12 inch/ft)/75% / 1 acre = 3.65 acre-ft/acre

Estimate of Irrigated Acres

Mr. Cockerline states through email communications that his house, access road and yard, etc. occupy approximately 0.99 acres of the parcel and, the riparian buffer area is approximate 0.5 acre along Mill Creek. The riparian area was established in the 2001, through a contract with FSA for the CREP program. The Contract was signed for a larger riparian area of 5.9 acres before the Estate of Alta P. Cockerline c/o Roger Cockerline property was divided in 2005-2006. The contract expired in 2011, but the riparian areas remained non-irrigated.

According to the 2011 aerial photo digitization of irrigated, riparian buffer and residential areas of the 11.99 acre parcel, the irrigated acres were approximately 9.97 acres, the riparian area is approximately 1.02 acre, and the residential area is approximately one acre. The historical beneficial use therefore is determined to be approximately on 10.99 acres.

Annual Beneficial Use (Qa)

The annual quantity of water needed to irrigate 10.99 acres of alfalfa is calculated to be:

10.99 acre x 3.65 acre-ft/acre = 40.11 acre-ft

This total annual quantity of 40.11 acre-ft is for combined Qa of the two ground water rights as alternate source: water right 398-D(C) and 4082-A(C). Therefore if Qa of 398-D(C) is to remain the original Qa quantity 18.87 acre-feet, the supplement 4082-A(C) Qa allocation will be 40.11 – 18.87 = 21.24 ac-ft. In actual irrigation practice, the ground water use of Qa should be less any water quantity used under the two surface water rights.

The new allocation for supplemental certificate 4082-A(C) should be the highest historical beneficial use less any amount authorized to the alternate source certificate 398-D(C) as following:

40.11 - 18.87 = 21.24 acre-ft

Similar calculations will be made for Cockerline's other three water rights. The annual quantities authorized for all four rights are shown in Table 4.

Table 4 Annual Quantities authorized for Cockerline Water Rights

Water Right No.	Original Qa (ac-ft/yr)	New Qa (ac-ft)	Original Acres (irrigated)	New Acres (irrigated)
WWRAC 590(D)	35.09	22.01[3]	7.03	6.03
WWRAC 731(D)	24.86	18.10[3]	4.96	4.96
Alternate source				
398-D(C)	18.87	18.87[4]	11.79	10.99
4082-A(C)	44.92	21.24[4]	11.23	10.99

[3] The Total Qa for the two surface water rights is 22.01 + 18.01 = 40.11 acre-ft, which is equivalent to the calculation of 10.99 acres x 3.65 ac-ft/acre = 40.11 ac-ft based upon a water duty for alfalfa.

[4] The total Qa for the alternate source of two ground water rights is also 40.11 ac-ft (without using the surface water rights). The ground water rights are non-additive for Qa. The annual usage quantity should be less any water used under WWRAC 590(D) and WWRAC 731(D).

Instantaneous Quantity (Qi)

In the absence of pumping/metering data, is is assumed that instantaneous pumping at the source has historically been at the fully authorized quantities. Therefore, authorized instantaneous quantities for the two groundwater rights will remain the same as the quantities authorized in the superseding certificates issued in 2013.

Hydrologic/Hydrogeologic Evaluation

John Covert, Department of Ecology Hydrogeologist, provided the following analysis:

The original well, located within the SE¼SE¼ Section of 22, T. 7 N., R. 35 E.W.M., was dug in 1939 to a depth of 30 feet. It was completed in a water bearing gravel. It had a static water level of 12 feet. The proposed well, located within the NE¼NE¼ section of 27, T. 7 N., R. 35 E.W.M., was drilled in 2005 to a depth of 110 feet. It was completed in unconsolidated sands and gravels. It had a static water level of 5 feet. Both wells are completed in the gravel aquifer of the Walla Walla basin and are completed within the same body of public groundwater.

The original well is in hydrologic continuity with the surface water, Mill Creek. The well proposed to be authorized for use is located approximately 2000 feet north of Mill Creek, which is a tributary to the Walla Walla River. Approval of this proposed change would authorize a change in the POW for 398-D(C) that was made without authorization from Ecology in 2005.

GW 398-D(C) and GW 4082-A(C) Digitized Acres of Irrigated Land within 11.99 acres with 2011 Photo Image

The amended WRIA 32 Basin Water Management Rule (WAC 173-532) was adopted in 2007. Through this rule, instream flows were adopted on Mill Creek for the reach of stream in which the proposed change would take place (WAC 173-532-030[5]). This rule also requires that these instream flow water rights be protected from impairment by all future changes and transfers of both senior and junior water rights (WAC 173-532-030[3]). Based on the hydrogeology of the basin, gravel aquifers are hydraulically connected to surface waters in the basin (WAC 173-532-040[2]).

Impairment Considerations

"Impair" or "impairment" means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection and/or 2) to prevent the beneficial use of the water to which one is entitled, and/or 3) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150).

Groundwater Certificate 398-D(C) and supplemental Groundwater Certificate 4082-A(C) include the authorized place of use of surface water rights WWRAC 590(D) and 731(D). All four rights are owned by Roger O. Cockerline. These rights have been exercised at the current place of use since the 1980s, and water has been pumped from the proposed well since 2005. The change application for 398-D(C) was submitted to change the legally authorized POW, in order to make it reflect the unauthorized change in the POW that occurred eight years ago. Withdrawal of water from the unauthorized well has not caused any impairment to other water users in the past, so exercise of the right in a similar manner should not cause impairment of any water rights in the future.

Public Interest Considerations

There has been no public expression of protest or concern regarding the subject 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 to add a well to the new split water right Groundwater Certificate 398-D(C).

Consideration of Protests and Comments

No protests or comments regarding this application were received.

CONCLUSIONS

Based on the investigation of relevant information regarding the proposed change to Certificate 398-D(C), it is the conclusion of this examiner that irrigation is a beneficial use of water, there will be no enhancement of the existing right, the change will not cause impairment of existing water rights, the change is not contrary to the public interest, and the new well will withdraw water from the same body of public groundwater as the existing well.

RECOMMENDATIONS

Based on the above investigation, I recommend the requested change to Ground Water right 398-D(C) be approved as follows:

Qi = 23.68 gallon per minute
Qa = 18.87 acre-ft per year
Irrigation of 10.99 acres

Groundwater Certificates 398-D(C) and 4082-A(C) are alternate source groundwater rights that include the place of use of surface water rights WWRAC 590(D) and WWRAC 731(D). Instantaneous and annual quantities authorized for these two groundwater rights are non-additive, so quantities of groundwater used must be less any water used under the two surface water rights.

Point of Withdrawal = NE¼NE¼ of Sec. 27, T. 7 N., R. 35 E.W.M.; GPS coordinates N46.00606885; W118.4143883.

Place of Use = 11.99 acres within parcel #350727110004, and within portions of the NE¼ of Sec. 27, Township 7 N., Range 35 E.W.M., more specifically described as Blalock Orchards Parcel B, as shown and recorded on SP 4-41, SP 4-53, Book 10 Page 144, June 5, 2007, County of Walla Walla, State of Washington.

Ying Fu, 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.