Walla Walla County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

Applicant: DeNeal Peterson Water Users Association Application Number: WALL-22-11

This record of decision was made by a majority of the board at an open public meeting of the Walla Walla County Water Conservancy Board held on 9/7/22. The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board’s evaluation process, are thoroughly evaluated and discussed in the board’s deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

X Approval: The Walla Walla County Water Conservancy Board hereby grants conditional approval for the water right transfer described and conditioned within the report of examination on 9/7/22 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ Denial: The Walla Walla County Water Conservancy Board hereby denies conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review.

Signed:

Robert Berger, Chair
Walla Walla County Water Conservancy Board

Joel Huebner, Member
Walla Walla County Water Conservancy Board

Nathan Rau, Member
Walla Walla County Water Conservancy Board

Alternate
Walla Walla County Water Conservancy Board

Alternate
Walla Walla County Water Conservancy Board

Date: _____________________________
Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ Other ☐

Date: Sept 7, 2022
Approve ☒ Deny ☐ Abstain ☐ Recuse ☐ Other ☐

Date: _____________________________
Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ Other ☐

Date: _____________________________
Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ Other ☐

Date: _____________________________
Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ Other ☐

Mailed with all related documents to the Dept of Ecology Eastern Regional Office, and other interested parties on

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6338 (TTY).

Ecology is an equal opportunity employer

040-105(02/08)
Walla Walla County Water Conservancy Board

WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON

REPORT OF EXAMINATION

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board’s recommendation. It is advised that the applicant not proceed until the appeal period of Ecology’s decision is complete.

NOTE TO AUTHOR: Read the instructions for completing a water conservancy board report of examination. Use the Tab key to move through the form or with your mouse, select the fields to enter information.

☐ Surface Water  ☑ Ground Water

Date Application Received: July 6, 2022
Water Right Document Number (i.e., claim, permit, certificate, etc.): Ground Water Cert. 554-A(A)

Water Right Priority Date: June 29, 1946
Board-Assigned Change Application Number: WALL-22-11

Name: DeNeal Peterson Water Users Association Attn: Eric Haider
Phone: (509) 956-9933
Email: eric@deuxoldats.com

Address (street): 1180 Whiteley Road
City: Walla Walla
State: Washington
Zip: 99362

Changes Proposed:
☐ Change purpose
☐ Add purpose
☐ Add irrigated acres
☐ Change point of diversion/withdrawal
☐ Add point of diversion/withdrawal
☐ Change place of use
☒ Other (Temporary, Trust, Interties, etc.) Change season of use.

SEPA:
The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☐ Exempt ☑ Not Exempt

BACKGROUND AND DECISION SUMMARY
Please include a map(s) reflecting all referenced existing and proposed point(s) of diversion or withdrawal and place(s) of use (RCW 90.03.260(7); WAC 173-153-070 (6)(c).

Existing Right (Tentative Determination)

<table>
<thead>
<tr>
<th>Maximum cub ft/second</th>
<th>Maximum gal/minute</th>
<th>248 gpm</th>
</tr>
</thead>
<tbody>
<tr>
<td>167.5 ac-ft (156.6 ACQ)</td>
<td>Describe Type(s) of use, and period(s) of use</td>
<td>Irrigation of 104.15 acres, April 1 – October 1</td>
</tr>
</tbody>
</table>

Source: Well 1 (basalt aquifer)

<table>
<thead>
<tr>
<th>Tributary of (if surface water)</th>
</tr>
</thead>
<tbody>
<tr>
<td>At a Point Located: Parcel No. 360607560008 ¼ S½ ¼ N½ Section 7</td>
</tr>
<tr>
<td>Township N. 6 N. Range 36 E.W.M. WRIA 32 County Walla Walla</td>
</tr>
</tbody>
</table>

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED
Type detailed legal description of the place of use: Commencing at a point 15 feet North of the quarter corner of the east side of Sec. 7, T. 6 N., R. 36 E.W.M.; thence North on the east line of said Sec. 7 to the NE corner of the SE¼NE¼ of said Sec. 7; thence West along the north line of the S½N½ of said Sec. 7, to the NW corner of the SE¼NW¼ of Sec. 7; thence South to a point 15 feet north of the SW corner of said SE¼NW¼; thence East parallel to and distant 15 feet north of the east and west center line of said Sec. 7, T. 6 N., R. 36 E.W.M., to the point of beginning.

