STATE OF WASHINGTON
**DEPARTMENT OF ECOLOGY**
AMENDED APPLICATION FOR CHANGE/TRANSFER
***REPORT OF EXAMINATION***
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☐ Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)

☒ Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

| PRIORITY DATE | APPLICATION NUMBER | PERMIT NUMBER | CERTIFICATE NUMBER |
|---|---|---|---|
| January 14, 1946 | 85 | 76 | 303-A |

NAME
CITY OF DEER PARK

| ADDRESS (STREET) | (CITY) | (STATE) | (ZIP CODE) |
|---|---|---|---|
| 316 East Crawford | Deer Park | Washington | 99006-0228 |

COPY

**PUBLIC WATERS TO BE APPROPRIATED**

SOURCE
Thirteen (13) wells
TRIBUTARY OF (IF SURFACE WATERS)

| MAXIMUM CUBIC FEET PER SECOND | MAXIMUM GALLONS PER MINUTE | MAXIMUM ACRE FEET PER YEAR |
|---|---|---|
| | 400 | 650 |

QUANTITY, TYPE OF USE, PERIOD OF USE

400 gallons per minute, 650 acre-feet per year, continuously, for municipal supply.

**LOCATION OF DIVERSION/WITHDRAWAL**

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL

See below

| LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) | SECTION | TOWNSHIP N. | RANGE, (E. OR W.) W.M. | W.R.I.A. | COUNTY |
|---|---|---|---|---|---|
| See below | | | | 55 | Spokane |

**RECORDED PLATTED PROPERTY**

| LOT | BLOCK | OF (GIVE NAME OF PLAT OR ADDITION) |
|---|---|---|
| | | |

**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED**

Area served by the City of Deer Park.

Well Locations:

Well #2 (S01): SE¼NE¼ Sec. 3, T. 28 N., R. 42 E.W.M. (West #2)
1650 feet south and 275 feet west from the NE corner of Sec. 3

Well #3 (S02): NW¼SW¼ Sec 2, T. 28 N., R. 42 E.W.M. (South)
940 feet south and 330 feet east from the W¼ corner of Sec. 2

Well #4 (S03): NW¼SW¼ Sec. 2, T. 28 N., R. 42 E.W.M. (Swinyard)
1850 feet north and 900 feet east from the SW corner of Sec. 2

Well #5 (S04): SE¼SW¼ Sec. 35, T. 29 N., R. 42 E.W.M. (North)
1150 feet north and 660 feet west from the S¼ corner of Sec. 35

Well #6 (S05): E½NW¼ of Sec. 26, T. 29 N., R. 42 E.W.M. (North Dalton #1)
1320 feet north and 1210 feet west from the center of Sec. 26

Well #7: E½NW¼ of Sec. 26, T. 29 N., R. 42 E.W.M. (North Dalton #2)
1320 feet north and 916 feet west from the center of Sec. 26

Well #8 (S06): NE¼NW¼NW¼ Sec. 11, T. 28 N., R. 42 E.W.M. (South Dalton #1)
300 feet south and 1050 feet east from the NW corner of Sec. 11

Well #9: NE¼SE¼SW¼ Sec. 35, T. 29 N., R. 42 E.W.M. (Iron)
825 feet north and 2100 feet east from the SW corner of Sec. 35

Well #10: NE¼NW¼SW¼ Sec. 31, T. 29 N., R. 43 E.W.M. (Airport)
1900 feet west and 450 feet south from the center of Sec. 31

Well #11: SE¼SW¼ Sec. 23, T. 29 N., R. 42 E.W.M. (Boyle)
205 feet north and 1711 feet east from the SW corner of Sec. 23

Well #12: NW¼NW¼ Sec. 11, T. 28 N., R. 42 E.W.M. (South Dalton #2)

Well #13: N½ Sec. 11, T. 28 N., R. 42 E.W.M.

Well #14: N½ Sec. 10, T. 28 N., R. 42 E.W.M.

**DESCRIPTION OF PROPOSED WORKS**

13 wells and pump distribution system.

