DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

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Changed Place of Use
Added Points of Withdrawal

PRIORITY DATE
August 23, 1948

WATER RIGHT NUMBER
Ground Water Certificate No. 1140-A(B)

MAILING ADDRESS
Chuck Streamer
2298 Terrace View
Walla Walla, Washington 99362

Total Quantity Authorized for Withdrawal

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
25	GPM	5.25

Purpose

PURPOSE	WITHDRAWAL RATE ADDITIVE	WITHDRAWAL RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Irrigation	25			5.25		1/1-12/31

IRRIGATED ACRES ADDITIVE	IRRIGATED ACRES NON-ADDITIVE	PUBLIC WATER SYSTEM INFORMATION WATER SYSTEM ID	PUBLIC WATER SYSTEM INFORMATION CONNECTIONS
1.35			

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 No. 2 (Lot 4)	360727410012		7N	36E	27	NE¼SE¼	46.0558	-118.2867

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)
36027410012

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE
Lot 4 as designated on Short Plat Filed August 19, 1988 in volume 2, page 123 of Short Plats, under auditor's file No. 8805569, records of Walla Walla County, Washington. Lying within the NE¼SE¼ of Section 27, Township 7 N., Range 36 E.W.M.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	Completed	January 1, 2014

Measurement of Water Use

How often must water use be measured?	Every other week
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 or cfs)

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.

Well water use data shall be recorded every other week and maintained by the landowner for a minimum of five years. The weekly maximum rate of withdrawal, the annual total volume, and shall be submitted to Ecology by January 31st of each calendar year.

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 change* 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 of change* 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.

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. 1140-A(B), 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 day of 2013.

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-*00981C
Ground Water Certificate No. 1140-A

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number CG3-*00981C under Ground Water Certificate No. 1140-A.

Description and Purpose of Proposed Change
An application for change/transfer was submitted by Chuck Streamer and Ed H. Stonecipher of Walla Walla, Washington, to Ecology on January 22, 2004. They propose to change the place of use, and add two points of withdrawal as granted under Ground Water Certificate No. 1140-A. In addition, they propose to split the water right equally between the two lots within the proposed place of use.

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Attributes of the Existing Water Right and Proposed Change

	Authorized	Proposed "A" portion	Proposed "B" Portion
Name	Max R. Herrmann	Ed H. Stonecipher	Chuck E. Streamer
Priority Date	August 23, 1948		
Change Application Date		January 22, 2004	January 22, 2004
Instantaneous Rate	100 gpm	25 gpm	25 gpm
Annual Quantity	30 af/y	7.5 af/y	7.5 af/y
Purpose(s) of Use	Irrigation of 7 acres	Irrigation of 1.75 acres	Irrigation of 1.75 acres
Period of Use	01/01 - 12/31	01/01 - 12/31	01/01 - 12/31
Place(s) of Use	Portions of SW¼ of Section 33, T. 7 N., R. 36 E.W.M.	Lot 3, within portions of NE¼SE¼ of Section 27, T. 7 N., R. 36 E.W.M.	Lot 4, within portions of NE¼SE¼ of Section 27, T. 7 N., R. 36 E.W.M.

Authorized Source of Withdrawal

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well (Kwong)	360733320032	7N	36E	33	NW¼SW¼		

Proposed Sources of Withdrawal

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well No. 1 (Stonecipher)	360727410011	7N	36E	27	NE¼SE¼	46.0558	-112.2880
Well No. 2 (Streamer)	360727410012	7N	36E	27	NE¼SE¼	46.0558	-118.2867

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/transfer.

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 June 25, and July 2, 2009 and no protests 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.

(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 on December 11, 2012. The project is located on the eastern edge of the City of Walla Walla, 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.

Certificate 1140-A was issued in 1952 and authorized a total of 100 gallons per minute, 30 acre-feet per year for the irrigation of seven acres of land. This water right was issued as less any surface water diverted under Walla Adjudicated Certificate No. 532.

The authorized place of use describes approximately 7.8 acres of land. About half of the place of use is currently a housing development called Shangri-La Addition, which is served city water. This housing development land was formerly owned by Mr. Kwong and is the portion of the right proposed for change under this application. The remainder of the place of use is a large irrigated lot that is currently owned by Barry Kellogg. Mr. Kellogg's portion of the right will not be evaluated within this report. The authorized well (Kwong well) is reportedly unused and located on Lot 2 of Shangri-La Addition.

