



File NR G4-33051  
WR Doc ID 5117762

State of Washington  
**REPORT OF EXAMINATION  
FOR WATER RIGHT APPLICATION**

**PRIORITY DATE**  
January 11, 2012

**WATER RIGHT NUMBER**  
G4-33051

**MAILING ADDRESS**  
CITY OF PATEROS  
113 LAKESHORE DR  
PO BOX 8  
PATEROS, WA 98846-0008

**SITE ADDRESS (IF DIFFERENT)**

**Quantity Authorized for Withdrawal or Diversion**

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
500	GPM	376(non-additive)

**Purpose**

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	(mm/dd)
Municipal Water Supply	500		GPM	0	376	01/01 - 12/31

**REMARKS**

The annual quantity associated with this authorization shall not increase the total allowed withdrawals under the existing water rights portfolio held by the City of Pateros.

ADDITIVE	IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
	NON-ADDITIVE		WATER SYSTEM ID	CONNECTIONS
0	0		66450	445

**Source Location**

COUNTY	WATERBODY	TRIBUTARY TO				WATER RESOURCE INVENTORY AREA		
OKANOGAN	GROUNDWATER					48-OKANOGAN		
SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well 1 (East)	3023360182	AGJ116	30N	23E.W.M.	36	NESW	48.05477	-119.89986
Well 2 (West)	3023360182	AGJ117	30N	23E.W.M.	36	NESW	48.05475	-119.8999

Datum: NAD83

**Place of Use (See Attached Map)**

PARCELS (NOT LISTED FOR SERVICE AREAS)

**LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE**

The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the POU of this water right.

**Proposed Works**

Two existing 12 inch wells drilled to a depth of 107 feet and 112 feet, fitted with 40 HP pumps and distribution system required to supply water to municipal water supply customers.

### Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	Completed	November 15, 2014

### Measurement of Water Use

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

### Provisions

#### Wells, Well Logs and Well Construction Standards

All wells constructed in the state shall 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 shall be decommissioned.

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.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

#### Measurements, Monitoring, Metering and Reporting

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

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.

#### Department of Health Requirements

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at DOH/Division of Environmental Health, 16201 E. Indiana Avenue, Suite 1500, Spokane Valley, WA 99216, (509) 329-2100.

#### 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 shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s),

annual quantity, place of use, and satisfaction of provisions.

**Schedule and Inspections**

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

**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 No. G4-33051, 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).

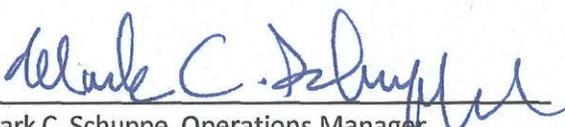
To appeal you must do the following within 30 days of the date of receipt of the Order.

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
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Signed at Yakima, Washington, this 15<sup>th</sup> day of February 2013.

  
Mark C. Schuppe, Operations Manager  
Office of Columbia River

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**

Application for Water Right – City of Pateros  
 Water Right Control Number G4-33051  
 Trevor Hutton, Department of Ecology

**BACKGROUND**

This application was submitted by the City of Pateros (City) as a result of discussions with the applicant regarding the Lake Roosevelt Incremental Storage Releases Program (Program). The applicant held another application (G4-31832(A)) for additional instantaneous rate and annual quantity that was favorably processed. However, through discussions with the City, it was revealed that they had been exceeding their authorized instantaneous withdrawal rate (Qi) by 500 gallons per minute (gpm). The existing water rights are adequate to supply the annual quantity (Qa) demand for the city, but an increase in authorized Qi would be needed to allow the City to serve its customers while staying in compliance with RCW 90.44.050.

*Priority Processing*

This application is being priority processed because it qualifies as water budget neutral pursuant to the criteria under which an application may be processed prior to competing applications (WAC 173-152-050(2)(g)).