**DEVELOPMENT SCHEDULE**

| BEGIN PROJECT BY THIS DATE: | COMPLETE PROJECT BY THIS DATE: | WATER PUT TO FULL USE BY THIS DATE: |
|---|---|---|
| Started | January 1, 2018 | January 1, 2019 |

**REPORT**

## AMENDED APPLICATIONS FOR CHANGE

The Reports of Examination issued on February 4, 1999 approved changes to nine (9) ground water rights held by the City of Deer Park. It has been brought to the attention of the Department that the application for change received in this office on November 9, 1996 for Ground Water Certificate No. G3-25862C should not have been accepted for processing. Under Item #3 on the application form, the City of Deer Park stated that they had purchased the property and all of the water rights described in Ground Water Certificate No. G3-25862C from Charley Boyle. The City of Deer Park did not purchase all of the water rights, and, therefore, did not have the legal authority to request the change without the required signatures of the legal landowners(s) of all of the property described in the place of use of the underlying water right.

On March 6, 2003, the Department issued Order No. DE03 WRER 5406 Rescinding the Amended Report of Examination issued on February 4, 1999 under Ground Water Certificate No. G3-25862C. Through this rescission, Ground Water Certificate No. G3-25862C reverts back to its original state prior to the change which authorizes the withdrawal of 900 gallons per minute, 635.6 acre feet per year for the seasonal irrigation of 160 acres and continuous domestic and stockwater supply. The point of withdrawal is located within the SE¼SW¼ of Sec. 23, T. 29 N., R. 42 E.W.M. and the Place of Use is the SW¼ of Sec. 23, T. 29 N., R. 42 E.W.M.

The Reports of Examination for Ground Water Declaration No. 86-D and Ground Water Certificate Nos. 303-A, G3-00142C, G3-00489C, G3-22546C, G3-24591C, G3-25385C, and G3-26674C are being amended to revise the total quantities of water rights held by the City of Deer Park by deleting the quantities authorized under Ground Water Certificate No. G3-25862C. These amended Reports of Examination will be issued for thirteen (13) wells and will list well No. 11 (the Boyle well located within the SE¼SW¼ of Sec. 23, T. 29 N., R. 42 E.W.M.) as one of the authorized points of withdrawal, however, issuance of a permit by the Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between the applicant and the owner of that land.

## BACKGROUND

An application for change to add 12 points of withdrawal, change the purpose and place of use to Ground Water Certificate No. 303-A was submitted by the City of Deer Park on May 9, 1996. This Certificate is issued in the amount of 400 gallons per minute, 650 acre feet per year, for continuous municipal supply, manufacturing and industrial use. The present place of use is the Town of Deer Park, Spokane County, Washington. The existing well as granted under this Certificate is known as SO-1. The 12 added wells are known as SO-2, SO-3, SO-4, SO-5, SO-6, City well No. 7, City well No. 9, City well No. 10, City well No. 11, and future City wells Nos. 12, 13, and 14. The location of these 13 wells is more specifically defined in the body of this report.

The City of Deer Park filed 9 applications for change under Ground Water Declaration 86-D and Ground Water Certificates 303-A, G3-00142C, G3-25385C, G3-26674C, G3-00489C, G3-25862C, G3-24591C, and G3-22546C to integrate their existing water system. The Report of Examination issued on February 4, 1999 under Ground Water Certificate No. G3-25862C has been formally rescinded by the Department. City Well No. 1 has been dropped as a point of withdrawal from these applications for change at the request of the City of Deer Park. The City of Deer Park has 13 wells authorized under these 7 Certificates (since G3-25862C has been rescinded) and 1 Declaration. The total quantity available in acre-feet per year and instantaneous withdrawal is variable dependant on season as further described in this report.

A notice of application was duly published in accordance with RCW 90.03.280; no protests or objections were received.

This application is not categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW. A Declaration of Non-significance was issued by the City of Deer Park on April 18, 1996. This application for change is exempt under the Family Farm Water Act of 1977, Chapter 90.66 RCW.