The proposed place of use consists of two lots that total approximate 3.4 acres of land. Half of the water right available for change is proposed to go to Lot No. 3 which is owned by Mr. Stonecipher, with the other half going to Lot No. 4 which is owned by Mr. Streamer. Each of these lots has a house, driveway and an irrigated yard covering the remainder of the parcel. A domestic exempt well was previously constructed and is in use for each lot. These domestic wells are the proposed additional points of withdrawal.

History of Water Use

Aerial photographs were used to help verify the extent of development, historical and beneficial use of this water right. Approximately, 3.5 acres were historically irrigated within the western half of the authorized place of use, which is the portion proposed for change. In 2004, irrigation ceased within this portion of the place of use. This was due to the parcel being subdivided into seven lots and homes being built. Since the subdivision has city water service, that portion of the right was withheld and obtained by Chuck Streamer and Ed Stonecipher, the applicants. This transaction resulted in this application to change a portion of the place of use, and to add two points of withdrawal. The applicants have irrigated a total 2.7 acres of yard, within the proposed place of use since 2004, from the proposed wells. Mr. Streamer's use, under this right, consists of the irrigation of 1.35 acres from his domestic well (Well No. 2), within Lot No. 4.

The maximum authorized water duty of this certificate is 4.285-acre-feet per year, per acre. Historically, this highest water use under this certificate was for the irrigation of pasture. 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 approximate maximum water duty, for the crop listed above is up to a maximum of 3.9 acre-feet per year, per acre. This results in an allocation of 5.25 acre-feet per year for the irrigation of 1.35 acres, available for Lot No. 4.

The maximum authorized instantaneous quantity of the portion of the right proposed for change is 50 gallons per minute. It is estimated that this instantaneous quantity has historically been put to full use. The applicants have proposed to split the instantaneous quantity proportionately which appears to equal current use. It is estimated that Mr. Streamer uses 25 gallons per minute from his domestic well (Well No. 2), for the irrigation of Lot No. 4.

Proposed Use

Chuck Streamer and Ed Stonecipher propose to move that part of the water right, which totals 50 gallons per minute, 15 acre-feet for the irrigation of 3.5 acres, to their existing lots. Ed Stonecipher's Lot No. 3 is 1.78 acres of land with approximately 1.35 acres of irrigated land. Chuck Streamer's Lot No. 4 is 1.59 acres of land with approximately 1.35 acres of irrigated land. The total irrigable land within the two lots is 2.7 acres. The remainder of that portion of the right proposed for change cannot be transferred since there is no beneficial use. The instantaneous quantity of that portion proposed for change, has been put to use and is available for transfer. Those quantities not put to beneficial use have been relinquished from non-use, which includes 0.8 acres of irrigation and the associated annual quantity of 4.5 acre-feet. Therefore, the portion of the right transferred to this project has been reduced to the following:

Summary of Portion per Lot

Owner	Lot	Portion	Parcel	GPM	AF/Y	Acres of Irrigation
Stonecipher	Lot No. 3	A	36027410011	25 (Well 1)	5.25	1.35
Streamer	Lot No. 4	B	36027410012	25 (Well 2)	5.25	1.35
			total	50	10.5	2.7

Measuring and Reporting Water Use

RCW 90.03.360 requires that the owner of any water diversion maintain substantial controlling works and a measuring device. It must be constructed and maintained to permit accurate measurement and practical regulation of the flow of water diverted. Technical requirements for the measuring and reporting of water use are described in WAC 173-173. This decision contains provisions requiring the measuring and reporting of the quantities of water withdrawn or diverted.

Other Rights Appurtenant to the Place of Use

A review of Ecology records was conducted for existing water right certificates, permits, and claims in the area surrounding the project including the authorized place of use and the proposed place of use. The search focused primarily on Sections 27 and 33 within, T. 7 N., R. 36 E.W.M. This review shows three water rights appurtenant to the authorized place of use and two water rights appurtenant to the proposed place of us. This list does not include those water rights held by the City of Walla Walla for municipal supply. The overlapping rights are as follows:

Overlaps Authorized Place of Use

Walla Adjudicated Certificate No. 501 authorizes up to 0.1 cubic feet per second, for the irrigation of five acres, within a large legal description. It appears that this water is not in use within the authorized place of use of Ground Water Certificate No. 1140-A, nor has it any connection to this project.