**Table 1 Summary of Requested Water Right**

<b>Applicant Name:</b>	City of Pateros
<b>Date of Application:</b>	January 11, 2012
<b>Place of Use</b>	The service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

County	Waterbody	Tributary To	WRIA
Okanogan	Groundwater		48-Okanogan

Purpose	Rate	Unit	Acre-feet/yr	Begin Season	End Season
Municipal Water Supply	500	GPM	0 (additive)	01/01	12/31
			376 (non-additive)		

Source Name	Parcel	WellTag	Depth	Twn	Rng	Sec	QQ Q	Latitude	Longitude
Well 1 (East)	3023360182	AGJ116	107 ft	30N	23E.W.M.	36	NESW	48.05477	-119.89986
Well 2 (West)	3023360182	AGJ117	112 ft	30N	23E.W.M.	36	NESW	48.05475	-119.89990

**Table 2 Existing Water Rights**

File Number	Applicant	Document Type	Priority Date	Purpose	Qi	Units	Qa (Ac-ft/yr)
G4-CV2P916	City of Pateros	Certificate	5/9/1951	Municipal	250	gpm	180
G4-CV2P917	City of Pateros	Certificate	12/21/1953	Municipal	250 non-additive	gpm	336 non-additive
G4-CV2P918	City of Pateros	Certificate	5/9/1951	Municipal	250	gpm	156
G4-31832(A)	City of Pateros	Permit	8/23/1993	Municipal	95	gpm	40

## Legal Requirements for Approval of Appropriation of Water

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### *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 Quad City Herald on August 30 and September 6, 2012.

No comments were received.

### *Consultation with the Washington Department of Fish and Wildlife(WDFW)*

Ecology must give notice to WDFW of applications to divert, withdraw or store water. Notice was sent to WDFW as a part of the consultation process under WAC 173-563-020 (see below). Response was received on 1/3/2013 indicating WDFW did not oppose the allocation of water as requested in the application.

### *Consultation under WAC 173-563-020*

Under WAC 173-563-020(4), consultation is required before issuing a new groundwater right that has significant and direct impact to the Columbia River:

*Any water right application considered for approval or denial after July 27, 1997 will be evaluated for possible impacts on fish and existing water rights. The department will consult with appropriate local, state, and federal agencies and Indian tribes in making this evaluation. Any permit which is then approved for the use of such waters will be, if deemed necessary, subjected to instream flow protection or mitigation conditions determined on a case-by-case basis through the evaluation conducted with the agencies and tribes.*

Notice was sent to appropriate parties on October 7, 2012. No responses 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.

## **INVESTIGATION**

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The author of this report visited the site and met with City officials several times, beginning on August 17, 2010, regarding the City's above-mentioned application that received additional water under the Program. The initial site visit and subsequent correspondence indicated that the City had been withdrawing water in excess of their legal authority to do so. The instant application was submitted by the city in order to address the inconsistencies between the City's portfolio of existing rights and their actual Qi demand.

### **Proposed Use and Basis of Water Demand**

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The proposed water use is associated with the municipal water supply to the City of Pateros. This system uses two existing 12 inch wells drilled to a depth of 107 feet and 112 feet, fitted with 40 HP pumps and the distribution system required to supply water to municipal water supply customers. The Qi demand for the City is 1000 gpm, which is 500 gpm higher than their authorized withdrawal rate prior to processing of G4-31832(A).

### **Other Rights in the Vicinity**

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There are approximately 13 other water rights in the area, which are comprised of generally small domestic uses including minor irrigation and some small commercial and industrial rights. None of these are directly related to the subject application to supply water to the City of Pateros. The closest point of withdrawal for other state issued water rights is approximately 575 feet northeast of the proposed point of withdrawal.

### **Impairment Considerations**

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Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection. A water right application may not be approved if it would:

- Interrupt or interfere with the availability of water to an adequately constructed groundwater withdrawal facility of an existing right. An adequately constructed groundwater withdrawal facility is one that (a) is constructed in compliance with well construction requirements and (b) fully penetrates the saturated zone of an aquifer or withdraws water from a reasonable and feasible pumping lift.
- Interrupt or interfere with the availability of water at the authorized point of diversion of a surface water right. A surface water right conditioned with instream flows may be impaired if a proposed use or change would cause the flow of the stream to fall to or below the instream flow more frequently or for a longer duration than was previously the case.
- Interrupt or interfere with the flow of water allocated by rule, water rights, or court decree to instream flows.
- Degrade the water quality of the source to the point that the water is unsuitable for beneficial use by existing users (e.g., via sea water intrusion).