<table>
<thead>
<tr>
<th>Parcel no.</th>
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<th>¼</th>
<th>Section 7</th>
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### Proposed Use

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<td></td>
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### Board’s Decision on the Application

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### Description of Proposed Works

Description of water diversion/withdrawal, conveyance, and distribution system: **One well (basalt aquifer), 60 HP submersible pump, 4-inch variable frequency drive, water meter, mainline, distribution lines, drip and handline application systems.**

### Development Schedule

<table>
<thead>
<tr>
<th>Begin project by this date (At least 75 days after Board’s ROD issuance):</th>
<th>Started</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete project by this date:</td>
<td>Completed</td>
</tr>
<tr>
<td>Complete change &amp; put water to full use by this date:</td>
<td>Full Use</td>
</tr>
</tbody>
</table>
NOTE TO AUTHOR: This form reflects the minimum regulatory requirements as required in WAC 173-153-130(6). In accordance with WAC 173-153-130(5), “It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board’s evaluation process, are thoroughly evaluated and discussed in the board’s deliberations. These discussions must be fully documented in the report of examination.” Completion solely of the minimum regulatory requirements may not constitute a fully documented decision.

BACKGROUND [See WAC 173-153-130(6)(a)]

On Month July, day 6th, year 2022.

Name of applicant: DeNeal Peterson Water Users Association of City: Walla Walla State: Washington filed an application for change (to do what e.g., POU, POD, POW, etc) to change the season of use under (Water right number, e.g., certificate, permit, claim, superseding document #, cert of change #): Ground Water Certificate No. 554-A(A). The application was accepted at an open public meeting on Month: July, day: 6th, year: 2022, and the board assigned application number (XXXX-YR-##): WALL-22-11.

Attributes of the water right as currently documented

Name on certificate, claim, permit:

- DeNeal Peterson Water Users Association

Water right document number (e.g., cert #, claim #, permit #, superseding document #):

- Superseding Ground Water Certificate No. 554-A(A)

As modified by certificate of change number:

- G3-CV1P409
- G3-*00296C(A)@1

Priority date, first use Date of priority or claimed date water was originally first put to beneficial use:

- June 29, 1946

Water quantities:

- Qi (Instant qty): 248 gallons per minute
- Qa (Annual qty): 167.5 acre-feet per year (156.6 ac-ft ACQ)

Source (well, river, etc):

- A well (basalt aquifer)

Point of diversion/withdrawal (Distance from ¼¼, Section, Township, Range EWM):

- S½N½ of Sec. 7, T. 6 N., R. 36 E.W.M. GPS: N. 46.0149728 W. 118.3569538 WGS 84

Purpose of use:

- Irrigation

Number of Acres if Irrigation:

- 104.15 acres

Period of use:

- April 1 to October 1

Place of use:

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15 feet north of the SW corner of said SE\%NW\%; thence East parallel to and distant 15 feet north of the east and west center line of said Sec. 7, T. 6 N., R. 36 E.W.M., to the point of beginning.

Existing provisions (family farm act, interruptable, etc.):

Wells, Well Logs and Well Construction Standards

1. All wells constructed in the State shall meet the construction requirements of Chapter 173-160 WAC entitled Minimum Standards for the Construction and Maintenance of Wells and Chapter 18.104 RCW titled Water Well Construction.

2. The water user is required to maintain an access port to measure water levels within the authorized wells, as described in Ground Water Bulletin No. 1. An airline and gage may be installed in addition to the access port.

3. If/when any of the authorized wells are modified or replaced, a completed well report of the well(s) shall be submitted by the driller to the Department of Ecology within 30 days of completing the construction or modifications authorized herein. All pump test data for the (s) shall be submitted to the Department as it is obtained.

4. All wells shall 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 shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Measurements, Monitoring, Metering and Reporting

5. An approved measuring device shall be installed and maintained for each of the sources authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. WAC 173-173 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. Installation, operation and maintenance requirements are enclosed as a document entitled “Water Measurement Device Installation and Operation Requirements” http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html

6. Water use data shall be recorded monthly and maintained by the property owner for a minimum of 5 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.

7. Reported water use data shall be submitted via the Internet or by using the enclosed forms. To set up an Internet reporting account, access https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/. If you have questions or need additional forms, contact the Eastern Regional Office.