## INVESTIGATION

James M. Lyerla conducted a field examination in February of 1997. During the course of this investigation the City of Deer Park was consulted and their proposed applications for change discussed. Information found in this report concerning well depths, static water levels, litho logy, production capacity, well location, and historic use were obtained during this discussion.

All of the applications for change listed City well No. 1 as a point of withdrawal. City well No. 1 has been replaced by a new well (SO-1). The new well was drilled next to City well No. 1 which has been abandoned. The City has requested that City well No. 1 be deleted from these applications for change.

The SO well numbers 1 thru 6 listed in the following summary are well numbers assigned by the Department of Health and the City numbers are city wells not yet numbered by the Department of Health.

This integrated system will consist of 13 wells located as follows:

SO-1
This well is located 1650 feet south and 275 feet west of the NE corner of Sec. 3, T 28 N., R. 42 E.W.M. being within the SE¼NE¼.

This well is 36 feet in depth with a diameter of 72 inches and is completed into the local sand and gravel aquifer. It is capable of producing 250 gallons per minute. The well is high in nitrate. This well is presently authorized under Ground Water Declaration 86-D and Ground Water Certificate 303-A.

SO-2
This well is located 940 feet south and 330 feet east from the W¼ corner of Sec. 2, T. 28 N., R. 42 E.W.M. being within the NW¼SW¼.

This well is 32 feet in depth and 72 inches in diameter and is completed into the local sand and gravel aquifer with casing perforations from 22 feet to 32 feet. The present production capacity of this well is 250 gallons per minute. This well is one of four wells authorized under the authority of Ground Water Certificate No. G3-00142C.

SO-3
This well is located 1850 feet north and 900 feet east from the SW corner of Sec. 2, T. 28 N., R. 42 E.W.M. being within the NW¼SW¼.

This 8 inch in diameter well is 84 feet in depth with a static water level of 21 feet below land surface. The well is completed into the local sand and gravel aquifer and has a production capacity of 950 gallons per minute. This well is the City of Deer Park's main production well and is authorized under the authority of Ground Water Certificate No. G3-26674C.

SO-4
This well is located 1150 feet north and 660 feet west from the S¼ corner of Sec. 35, T. 29 N., R. 42 E.W.M. being within the SE¼SW¼.

This is a 72 inch in diameter well that is 54 feet deep with casing perforations from 34 feet to 54 feet. This well is capable of producing 250 gallons per minute and completed into the local sand and gravel aquifer. The well is authorized under the authority of Ground Water Certificate No. G3-00142C.

SO-5
This well is located 1320 feet north and 1210 feet west from the center of Sec. 26, T. 29 N., R. 42 E.W.M. being within the E½NW¼.

This is a 12 inch well drilled to a depth of 47 feet below land surface and is completed into the local sand and gravel aquifer. The casing is perforated from 22 feet to 47 feet and the well is capable of producing 800 gallons per minute. This is one of two wells authorized under the authority of Ground Water Certificate G3-22546C (SO-5 and City well No. 7).

SO-6
This well is located 300 feet south and 1050 feet east from the NW corner of Sec. 11, T. 28 N., R. 42 E.W.M. being within the NE¼NW¼NW¼.

This is a 16 inch well 83 feet in depth with a static water level of 16 feet below land surface. The well is completed into the local sand and gravel aquifer and is perforated from 43 to 83 feet. This well is presently equipped with a pump that is capable of producing 1400 gallons per minute. It is primarily used during the summer months when water demand is high. Well SO-6 is authorized under the authority of Ground Water Certificate G3-24591C.

City Well No. 7
This well is located 1320 feet north and 916 feet west of the center of Sec. 26, T. 29 N., R. 42 E.W.M. being within the E½NW¼.

This well is approximately 300 feet east of well SO-5 and is similar in construction to well SO-5. It is completed into the local sand and gravel aquifer and is capable of producing 800 gallons per minute. This well has a pump installed but is only being used for a standby water supply at this time due to its near proximity to well SO-5. This is one of two wells authorized under Ground Water Certificate G3-22546C (SO-5 and City well No. 7).

