State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT CHANGE

DEPARTMENT OF ECOLOGY
State of Washington

Added Point of Diversion

PRIORITY DATE
February 18, 1960

WATER RIGHT NUMBER
Surface Water Certificate No. 7832 together with Change Report of Examination dated 8/5/2005 and Trust Report of Examination dated 8/2/2006

MAILING ADDRESS
Quentin Schwenke
3422 Powerline Road
Walla Walla, WA 99362

Total Quantity Authorized for Diversion

DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
1.86	CFS	520

Purpose

PURPOSE	DIVERSION RATE ADDITIVE	DIVERSION RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Irrigation	1.86			520		10/1 – 6/15

Prior to 10/31/2029, the expiration date of the trusted water (see ROE dated 8/2/2006), use under this right shall not exceed 214.229 acre-feet, 0.373 cfs in October, 1.86 cfs in November – February, 0.279 cfs in March, 0.689 cfs in April, 1.11 cfs in May, 1.86 cfs June 1-15, for the irrigation of 130 acres, when water is available.

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
130			

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Walla Walla	Mill Creek	Walla Walla River	32-Walla Walla

SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Mill Creek Pumpstation (Schwenke)	350728310007	7 N.	35 E.	28	SE¼SW¼	46.0521	118.4413

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

350729210004, 350732220001

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

That portion of Gov't Lot 1, Section 32 T. 7 N., R. 35 E.W.M. and the W½ of Section 29, T. 7 N., R. 35 E.W.M., all lying northerly of old State Highway 12 EXCEPTING THEREFROM; however, the right-of-way of new State Highway 12 over and across said premises. ALSO EXCEPTING THEREFROM; the following described tract: Beginning at the NW corner of Section 32, T. 7 N., R. 35, and run thence South 0°11'21" W, along the West line of said Section, a distance of 215.57 feet to a point in the Northerly right of way of SR 12, thence N 68°47'00" E, along said Northerly right of way, 1455.80 feet to the True Point of Beginning for this description; thence continued N 68°47'00" E, along said right of way, 692.51 feet; thence N 21°13'00" W, 629.11 feet; thence S 73° 21'58" W, 391.03 feet, thence S 67°41'39" W, 302.78 feet; thence S 21°13'00" E, 654.60 feet to the true point of beginning.

Proposed Works

Pumpstation, mainlines, two pivots and handline irrigation system

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	Completed	In use

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (cfs)

Provisions

Prior to 10/31/2029, the expiration date of the trusted water, use under Surface Water Certificate No. 7832 shall not exceed 214.229 acre-feet, 0.373 cfs in October, 1.86 cfs in November – February, 0.279 cfs in March, 0.689 cfs in April, 1.11 cfs in May, 1.86 cfs June 1-15, for the irrigation of 130 acres, when water is available. This water use shall be within the place of use described on Page 2 of this Report of Examination.

After 10/31/2029, the expiration date of the trusted water, use under Surface Water Right Certificate No. 7832 shall not exceed 520 acre-feet; 1.86 cfs, for the irrigation of 130 acres from 10/1 to 6/15, when water is available. This water use shall be within the place of use described on Page 2 of this Report of Examination.

Prior to 10/31/2029, the expiration date of the trusted water, use under Surface Water Right Certificate Nos. 8611, 7832 and WWAC 462 shall not exceed 254.229 acre-feet of water for the seasonal irrigation of 139.9 acres for Quentin Schwenke's portion of the water rights. This water use shall be within the place of use described on Page 2 of this Report of Examination.

After 10/31/2029, the expiration date of the trusted water, Surface Water Right Certificate Nos. 8611, 7832 and WWAC 462 shall not exceed 563.897 acre-feet of water for the seasonal irrigation of 139.5

acres for Quentin Schwenke's portion of the water rights. This water use shall be within the place of use described on Page 2 of this Report of Examination.