8. A future Superseding Certificate for Ground Water Certificate No. 554-A(A) will not be issued until evidence of meter installation has been submitted to the Department of Ecology.

Quantity Limits, Flow and Regulation

9. The Annual Consumptive Quantity determined to be available for irrigation use under Ground Water Certificate No. 554-A(A), being 156.6 acre-feet per year, is an annual limit that shall not be exceeded. Any changes to cropping or irrigation application systems that would increase the Annual Consumptive Quantity of water per acre could necessitate a reduction in overall irrigated acres to confirm to this annual limit.

Inspections

10. 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.
11. The water right holder shall file the notice of project completion 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 superseding certificate will reflect the extent of beneficial use within the limitations of the change authorization. Elements of the project completion inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and compliance with provisions.

12. A final water superseding certificate will not issue until a final examination is made.

**General Conditions**

13. Issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

14. Use of water under this authorization shall be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.

15. This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Native Americans under Treaty or otherwise.

16. The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop(s) grown on the number of acres and the place of use specified.

**Tentative determination of the water right**

The tentative determination is provided on the front page of this report.

**History of water use**

Describe the historical water use information that was considered by the board:

A variety of crops have been grown on the subject property including alfalfa, wheat, beans, peas, soybeans, pasture, peas, rye grass and wine grapes. Water pumped from the authorized well is distributed to crops grown on 11 separate lots (9 landowners) within the authorized place of use of Superseding Ground Water Certificate No. 554-A(A) ("Cert. No. 554-A(A)"). The irrigation systems employed vary depending on the particular crop(s) being grown, with the primary systems being drip irrigation for vineyard and handline sprinklers for annual crops.

A Proof Report of Examination was completed for an earlier change to Cert. No. 554-A(A) and submitted to the Department of Ecology ("Ecology") on January 19th, 2022. This Report was subsequently approved by Ecology on March 16, 2022, which confirmed the quantities proposed for change herein.

**Previous changes**

Describe any previous change decisions associated with the water right:

<table>
<thead>
<tr>
<th>Previous changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>There have been two (2) previous change decisions, and one administrative action, completed on this water right.</td>
</tr>
<tr>
<td>1. <strong>Certificate of Change Vol. 1, Pg. 409 (G3-CV1P409):</strong> This change, which issued on October 21, 1953, change the authorized place of use under the original Cert. No. 554-A to more closely align with the property on which it was being used.</td>
</tr>
<tr>
<td>2. <strong>Administrative Division:</strong> An Administrative Division of Cert. No. 554-A was completed in 2004. This action formally divided the water right between those lands within the authorized place of use situated west of Braden Road {554-A(A)} and those situated east of Braden Road {554-A(A)}. The allocation to Cert. No. 554-A(A) through this action were 248 gallons per minute, 198 acre-feet per year, for the seasonal irrigation of 51.5 acres.</td>
</tr>
<tr>
<td>3. *<em>Change Authorization No. G3-<em>00296C(A)@1:</em></em> This authorization changed the point of withdrawal under Cert. No. 554-A(A) to a well located west of Braden Road, which is the same well in use under this right at present. The change also granted authority to expand the number of acres authorized for irrigation 118.5 acres through an ACQ</td>
</tr>
</tbody>
</table>
analysis. The number of acres authorized for irrigation were later reduced to the current 104.15 acres through the 2022 Proof Report of Examination and subsequent issuance of Superseding Cert. No. 554-A(A).

**SEPA**

The board has reviewed the proposed project in its entirety (Provide a detailed explanation of how the board complied with the State Environmental Policy Act):

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 1 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.

Because this application does not meet any of these conditions it is categorically exempt from SEPA and a threshold determination is not required.

**Other**

Provide any other pertinent information relative to the background of this water right:

There has been some misunderstanding regarding the period of use for this water right. The timeline of references regarding the period of use for Cert. No. 554-A is summarized below.