City Well No. 9

This well is located 825 feet north and 2100 feet east from the SW corner of Sec. 35, T. 29 N., R. 42 E.W.M being within the NE¼SE¼SW¼.

This well is 210 feet in depth with a static water level of 40 feet below land surface. The well enters the local basalt formation at a depth of 120 feet and is completed in basalt. The water production from this well is obtained from the local basalt aquifer. This is the only basalt well owned by the City. This well is not presently equipped with a pump and is capped. This well was tied into the City's water system at one time but was disconnected due to high iron content in the well. This well was drilled under the authority of Ground Water Certificate G3-25385C.

City Well No. 10

This well is located 1900 feet west and 450 feet south from the center of Sec. 31, T. 29 N., R. 43 E.W.M. being within the NE¼NW¼SW¼.

This well is 195 feet in depth and is completed into the local sand and gravel aquifer. The well originally served Deer Park Airport until the Airport connected to City water. This well does not have a pump installed and is not tied into the integrated City system. It may be added to the system at a later date if required for standby water. This well is authorized under the authority of Ground Water Certificate No. G3-00489C.

City Well No. 11

This well is located 205 feet north and 1711 feet east from the SW corner of Sec. 23, T. 29 N., R. 42 E.W.M. being within the SE¼SW¼.

This well is 55 feet in depth with a static water level of 10 feet below the top of the casing. It is completed into the local sand and gravel aquifer. The well was purchased by the City of Deer Park in 1987 and is authorized under the authority of Ground Water Certificate G3-25862C.

City Well No. 12

This is a proposed well to be located within the NW¼NW¼ of Sec. 11, T. 28 N., R. 42 E.W.M.

City Well No. 13

This is a proposed well to be located within the N½ of Sec. 11, T. 28 N., R. 42 E.W.M.

City Well No. 14

This is a proposed well to be located within the N½ of Sec. 10, T. 28 N, R. 42 E.W.M.

The following is a summary of the City of Deer Park's existing water rights:

1) Ground Water Declaration 86-D is issued in the amount of 450 gallons per minute, 140 acre-feet per year, continuously, for municipal supply. The certificated point of withdrawal is well SO-1 and the place of use is the Town of Deer Park.

2) Ground Water Certificate 303-A is issued in the amount of 400 gallons per minute, 650 acre-feet per year, for continuous municipal supply, manufacturing and industrial use from well SO-1. The place of use is the Town of Deer Park, Spokane County, WA.

3) Ground Water Certificate G3-00142C is issued in the amount of 1205 gallons per minute, 1210 acre-feet per year, continuously, for municipal supply from four wells. These four wells are abandoned City well No. 1 and SO-1, SO-2, and SO-4. This Certificate is issued less any amount withdrawn under Ground Water Declaration 86-D and Ground Water Certificate 303-A and is limited to a total withdrawal of 1205 gallons per minute, 1210 acre-feet per year.

4) Ground Water Certificate G3-25385C is issued in the amount of 400 gallons per minute, no additional acre-feet per year, for a continuous municipal supply. The certificated point of withdrawal is City well No. 9. The total withdrawal shall not exceed 1605 gallons per minute, 1210 acre-feet per year under Ground Water Declaration No. 86-D, Ground Water Certificate No. 303-A, Ground Water Certificate No. G3-00142C and Ground Water Certificate No. G3-25385C.

5) Ground Water Certificate G3-26674C is issued in the amount of 1000 gallons per minute, 1210 acre-feet per year, continuously, for municipal supply from well SO-3. The total withdrawal under this Certificate and 86-D, 303-A, G3-00142C, and G3-25385C was limited to 2605 gallons per minute, 1210 acre-feet per year.

6) Ground Water Certificate G3-00489C is issued in the amount of 200 gallons per minute, 40 acre-feet per year, continuously, for municipal supply from City well No. 10. The total withdrawal for municipal use under all six water rights described above is 2805 gallons per minute, 1250 acre-feet per year.