A separate technical memorandum regarding the earlier application G4-31832(A) was produced by a staff licensed Hydrogeologist. This memorandum states in part:

Since the wells are very close to each other and at similar depths they can be treated as a single well for the purposes of analyzing drawdown of the water table due to pumping. Pumping continuously at a rate of 1,000 gpm from the wells would exhaust the authorized annual quantity in approximately 85 days. An evaluation using the Theis non-equilibrium equation applying estimated aquifer parameters discussed above was performed to assess possible pumping interference with nearby wells as a result of the permitting action. Results indicate that pumping at a rate of 1,000 gpm would potentially draw the water table down around 7 to 9 feet at a distance of 500 feet. A continuous pumping regime is of course not practical and represents a worst-case scenario. If the well is pumped in cycles or if it is pumped at less than the instantaneous rate of 1,000 gpm, the predicted effect would be reduced. The nearest well associated with a state issued water right is approximately 575 feet from the subject wells. The nearest possible well that might be used under the groundwater permitting exemption is no less than 300 feet from the subject wells based on aerial photo analysis. At 300 feet the estimated drawdown due to pumping at the subject wells is 8 to 11 feet.

Based on the above analysis, the subject wells meet the allocation objectives and requirements of the Columbia River Water Management Program. Any local well interference that might occur is not expected to be significant.

The above analysis indicates that there appears to be no substantial risks of impairment to existing rights in the area and that the proposed project would not interrupt or interfere with established water users.

#### Water Availability

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For water to be available for appropriation, it must be both physically and legally available.

##### *Physical availability*

For water to be physically available for appropriation there must be ground or surface water present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses. In addition, the following factors are considered:

- Volume of water represented by senior water rights, including federal or tribal reserved rights or claims;
- Water right claims registered under Chapter 90.14 RCW;
- Ground water uses established in accordance with Chapter 90.44 RCW, including those that are exempt from the requirement to obtain a permit; and
- Potential riparian water rights, including non-diversionary stock water.
- Lack of data indicating water usage can also be a consideration in determining water availability, if the department cannot ascertain the extent to which existing rights are

consistently utilized and cannot affirmatively find that water is available for further appropriation.

The proposed wells appear to be substantially connected to the Columbia River, and the Ecology staff Hydrogeologist's report for application G4-31832(A) indicates that the aquifer is in hydraulic connection with the Columbia River and water levels in the aquifer correspond with surface elevations for the Columbia River. This suggests that water is physically available to supply water for the proposed uses.

#### *Legal availability*

To determine whether water is legally available for appropriation, the following factors are considered:

- Regional water management plans – which may specifically close certain water bodies to further appropriation.
- Existing rights – which may already appropriate physically available water.
- Fisheries and other instream uses (e.g., recreation and navigation). Instream needs, including instream and base flows set by regulation. Water is not available for out of stream uses where further reducing the flow level of surface water would be detrimental to existing fishery resources.
- The Department may deny an application for a new appropriation in a drainage where adjudicated rights exceed the average low flow supply, even if the prior rights are not presently being exercised. Water would not become available for appropriation until existing rights are abandoned or relinquished for non-use by state proceedings.

This application is water budget neutral and would not result in an increase in the consumptive use allowed under the City's existing rights.

#### Beneficial Use

The proposed use of water for municipal water supply is defined in statute as a beneficial use (RCW 90.54.020(1)).

#### Public Interest Considerations

The proposed use of water is not detrimental to the public interest, and would allow the City to continue serving their residential customers without encountering future water supply problems. This concept aligns with RCW 90.54.020(8) in that the presence of an adequate water supply system would prevent the need for landowners to find alternate means of water access, such as private wells and/or private water distribution systems within the City.

#### *Consideration of Protests and Comments*

No protests were filed against this application.

#### Conclusions

As proposed in the subject application, it appears water is legally and physically available for a beneficial use and that no impairment should be expected to other users, nor will the proposal

be detrimental to the public interest.

### **RECOMMENDATIONS**

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Based on the above investigation and conclusions, I recommend that this request for a water right be approved and that a permit be issued in the amounts and within the limitations listed below and subject to the provisions listed above

#### Purpose of Use and Authorized Quantities

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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:

500 gpm  
0 acre-feet per year (additive)  
376 acre-feet per year (non-additive)  
Municipal Water Supply purposes

#### Points of Withdrawal

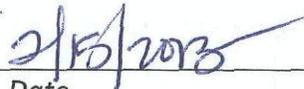
NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , Section 36, Township 30 N., Range 23 E.W.M.

#### Place of Use

As listed on page one of this Report of Examination



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.*