1946 (July): Application for Water Right – application requests a period of use of April 1 to October 1.
1946 (July): Publication Notice is not specific to period of use of water under application
1946 (August): Report of Examination indicates a seasonal of use of April 1 – October 1
1951 (January): Proof of Appropriation filed by permittee indicates use of water from April 1 – October 1
1951 (February): Cert. No. 554-A issues, with no specific reference to period of use.
1953: An application is filed for a change in place of use to Cert. No. 554-A. The change is approved in the same year. No reference is made to period of use in any of the documents available online from Ecology.
2004: An Administrative Division of Cert. No. 554-A into Cert. 554-A(A) and (B) is completed.
2014 (April): An Application for Change to Cert. 554-A(A) is filed by DeNeal Peterson Subdivision Landowners (DPS) to (1) expand the number of acres authorized for irrigation, and (2) change the point of withdrawal. The application references an existing season of use of April 1 – October 1.
2014 (April): The Publication Notice for this application does not reference specific dates for the season of use, noting instead “seasonal irrigation” as the period of use.
2014 (September): The WWCB approves the application with no specific dates as to period of use, indicating instead “irrigation season. The application notes the existing season of use is April 1 – October 1 but shows a requested season of use of April 1 – October 31.
2014 (November): Ecology approves the WWCB decision, but does not list any specific period of use in the ROD.
2022 (January): The CWRE Proof Report is completed to perfect the change to Cert. 554-A(A). The report lists the period of use as “seasonal irrigation”, with no specific dates.
2022 (March): Ecology approves the CWRE Report for the quantities recommended in the report, but adds specific dates for the period of use: April 1 – October 1.
**2022:** DeNeal Peterson Water Users Association (DPWUA) filed an appeal of the decision of Ecology, arguing that the period of use should remain as that approved by the WWCB – “Irrigation Season”. After a period of negotiation with Ecology, DPWUA agrees to file the present application to formally lengthen the authorized period of use from April 1 – October 1 to March 1 – November 30, which is a standard season of use for irrigated agriculture in the Walla Walla Basin. DPWUA requested that their appeal be withdrawn, and the appeal was formally dismissed on August 3, 2022.

The information or conclusions in this section were authored and/or developed by (Name of Person): Bill Neve, Water Right Solutions, LLC

**COMMENT AND PROTESTS** [See WAC 173-153-130(6)(b)]

Public notice of the application was given in the (Name of Publication(s): Walla Walla Union Bulletin on Dates Published: **July 17th and 24th, 2022.** Protest period ended on (end date of protest period): **August 23, 2022.**
There were # _____ or no ☒️ protests received during the 30 day protest period. In addition, no ☒️ or # _____ oral and written comments were received at an open public meeting of the board or other means as designated by the board.

Date (protest/comment received): ______
This was recognized by the board as a ☐ Protest ☐ Comment
Name/address of protestor/commenter: ______
Issue (describe issues raised): ______
Board’s analysis (board's response to the protest/comment): ______

**Other**
Provide any other pertinent information relative to the comments and protests receive:

| N/A |

The information or conclusions in this section were authored and/or developed by (Name of Person): Bill Neve, Water Right Solutions, LLC

**INVESTIGATION** [See WAC 173-153-130(6)(c)]

The following information was obtained from a site inspection conducted by (person(s)): Board member Bob Berger on (date of field exam): **July 8, 2022 and Bill Neve, WRS, on multiple occasions.** Other information included, but was not limited to, aerial photos, WAC 173-532 (WW Basin Water Management Program Rule), Ecology policies and guidelines, technical reports, research of department records (list other references, if any), review of recent Proof Report of Examination for Cert. 554-A(A), and conversations with the applicant, Ecology staff, and/or other interested parties.

**Proposed project plans and specifications**
Describe proposed use of water to include # of connections, method of irrigation, type of crop, commercial use, etc. Also describe any issues related to development, such as the proposed development schedule and an analysis of the effect of the proposed transfer on other water rights, pending change applications & instream flows established under state law.

The irrigation system is currently in place and water being put to full use. The only change proposed herein is to formally authorize an expansion of the period of use of water under Cert. No. 554-A(A) from April 1 – October 1 to March 1 – November 30, each year, in order to meet crop irrigation requirements. This change can be completed without expanding the quantities of water currently allocated under this water right.

**Other water rights appurtenant to the property (if applicable)**
Describe any other water rights or other water uses associated with both the current and proposed place of use and an explanation of how those other rights or uses will be exercised in conjunction with the right proposed to be transferred.
Ecology records show no other water right currently appurtenant to the place of use of Cert. No. 554-A(A).