The above listed 6 Certificates of water right were issued for municipal, manufacturing and industrial use and are considered year around rights. The following Certificates are issued for irrigation use and have an irrigation season assigned. The City has purchased these rights and is requesting to change the place of use to the area served by the City of Deer Park, the purpose of use to seasonal municipal supply and add points of withdrawal:

7) Ground Water Certificate G3-24591C is issued in the amount of 1500 gallons per minute, 579 acre-feet per year, for the seasonal irrigation of 180 acres. The certificated point of withdrawal is well SO-6. The City of Deer Park requests that the purpose of use be change to seasonal municipal supply, the place of use be changed to the area served by the City of Deer Park and add 12 wells.

8) Ground Water Certificate G3-22546C is issued in the amount of 1600 gallons per minute, 1104 acre-feet per year, for the seasonal irrigation of 320 acres. The points of withdrawal are wells SO-5 and City well No. 7. The City requests that the purpose of use be changed to seasonal municipal supply and that the place of use be changed to the area served by the City of Deer Park and add 11 wells. There appears to be a question as to the ownership of this water right. The original certificate holder, Arron E. Olson, claims that he only sold a portion of the water right to the City and that he retained a portion for his own use. A review of the documents in the file has led this writer to conclude that the City purchased the entire water right and that the original Certificate holder has no claim to any portion of the water right. This issue is presently before the Spokane County Superior Court and a trial date has not been set. If the City of Deer Park does not prevail in this litigation then this change may be subject to amendment, dependant on the court's findings.

The City of Deer Park presently has a service population of approximately 2835. Their projected 20 year population is 5500. The average annual water usage was 969 acre-feet in 1994 and the City predicts that the demand will double in 20 years. It appears that the present allocation under existing water rights should be able to provide the City with adequate ground water well into the next century.

## CONCLUSIONS

Applications for change of water right permits and certificates are governed by RCW 90.44.100, which states in part that: the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water; such amendment shall be issued by the Department only on the conditions that; (1) the addition or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) other existing rights shall not be impaired. The Department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment.

It is the conclusion of this examiner that this application for change complies with the conditions set forth under RCW 90.44.100. This application for change should be approved to add 12 wells and change the purpose and place of use, subject to the following provisions:

"The City of Deer Park has 6 municipal water rights and 2 seasonal irrigation water rights. The 6 municipal water rights allocate 2805 gallons per minute, 1250 acre feet per year, for continuous municipal supply. The 2 seasonal irrigation rights allocate 3100 gallons per minute, 1683 acre feet per year for the seasonal irrigation of 500 acres. Through these changes, 3100 gallons per minute, 1683 acre feet per year are allocated for a seasonal municipal supply. The total withdrawal under all rights, seasonal and continuous, shall not exceed 5905 gallons per minute, 2933 acre feet per year, for municipal supply from 13 wells."

"An approved measuring device shall be installed and maintained in accordance with RCW 90.03.360 and/or WAC 508-64-020 through WAC 508-64-040." (Installation, operation and maintenance requirements attached hereto)."

"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."

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.

"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 Indians under treaty or otherwise."

"A superseding certificate of water right will not be issued until a final proof of appropriation examination is made."

"The geographic area served by City of Deer Park is defined by regulations and management programs administered by other state and local jurisdictions. The place of use defined on this water right shall be that established area."

Report Continued

"Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations."

"Installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An airline and gauge may be installed in addition to the access port."

"All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells)."

"A well log of the completed well shall be submitted by the driller to the Department of Ecology within thirty (30) days of completion of this well. This well log shall be complete and all information concerning the static water level in the completed well in addition to any pump test data shall be submitted as it is obtained."

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

Signed at Spokane, Washington this 29th day of April, 2003.

Cindy A. Christian

CINDY A. CHRISTIAN
Decision Unit Supervisor
Water Resources Program
Department of Ecology

CAC:md
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