After 10/31/2029, the expiration date of the trusted water, the Department of Ecology (Ecology) must have verification of your water use before issuing a *Superseding Certificate of Water Right*. At which time you will be required to hire a certified water right examiner (CWRE) to perform a field inspection of your water use and prepare a *Proof Report of Examination and Recommendation Summary*. You can find a list of certified water right examiners at http://www.ecy.wa.gov/programs/wr/rights/cwrep.html or you may call the CWRE Coordinator at (360) 407-6000 and request a copy of the list be mailed to you.

Quentin Schwenke's portion of Water Right Certificate Nos. G3-00339C, G3-01029C, G3-22110C, 462, 7832 and 8611, shall not exceed 264.5 acres of irrigation. This water use is within the place of use described on Page 2 of this Report of Examination.

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.

Measurements, Monitoring, Metering and Reporting
An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years. The maximum rate of withdrawal and the annual total volume shall be submitted to the Department of Ecology by January 31st of each calendar year. Recorded water use data shall be submitted to the Eastern Regional Office.

Department of Fish and Wildlife Requirement(s)
The intake(s) must be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. http://wdfw.wa.gov/about/contact/

No dam or weir may be constructed in connection with this diversion.

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.

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 Surface Water Certificate No. 7832, 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 2016.

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 CS3-*15903C@2
Surface Water Certificate No. 7832

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number CS3-*15903C@2 under Surface Water Certificate No. 7832.

EXISTING Water Right Attributes (together with 2005 and 2006 ROEs)

Name on Water Right:	Quentin Schwenke
Priority Date:	2/18/1960
Place of Use:	That portion of Gov't Lot 1, Section 32 T. 7 N., R. 35 E.W.M., lying northerly of State Highway 12. ALSO; The W½ of Section 29, T. 7 N., R. 35 E.W.M. EXCEPTING THEREFROM; however, the right-of-way of State Highway 12 over and across said premises. ALSO EXCEPTING THEREFROM; the following described tract: Beginning at the NW corner of Section 32, T. 7 N., R. 35, and run thence South 0°11'21" W, along the West line of said Section, a distance of 215.57 feet to a point in the Northerly right of way of SR 12, thence N 68°47'00" E, along said Northerly right of way, 1455.80 feet to the True Point of Beginning for this description; thence continued N 68°47'00" E, along said right of way, 692.51 feet; thence N 21°13'00" W, 629.11 feet; thence S 73° 21'58" W, 391.03 feet, thence S 67°41'39" W, 302.78 feet; thence S 21°13'00" E, 654.60 feet to the true point of beginning. (Stiller 10 acres)

County	Waterbody	Tributary To	WRIA
Walla Walla	Mill Creek	Walla Walla River	32-Walla Walla

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Irrigation of 130 acres	1.86*	CFS	520*	10/1	6/15

*A portion of this water right was put into trust, which expires October 31, 2029. The following quantities of the water right are in trust: 305.771 acre-feet; 1.581 cfs for March; 1.171 cfs for April; 0.750 cfs for May and 1.487 cfs for October.

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Mill Creek		7 N.	35 E.	28	NW¼SE¼		

CFS = Cubic Feet per Second; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum in NAD83/WGS84.

REQUESTED Water Right Attributes

Applicant Name:	Quentin Schwenke
Date of Application:	8/2/2012
Place of Use	That portion of Gov't Lot 1, Section 32 T. 7 N., R. 35 E.W.M., lying northerly of State Highway 12. ALSO; The W½ of Section 29, T. 7 N., R. 35 E.W.M. EXCEPTING THEREFROM; however, the right-of-way of State Highway 12 over and across said premises. ALSO EXCEPTING THEREFROM; the following described tract: Beginning at the NW corner of Section 32, T. 7 N., R. 35, and run thence South 0°11'21" W, along the West line of said Section, a distance of 215.57 feet to a point in the Northerly right of way of SR 12, thence N 68°47'00" E, along said Northerly right of way, 1455.80 feet to the True Point of Beginning for this description; thence continued N 68°47'00" E, along said right of way, 692.51 feet; thence N 21°13'00" W, 629.11 feet; thence S 73° 21'58" W, 391.03 feet, thence S 67°41'39" W, 302.78 feet; thence S 21°13'00" E, 654.60 feet to the true point of beginning. (Stiller 10 acres)