Public Interest (groundwater only)
The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. Provide an analysis of the transfer as to whether it is detrimental to the public interest, including impacts on any watershed planning activity. Public interest is not considered if the proposed water right is authorized under RCW 90.03.380 exclusively.

The proposed change is subject to RCW 90.44.100 and therefore cannot be detrimental to the public interest, including impacts on any watershed planning activities. Expressions of public interest for this proposed change potentially include: comments or protests regarding approval of the proposed change; Walla Walla County Municipal Code; the WRIA 32 Watershed Plan.

a. Comments/Protests: No comments or protests were received regarding potential approval of the proposed changes, either in response to a legal notice published in the Walla Walla Union Bulletin, nor through and comments presented at Board meetings.

b. Walla Walla County Municipal Code (Codified as Ordinance 462, February 21, 2017): The proposed place of use for the subject water right is in an area zoned Agricultural Residential 10 (10-acre minimum lot size). The proposed change is consistent with the current zoning.

c. WRIA 32 Watershed Plan: The locally developed and approved basin watershed plan expressed a desire that new water rights or changes to existing water rights not negatively impact streams, springs, or wells hydraulically connected to surface water sources within WRIA 32. This application involves changing the period of use currently authorized for the allocated quantities under Cert. No. 554-A(A) to include the “shoulder season” months of March, October and November. A March 1 to November 30 is a typical irrigation season allocated to ground water rights in the Walla Walla Basin, and is particularly relevant to vineyard production where irrigation ceases in September, with water again applied later in the year to prepare the vines for winter. This shoulder season irrigation – without increasing the quantities currently allocated under Cert. No. 554-A(A) – will serve to distribute any impacts to surface waters created through withdrawal of water from the subject well into periods when instream flows of point of withdrawal to an existing alluvial aquifer well to a separate well drilled into, and withdrawing water from, the same alluvial aquifer as the existing well. The proposed change will not increase the quantities of water authorized for use under this right. The proposed change is consistent with the WRIA 32 Watershed Plan, in that it will not negatively impact surface waters in the basin.

Tentative Determination
In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board’s tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board’s tentative determination was based upon the following findings. Describe any information indicating that an existing water right or portion of a water right has been relinquished or abandoned due to nonuse and the basis for the determination.
Certificate No. 554-A(A) was certified through a Proof Report of Examination prepared in January of 2022, and approved by Ecology on March 16, 2022. As less than 6 months have transpired since Cert. No. 554-A(A) was perfected, the existing tentative determination of historic beneficial use is still valid for purposes of the present application. The tentative determination evaluation parameters used in the January Proof Report of Examination is provided below.

**Background**

This water right is a shared right between 9 different landowners. The irrigation distribution system consists of a single 8-inch diameter well, completed to a total depth of 596 feet into the basalt aquifer. A 60 HP Berkley submersible pump is installed, together with a 4-inch variable frequency drive (VFD) which allows for the discharge rate of the pump to vary according to demand. They system is sized to the authorized discharge rate of 248 gallons per minute.

Water pumped from the well is distributed to crops grown on 11 separate lots (9 landowners) within the authorized place of use of Cert. No. 554-A(A). The irrigation systems utilized vary depending on the crops being grown, with the primary systems being dripline for vineyard and handline sprinklers for annual crops. The water use is closely monitored and scheduled, so as to remain with the authorized allocated quantities.

**Instantaneous Rate (Qi):**

The design capacity of the pump as installed and the controllers in use on this system limit the maximum withdrawal rate to the 248 gallons per minute authorized under this water right. The water use is scheduled so that maximum utility is provided within the allocated limits without conflict.

**Number of Acres Irrigated/Annual Quantity (Qa):**

An evaluation of the total number of acres irrigated and the associated crop type was conducted using digital mapping software and information provided by the water users. A total of 104.15 acres were confirmed to be irrigated, which compares with the 118.5 acres allocated under the change authorization.

The change authorization allocates a total of 167.5 acre-feet, or 1.41 acre-feet per acre. The 167.5 acre-feet, when spread over 104.15 acres, results in a per-acre allocation of 1.6 acre-feet per acre, which is still limiting on the type of crops which can productively be grown in this area.

Crop irrigation requirements were calculated for the crop type/ acres irrigated using WSU ET data from the updated (unadopted) WIG, with the results shown in Table 1, below.