Walla Adjudicated Certificate No. 532 (WWAC 532), authorizes up to 0.1 cubic feet per second, for the irrigation of five acres, within roughly the same legal description as Ground Water Certificate No. 1140-A. This overlapping right has not been used on the portion of the right proposed for change in many years, if ever. Any portion of WWAC 532 associated with the portion of the right proposed for change has been relinquished from non-use. The remainder of this right may still be in use on the portion of Ground Water Certificate No. 1140-A, that has not been proposed for changed under this application.

Walla Adjudicated Certificate No. 702 authorizes up to 0.1 cubic feet per second, for the irrigation of five acres, within a large legal description. It appears that this water is not in use within the authorized place of use of Ground Water Certificate No. 1140-A, nor has it any connection to this project.

Overlaps Proposed Place of use

Walla Adjudicated Certificate No. 46 authorizes up to 0.6 cubic feet per second, for the irrigation of 30 acres, within a large legal description. It appears that this water is not in use within the proposed place of use of Ground Water Certificate No. 1140-A, nor has it any connection to this project.

Ground Water Certificate No. 603-A, authorizes up to 250 gallons per minute, 200 acre-feet per year for the irrigation of 50 acres, within in a large legal description. It appears that this water is not in use within the proposed place of use of Ground Water Certificate No. 1140-A, nor has it any connection to this project.

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

Hydrologic/Hydrogeologic Evaluation

Applications for change of water right permits and certificates are governed by RCW 90.44.100, which states in part that: the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. 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 Guy J. Gregory, L.G., L.Hg. Hydrogeologist and Unit Supervisor of the Water Resources Program Technical Unit in Ecology's Eastern Regional office.

The original well for this right is the Kwong well. It was drilled for the original owner of the right, Max Herrmann. It was drilled in 1949. It is reported to have an 8-inch casing from five feet to 51 feet below ground surface. The well is 8 inches in diameter, and 121 feet deep. No static water level was reported. The well is completed in gravel.

The wells proposed for this right are described as follows.

The Stonecipher well was drilled in 1990. The well is reported to have 87 feet of six inch casing, and a 4-inch liner extending from 12 feet below ground surface to the bottom of the well. It is six inches in diameter, 150 feet deep, and had a reported static water level 100 feet below ground surface. The well is completed in clay and gravel.

The Streamer well was drilled in 1991. It is reported to have 19 feet of six inch casing, with a 4-inch liner extending to the bottom of the well. The well is six inches in diameter, 178 feet deep, and had a reported static water level of 91 feet below ground surface. The well is completed in clay and gravel.

All wells associated with this change application produce water from the unconfined shallow aquifer of glaciofluvial sediments occupying the Walla Walla basin. This is considered geologically and by rule [WAC 173-525-040(2)] to be a body of public groundwater. All wells associated with this change produce from the same body of public groundwater.

Because of the proximity of these wells to one another, no net increase in impact to surface water will occur. The change in point of withdrawal will not impair surface water rights or resources.

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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 portion of the right proposed for change under Ground Water Certificate No. 1140-A has been exercised and beneficially used in the proposed place of use, for years, without any documented adverse impacts to water availability. The authorized and proposed wells withdraw water from the same source according to the Hydrogeologic Evaluation. No significant increases in pumping rates are proposed and no additional water will be withdrawn under this change beyond what is authorized. In addition, there has been no documented history of pumping interference between existing wells in this area. Therefore, it is not anticipated that this 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 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 change a portion of the place of use, and add two points of withdrawal as granted under Ground Water Certificate No. 1140-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 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:

25 gpm
5.25 acre-feet per year
Irrigation of 1.35 acres

Point of Withdrawal

Well No. 2 - NE¼SE¼ of Section 27, Township 7 North, Range 36 E.W.M.

Place of Use

Lot No. 4 -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 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.