County	Waterbody	Tributary To	WRIA
Walla Walla	Mill Creek	Walla Walla River	32-Walla Walla

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Irrigation of 130 acres	1.86*	CFS	520*	10/1	6/15

*The trusted portion described above will remain in the trust program until it expires on October 31, 2029.

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Mill Creek	350728310007	7 N.	35 E.	28	SE¼SW¼	46.0521	118.4413

CFS = Cubic Feet per Second; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum in NAD83/WGS84.

Legal Requirements for Requested Change

The following is a list of requirements that must be met prior to authorizing the proposed change.

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Waitsburg Times on August 29 and September 5, 2013. No protests were received regarding this notice.

Consultation with the Department of Fish and Wildlife

The Department must give notice to the Department of Fish and Wildlife (WDFW) of applications to divert, withdraw or store water. A letter was received from WDFW February 13, 2015, that indicated they do not oppose the change since it will not have any additional impacts. The project is subject to state Hydraulic Code (Chapter 77.55 RCW) and fish screening statutes (RCW 77.57.010, RCW 77.57.040 and RCW 77.57.070).

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 entails the diversion of more than one cfs of surface water and the project receives public funding, it is subject to SEPA. A final Determination of Non-Significance was issued by the Department of Ecology on February 5, 2016, stating that no environmental impact statement is 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.*

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 diversion, irrigation system, and the place 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 August 3, 2015. The project is located two miles west of the City of College Place, Washington. The water right is located in the Walla Walla Basin, which is managed under Chapter 173-532 WAC Water Resources Program for the Walla Walla River Basin, WRIA 32.

The place of use authorized under this water right is primarily located within the W½ of Section 29, with a small portion in the NW¼NW¼ of Section 32, all within T. 7N., R. 35 E.W.M. According to the previous

change authorizations, this water right is completely located north of old Highway 12 on the lands owned by Quentin Schwenke. This parcel of land is primarily irrigated farm land, but has an old pond site known as Stiller Pond. The project is irrigated by a combination of a full sweep quarter section pivot with an end gun, a small partial sweep pivot with end guns and handlines.

This water right originally utilized a gravity feed ditch to divert water from Mill Creek into Stiller Pond. The stored pond water was in turn used for irrigation under this right. This pond is no longer used for the storage of irrigation water, but is now an aquifer recharge basin. The proposed point of diversion is a recently redesigned pump station that is currently used to provide water for several irrigation rights, and the aquifer recharge project. The pumpstation consists of a centrifugal pump with a flow meter and fish screen.

History of Water Use

Surface Water Certificate No. 7832 was issued July 8, 1960 as a primary water right for this project, but was limited to a season of 10/1 to 6/15. The priority date of the water right is 2/18/1960, which means this right is junior to the adjudication and most other surface water rights in this area. Although this is a primary right, water is not always available for this right due to its location and junior status. In recent years, applications for change were approved, under this water right. They are documented in amended Change Report of Examination dated 8/5/2005 and Trust Report of Examination dated 8/2/2006, which are summarized below.

Certificate No. 7832 together with the <u>2005 Change Report of Examination</u> (Total of Right)

Certificate	Acres Primary	Qi Maximum	Season	Qa	Af per acre	Source
SWC 7832	130	1.86 cfs	10/1 - 6/15	520	4	Mill Creek

Certificate No. 7832 together with the <u>2006 Trust Report of Examination</u> (Portion in Trust)

Certificate	Qa Trust	Qi March	Qi April	Qi May	Qi October
SWC 7832	305.771	1.581 cfs	1.171 cfs	0.750 cfs	1.487 cfs

The agreement to place water into trust is temporary and expires 10/29/2029.