### Table 1: Crop Irrigation Requirement Estimates – Cert. 554-A(A)

<table>
<thead>
<tr>
<th>Crop</th>
<th>Acres</th>
<th>ET¹</th>
<th>Eff²</th>
<th>TIR (inches/ac)</th>
<th>TIR (ac-ft/ac)</th>
<th>Total Acre-Feet</th>
<th>ACQ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rye Seed³</td>
<td>47.6</td>
<td>12.8</td>
<td>0.75</td>
<td>17.07</td>
<td>1.42</td>
<td>67.7</td>
<td>50.77</td>
</tr>
<tr>
<td>Turf</td>
<td>6.8</td>
<td>31.5</td>
<td>0.75</td>
<td>42.00</td>
<td>3.50</td>
<td>23.8</td>
<td>17.85</td>
</tr>
<tr>
<td>Vineyard</td>
<td>30.5</td>
<td>21.9</td>
<td>0.88</td>
<td>24.89</td>
<td>2.07</td>
<td>63.3</td>
<td>55.66</td>
</tr>
<tr>
<td>Pasture</td>
<td>19.25</td>
<td>25.8</td>
<td>0.75</td>
<td>34.40</td>
<td>2.87</td>
<td>55.2</td>
<td>41.39</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>104.15</strong></td>
<td></td>
<td></td>
<td><strong>209.9</strong></td>
<td></td>
<td><strong>165.67</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Water Right</strong></td>
<td>118</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>167.5</td>
<td>156.6</td>
</tr>
</tbody>
</table>

¹ Net ET (from WSU Historic Average Water needs - updated WIG)
² System Efficiency (from Table 1, ECY Publication 20-11-076, October 2005)
³ Used Bluegrass Seed as surrogate

The results show a calculated irrigation requirement more than that authorized, both for total use and annual consumptive quantity estimates. This suggests deficit irrigation coupled with conservative use to remain within the allocated quantities.

For comparison purposes, recorded meter data was obtained which shows total use of 157.38 acre-feet through November 2, 2021. There have been issues with the meter operation in the recent past, but those problems appear to have been resolved. Given the rate of use and percent error associated with meter readings, it is reasonable to conclude the full annual allocation under this authorization has been put to beneficial use.

A total of 167.5 acre-feet per year for the irrigation of 104.15 acres is determined to have been put to beneficial use under this authorization.
Confirmed Beneficial Use:

Water use has been closely managed over lower water use crops to stay within the authorized limit. The total determined beneficial use of water under GW Cert. No. 554-A(A) (Chg. No. CG3-*00296C(A)@1) is 248 gallons per minute, 167.5 acre-feet per year (156.6 acre-feet ACQ), for the seasonal irrigation of 104.15 acres.

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

Describe the results of any geologic, hydrogeologic, or other scientific investigations that were considered by the board and how this information contributed to the board’s conclusions.

The authorized well under Cert. 554-A(A) was constructed in 2005. The well log shows the well being drilled through gravels and clays to a depth of 422 feet, where basalt rock is first encountered. The completed depth of the well is 596 feet below land surface, with unperforated casing installed to 492 feet into basalt rock, with a 6-inch pvc liner extending to 514 feet. The static water level measured 250 feet below the top of the well on October 12, 2005. This well withdraws water from the basalt aquifer.

U.S. Geological Survey Water-Resources Investigations Report 87-4238 (Drost et al., 1990) defines the general parameters of the basalt aquifers for the Columbia Plateau of Washington, Oregon, and Idaho. The report indicates the upper Saddle Mountain Unit is intermittently present in this area. Where present, the report indicates that the top of the Saddle Mountain Unit is at approximately 400 feet above mean seal level, with a thickness of 50-100 feet. As the elevation of the existing well is approximately 880 feet, and the proposed well 870 feet, both above sea level, this unit may be represented by broken basalt encountered from 422 to 508 feet below land surface. In both instances, this zone has been cased off, and did not appear to be water bearing at this location. Farther down, the report shows the top of Wanapum Basalt Unit present at approximately 300 feet above mean sea level with a total thickness of approximately 950 feet. This would translate to the top of the Wanapum Unit being at approximately 570 feet below land surface at this location. It appears most likely that the subject well is cased into, and withdraws water from, the Wanapum Basalt Unit.