Aerial photographs were used to help verify the extent of development, historical and beneficial use of this water right. The authorized place of use owned by Quentin Schwenke in 2005-2006 when the last changes were authorized was approximately 294 acres. This place of use was reduced to 274.43 acres when new Highway 12 was constructed through the project in 2009. According to the Assessor's Office this reduced project area has 9.9 acres of waste, which is the aquifer recharge pond site (Stiller Pond). This means that there are only 264.5 acres of irrigable land within the place of use. The 130 acres of irrigation authorized under this right has been consistently used within portions of the place of use, since the last changes were approved. In recent years, this right has been utilized to provide irrigation water for the pivot located north of new Highway 12.

The construction of new state Highway 12, through the middle of the project, has made the authorized legal description of this right incorrect. Therefore, the legal description shall be modified to reflect the changes.

Instantaneous quantities currently authorized under this right are limited by the temporary trust authorization to the following: 0.373 cfs in October, 1.86 cfs November – February, 0.279 cfs in March, 0.689 cfs in April, 1.11 cfs in May, and 1.86 cfs June 1-15. The remaining instantaneous quantities are in good standing and available for use once the trust expires on 10/31/2029. It is estimated that these reduced instantaneous quantities have been put to full use since the 2006 decisions were approved. The proposed pumping station can produce up to 2.6 cfs (1189 gpm). This is significantly more water than is authorized under this right, which is a result of the pumpstation being used as a source for multiple rights. Since this system has multiple water rights, water diversion will need to be coordinated so as not to exceed the quantities authorized under each right. In addition, this water right has a limited season from 10/1 to 6/15, which cannot be exceeded. Water use beyond what is authorized may be subject to fines.

Instantaneous Quantities (The Portion not put into Trust)

Certificate	Qi March	Qi April	Qi May	Qi June 1-15	Qi July-Sept	Qi Oct	Qi Nov - Feb
SWC 7832	0.279	0.689	1.733	1.86	--	0.373	1.86

This schedule expires on 10/31/2029. After that date water use shall then revert back to 1.86 cfs from October 1 to June 15.

The maximum authorized water duty of this certificate is 4 acre-feet per year, per acre, which totals 520 acre-feet per year. The result of the previous decision in 2006 is that only 214.229 acre-feet are available for irrigation until the temporary trust ends on 10/31/2029. The remaining 305.771 acre-feet are in trust and remain in good standing. The highest water duty crops used under this right given the authorized season of use, is winter wheat. The State of Washington Irrigation Guide (WA210-VI-WAIG) states that an estimated 1.11 acre-feet, per acre, is required for winter wheat in the Walla Walla area for October 1 to June 15. At a 75% efficiency rate of application, the water duty, for the crop listed above is 1.5 acre-feet per year, per acre. Since this water duty is estimated, the authorized quantity of 1.64 acre-feet per acre appears to be a reasonable maximum use given the project. This results in an allocation of 214.229 acre-feet per year for the irrigation of 130 acres. The total allocation including the trusted portion of the right, which remains in good standing is 520 acre-feet for the irrigation of 130 acres.

Proposed Use

Quentin Schwenke proposes to change the point of diversion to an existing pumpstation. This includes the portion of the right put into temporary trust for instream flows, which expires 10/31/2029.

Other Rights Appurtenant to the Place of Use

A review of Ecology records was conducted for existing water right certificates, permits, and claims appurtenant to this project. The search focused primarily on Sections 29 and 32 within, T. 7 N., R. 35

E.W.M. This review shows five water rights, one preliminary permit and one temporary permit appurtenant to the authorized place of use. Three of these water rights have portions placed into trust. The overlapping rights and permits are as follows:

Irrigation Water Rights Appurtenant to the Schwenke Project

Certificate	Acres Primary	Acres Non-additive	Qi Maximum	Season	Qa	Source
WWAC 462	9.5	--	0.19 cfs	1/1 - 12/31	47.5	Mill Creek
SWC 7832	130	--	1.86 cfs	10/1 - 6/15	520	Mill Creek
SWC 8611	--	139.5	0.914	4/1 - 5/15	55.8	Mill Creek
G3-00339C	138	139.5	327 gpm	1/1 - 12/31	635.5[B]	Gravel wells
G3-01029C	9	137	228 gpm	1/1 - 12/31	362[C]	Gravel wells
G3-22110C	--	40	180 gpm	1/1 - 12/31	186	Gravel wells
Total	[A]				[D]	

[A] The place of use was reduced from 294 to 274.43 acres when new Highway 12 was constructed through the authorized place of use in 2009. The Department of Transportation has no interest in these rights. According to the Assessor's Office, there are only 264.5 acres of irrigable land within the place of use. This means that some portion of the ground water rights appear to be relinquished.
[B] Qa cannot be pumped in a year with the authorized Qi (527.5 af is the max that can be pump in a year)
[C] Must be pumped almost 24/7 to reach the authorized annual quantity each year.
[D] According to Amendment dated August 5, 2005, Ground Water Certificates G3-00339C, G3-01029C and G3-22110C are limited to a maximum of 3.78 acre-feet per acre of irrigation.

Irrigation Water Rights in Trust Appurtenant to Schwenke portion of the Project

Certificate	Qa Trust	Qi March	Qi April	Qi May	Qi October
WWAC 462	3.897	0.105 cfs	--	--	--
SWC 7832	305.771	1.581 cfs	1.171 cfs	0.750 cfs	1.487 cfs
SWC 8611	50.499	--	0.777 cfs	--	--
Total	360.167				

The trusted quantities of the above listed rights are in good standing but not available until the trust expires on 10/31/2029.

Other Water Rights Appurtenant to the Schwenke Project

Temporary Permit S3-30680, together with the Preliminary Permit under Application No. S3-30674 were issued in conjunction to determine the feasibility of a proposed permanent Aquifer Storage and Recover (ASR) project. The ASR project currently authorizes water diversion from Mill Creek in the winter and spring months from the pump station proposed under this change application. The water is pumped into a recharge basin, which is the old pond site referred to as "Stiller Pond", located within the place of use described under this change application. The intent of the project is to recharge the shallow alluvial

aquifer and create an environmental enhancement. Upon completion of operation and data collection, Ecology will make a permanent decision on Application No. S3-30674. No long term use is anticipated under Temporary Permit S3-30680, since its only purpose is to supply water to Preliminary Permit S3-30674 for testing purposes.

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

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.

Quentin Schwenke proposes to move the authorized point of diversion downstream approximately 800 feet to an existing pump station. The proposed pump station has been used in this general location for the last six years without any complaints. There are no significant changes in the stream or diversions of water between the originally authorized ditch and proposed pumpstation. Therefore, no impairment is anticipated by changing the point of diversion downstream. The proposed change will not increase the amount of water withdrawn from the Mill Creek nor will it expand or enlarge the right.

Conclusions

In accordance with Chapters 90.03, approval of this application to change the point of diversion as granted under Surface Water Certificate No. 7832 will not enlarge the quantity of water historically authorized, nor will it impair existing rights 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:

Up to 1.86 cubic feet per second (As described on Page 1 of this Report of Examination)
520 acre-feet (305.771 acre-feet of total in trust until 10/31/2029)
Irrigation of 130 acres, from 10/1 – 6/15

Point of Diversion

Mill Creek Pumpstation - SE¼SW¼ of Section 28, Township 7 North, Range 35 E.W.M.

Place of Use

As described on Page 2 of this Report of Examination.

Dan Tolleson, Report Writer *Date*

If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.