Examination of USGS head maps for the Columbia Plateau Basalt aquifers in the area (USGS WRI Report 86-4046, Sheets 3 and 4) indicate that groundwater flow near the existing point of withdrawal is to the west and southwest, towards the Walla Walla River. Water within the Columbia Plateau Basalt aquifers flows in this westerly direction towards the "Divide Anticline", identified by Newcomb in 1965. This anticline is a groundwater divide that separates the Walla Walla Basin from the greater Columbia Basin. The groundwater moving to the west and southwest at the existing point of withdrawal will have discharged to the Walla Walla River before it makes it to the Divide Anticline. Once the groundwater discharges to the Walla Walla River, it then flows in a westerly direction to the mouth of the Walla Walla River, which discharges to the McNary Pool/Columbia River.

Other

Provide any other pertinent information relative to the investigation of this application.

N/A

The information or conclusions in this section were authored and/or developed by (Name of Person): Bill Neve, Water Right Solutions, LLC

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

Describe whether, and to what extent, a valid water right exists.
The extent and validity of this right was confirmed through a CWRE Proof Report of Examination prepared in January of 2022 and approved by Ecology in March of 2022. The allocations approved through this process (248 gpm, 167.5 ac-ft/yr for irrigation of 104.15 acres) remain valid for consideration of the change proposed herein.

**Relinquishment or abandonment concerns**
Describe any relinquishment or abandonment of the water right associated with the water right transfer application as discussed in the investigation section of this report.

The allocations currently authorized under Cert. No. 554-A(A) were approved within the last few months are still valid for purposes of this application. No relinquishment or abandonment concerns are relevant to this application.

**Hydraulic analysis**
Describe the result, as adopted by the board, of any hydraulic analysis done related to the proposed water right transfer.

The aquifer the well withdraws water from generally discharges to the lower Walla Walla River near what is known as the “Divide Anticline”. Water withdrawn from the subject well should not impact the upper Walla Walla River or tributaries thereof.

**Consideration of comments and protests**
Discuss the board's conclusions of issues raised by any comments and protests received.

Public notice of the application was provided in the Walla Walla Union Bulletin, published in Walla Walla County, on July 17th and 24th, 2022. There were no protests received during the 30-day protest period following the last date of publication. Likewise, no comments or objections regarding this application were received at open public meetings of the Board.

**Impairment**
Describe how or if the transfer proposal will impair existing rights of others.

There has been no material reviewed during the course of this investigation that would suggest that the proposed change in period of use would, if approved, result in the impairment of any existing water rights, including instream flows. To the contrary, the distribution of the currently allocated quantities of water over a season of use extending into the higher-flow “shoulder” months could serve to improve instream flows during those lower flow months currently authorized for use during the summer irrigation season.

**Public Interest**
If the proposed transfer is authorized pursuant to RCW 90.44.100, describe whether it is detrimental to the public interest. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively.

No detriment to the public welfare was identified during the processing of this application. The proposed change is consistent with WAC 173-532 (Water Resources Program for the Walla Walla River Basin, WRIA 32) and RCW 90.54 (Water Resources Act of 1971), as well as the Walla Walla County Municipal Code and the WRIA 32 Watershed Plan.

**Other**
The board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision. Provide any other pertinent information relative to the board's conclusions.

The Board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision.
DECISION [See WAC 173-153-130(6)(e)]

Provide a complete description of the board's decision, fully and comprehensively addressing the entire application proposal.

Applications for change of ground water rights permits and certificates are governed by RCW 90.03.380 and RCW 90.44.100, which state 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 only on the conditions that:

- The change must not cause detriment or injury to existing rights;
- A valid right/claim exists that is capable of being changed;
- The change shall not allow for the enhancement of the right perfected under the original certificate;
- An additional or new well shall withdraw water from the same source as the original;
- The proposed change would not be detrimental to the public welfare.

It is the conclusion of the Walla Walla County Water Conservancy Board that in accordance with RCW 90.44.100:

1. That the proposed change to period of use under GW Cert. No. 554-A(A) from 4/1 – 10/1 to 3/1 – 11/30 will not impair existing rights, including instream flows established through WAC 173-532;
2. A valid right exists and is eligible to be changed to the extent the right has been put to historic beneficial use, as summarized above;
3. That the change will not expand or enhance the right which was perfected under the original certificate;
4. That source of water under Cert. No. 554-A(A) will not be change through approval of this application;
5. That additional or new well shall withdraw water from the same source as the original.

It is concluded by the Board that the requested change in period of use to March 1 to November 30 under Superseding Ground Water Certificate No. 554-A(A) has passed the statutory tests and is approved in the amounts of 248 gallons per minute, 167.5 acre-feet per year (156.6 acre-feet ACQ), for the irrigation of 104.15 acres is approved, subject to the provisions and conditions listed below.

Provide any other pertinent information relative to the board's decision.

As the irrigation infrastructure is in place and the allocated quantities are being put to full beneficial use, a superseding certificate may issue immediately upon approval of this decision by Ecology.

The information or conclusions in this section were authored and/or developed by (Name of Person): Bill Neve, Water Right Solutions, LLC and members of the Walla Walla County Water Conservancy Board.

PROVISIONS [See WAC 173-153-130(6)(f)]

**Conditions and limitations**

Identify any conditions and limitations recommended as part of an approved transfer, and/or any other corrective action necessary to maintain the water use in compliance with state laws and regulations.

**Conditions and limitations**

**Wells, Well Logs and Well Construction Standards**

1. All wells constructed in the State shall meet the construction requirements of Chapter 173-160 WAC entitled Minimum Standards for the Construction and Maintenance of Wells and Chapter 18.104 RCW titled Water Well Construction.
2. The water user is required to maintain an access port to measure water levels within the authorized wells, as described in Ground Water Bulletin No. 1. An airline and gage may be installed in addition to the access port.
3. If/when any of the authorized wells are modified or replaced, a completed well report of the well(s) shall be submitted by the driller to the Department of Ecology within 30 days of completing the construction or modifications authorized herein. All pump test data for the well(s) shall be submitted to the Department as it is obtained.

4. All wells shall 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 shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

**Measurements, Monitoring, Metering and Reporting**

5. An approved measuring device shall be installed and maintained for each of the sources authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. WAC 173-173 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. Installation, operation and maintenance requirements are enclosed as a document entitled “Water Measurement Device Installation and Operation Requirements” [http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html](http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html)

6. Water use data shall be recorded monthly. 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.

7. Reported water use data shall be submitted via the Internet or by using the enclosed forms. To set up an Internet reporting account, access [https://fortress.wa.gov/ecy/wrx/wrx/Metering/](https://fortress.wa.gov/ecy/wrx/wrx/Metering/). If you have questions or need additional forms, contact the Eastern Regional Office.

**Quantity Limits, Flow and Regulation**

8. The Annual Consumptive Quantity determined to be available for irrigation use under Ground Water Certificate No. 554-A(A), being 156.6 acre-feet per year, is an annual limit that shall not be exceeded. Any changes to cropping or irrigation application systems that would increase Annual Consumptive Quantity of water per acre could necessitate a reduction in overall irrigated acres to conform to this annual limit.

**Schedule and Inspections**

9. 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.

**General Conditions**

10. Issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

11. Use of water under this authorization shall be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.

12. This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Native Americans under Treaty or otherwise.

13. The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop(s) grown on the number of acres and the place of use specified.
Mitigation (if applicable)
Describe any requirement to mitigate adverse effects of the project. Mitigation may be proposed by the applicant or the board and be required in the board's decision.

No mitigation measures are necessary for this decision.

Construction Schedule
Provide a schedule for development and completion of the water right transfer, if approved in part or in whole that includes a definite date for completion of the transfer and application of the water to an authorized beneficial use.

No construction schedule is necessary for this authorization. A superseding certificate may issue to DeNeal Peterson Water Users Association upon final approval of this change by Ecology.

Beginning of Construction: Started.
Completion of Construction: Completed.
Water Put to Full Use: Full Beneficial Use

Other
Provide any other pertinent information relative to provisions

References Cited:


The information or conclusions in this section were authored and/or developed by (Name of Person): Bill Neve, Water Right Solutions, LLC and members of the Walla Walla Water Conservancy Board.

The undersigned board commissioner certifies that he/she understands the board is responsible “to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination.” [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report’s conclusions.

Signed at ______________, Washington
This __________ day of __________, __________.

Name of Board Representative:
Name of Water Conservancy Board:
Signature: