



SPOKANE COUNTY WATER CONSERVANCY BOARD Application for Change/Transfer Record of Decision

For Ecology Use Only RECEIVED AUG 27 2013 DEPARTMENT OF ECOLOGY EASTERN REGIONAL OFFICE Reviewed by: Date Reviewed:

Applicant: Whitworth Water Dist. #2

Application Number SPOK-11-15

This record of decision was made by a majority of the board at an open public meeting of the Spokane County Water Conservancy Board held on August 26, 2013. 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 Spokane County Water Conservancy Board hereby grants conditional approval for the water right transfer described and conditioned within the report of examination on August 26, 2013 and submits this record of decision and report of examination to the Department of Ecology for final review.

Denial: The (board name) 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:

Doug Rider, Chair Spokane County Water Conservancy Board

Date: 8-26-13

Approve [checked] Deny [ ] Abstain [ ] Recuse [ ] Other [ ]

Craig Schwyn, Secretary Spokane County Water Conservancy Board

Date: 8/26/13

Approve [checked] Deny [ ] Abstain [ ] Recuse [ ] Other [ ]

Stan Schultz, Vice Chair Spokane County Water Conservancy Board

Date: 8/26/13

Approve [checked] Deny [ ] Abstain [ ] Recuse [ ] Other [ ]

Toni Taylor

George Schlender, Board Member Spokane County Water Conservancy Board

Date: 8/26/13

Approve [checked] Deny [ ] Abstain [ ] Recuse [ ] Other [ ]

Bryan St. Clair, Board Member Spokane County Water Conservancy Board

Date: 8/26/13

Approve [checked] Deny [ ] Abstain [ ] Recuse [ ] Other [ ]

Mailed with all related documents to the Dept of Ecology Eastern Regional Office, and other interested parties on August 28, 2012.

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

Ecology is an equal opportunity employer



## Board's Decision on the Application

|   |                                  |                                 |  |                          |                    |                   |                           |
|---|----------------------------------|---------------------------------|--|--------------------------|--------------------|-------------------|---------------------------|
| MAXIMUM CUB FT/ SECOND  | MAXIMUM GAL/MINUTE<br><b>260</b> | MAXIMUM ACRE-FT/YR<br><b>53</b> | TYPE OF USE, PERIOD OF USE<br><b>Continuously for Municipal Supply</b> |                          |                    |                   |                           |
| SOURCE<br><b>1 Well</b>   |                                  |                                 | TRIBUTARY OF (IF SURFACE WATER)  |                          |                    |                   |                           |
| AT A POINT LOCATED:<br>PARCEL NO.<br><b>37325.9078</b>  | ¼<br><b>NE</b>                   | ¼<br><b>SE</b>                  | SECTION<br><b>32</b>   | TOWNSHIP N.<br><b>27</b> | RANGE<br><b>43</b> | WRIA<br><b>55</b> | COUNTY.<br><b>Spokane</b> |
| LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD   |                                  |                                 |  |                          |                    |                   |                           |
| The place of use (POU) of this water right is the Whitworth Water District #2 service area described in the most recent Water System Plan 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 |                                  |                                 |  |                          |                    |                   |                           |
| PARCEL NO.  |                                  |                                 |  |                          |                    |                   |                           |

### DESCRIPTION OF EXISTING POINTS OF WITHDRAWAL

- (1) Lot 1, Block 1. Plat of Panorama Acres
- (2) Lot 3, Block 3. Plat of Panorama Acres: Both In SE1/4 of Sec 8, T. 27N., R. 43 E.W.M.

### DESCRIPTION OF PROPOSED WORKS

Well #1: NE1/4SE1/4 Sec.32, T. 27N., R. 43 E.W.M. Parcel # 37325.9078 Well Tag # AGC-037  
22 inch casing to a depth 251 ft, pump rating 4000 gpm, 500 hp motor.

### DEVELOPMENT SCHEDULE

|   |  |   |
|---|--|---|
| BEGIN PROJECT BY THIS DATE:<br><b>Completed</b> | COMPLETE PROJECT BY THIS DATE:<br><b>Completed</b> | COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:<br><b>January 1, 2015</b> |
|---|--|---|

### REPORT

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

The Whitworth Water District No. 2 application was originally filed with DOE in 2005 to change a point of withdrawal under groundwater certificate G3-23977C. The application was forwarded to the Spokane County Water Conservancy Board and was accepted at an open public meeting on August 22, 2011. The board assigned application number SPOK-11-15.

#### *Attributes of the water right as currently documented*

Name on certificate, claim, permit: Stevens County PUD.

Water right document number: G3-23977C

As modified by certificate of change number:

Priority date, first use: December 13, 1974 Revised December 11, 1996

Water quantities: Qi: 260 GPM .Qa: 30 ac. ft. for community Domestic supply of 30 units and 196 ac. ft. for irrigation of 50 acres from April 15 to October 15.

Source: 2 Wells

#### *Point of diversion/withdrawal:*

Well #1: NE1/4SE1/4 Sec.8, T. 27N., R. 43 E.W.M. Parcel # 37084.0304 Well Tag # ACW-884

Well #2: NE1/4SE1/4 sec. 8, T. 27N., R. 43 E.W.M. Parcel # 37084.0503 Well Tag # ACW-885

Purpose of use: Continuously for community domestic supply of 30 acre feet for 30 units and 196 Acre Feet for seasonal irrigation

Period of use: Continuously for community domestic supply and April 15 to October 15, for irrigation.

Place of use: Area served by Public Utility District No. 1 of Stevens County.

Existing provisions:

#### *Tentative determination of the water right*

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

*History of water use*

The original water right was issued on December 13, 1974, with certificate # G3-23977C. This certificate allowed for 1600 gpm, 628 acre feet per year, from April 15 to October 15<sup>th</sup> each year for the irrigation of 160 acres. "300 gpm, 30 acre feet per year for community domestic supply of 30 units. The place of use was the Plat of Panorama Acres.

On December 11, 1996, Stevens County PUD through a voluntary relinquishment had Certificate of Ground Water Right G3-23977C reduced to 260 Gallons per minute, 196 acre feet per year for irrigation of 50 acres; and 30 acre feet per year for continuous community domestic supply of 30 units.

Stevens County P.U.D. was operating the Panorama system until it was transferred to Whitworth Water District #2 on November 11, 2001. The Panorama System was then connected to and supplied from the Whitworth Water District #2 system. The reason for the transfer was described by Whitworth Manager, Susan McGeorge, as follows: "We took them over because of both water quality and water quantity issues. They had heavy doses of iron and manganese in the Panorama wells, had tried to filter it out for a number of years and with a number of replacement filter systems. The continual purchase and installation of these systems became impossible to keep up with and afford and did no good as far as improving either the quality or the quantity of the water they were serving. Their in-ground piping had also been pretty much reduced so no water could get through it and the iron and manganese could not be flushed out. The Department of Health was aware of the issues and was involved in our getting water to this system. We were also given a Public Works Trust Fund loan in order to make the system replacement, connection and Panorama consolidation into Whitworth Water possible. This was a DOH failing system and we were asked to help resolve the problem."

Water usage Records were supplied by Whitworth Water District #2.

*Previous changes*

On October 26, 1992, Stevens County P.U.D. No. 1 submitted an application to change the place of use of Ground Water Certificate No. G3-23977C from the plat of Panorama Acres to the area served by Public Utility District No. 1 of Stevens County. During the investigation of the application it became apparent that the quantities of water used were far less than the water quantities allowed under the 1974 Ground Water Certificate described above. On December 11, 1996, Stevens County PUD executed a "Partial Relinquishment of Ground Water Certificate No. G3-23977C" relinquishing 1640 gallons per minute, 432 acre feet per year, for 110 acres of seasonal irrigation. On December 5, 1996, The Department of Ecology issued its Report of Examination for the application and changed: (1) the place of use of Ground Water Certificate G3-23977C to "Area served by Public Utility District No. 1 of Stevens County"; and (2) the quantity and purpose of use to "260 gallons per minute, 196 acre-feet per year from April 15 to October 15, each year, for the irrigation of 50 acres; and 30 acre-feet per year continuously, for community domestic supply of 30 units." No superseding certificate of water right was ever issued.

*SEPA*

This application is categorically exempt from the provisions of the State Environmental Policy Act. (SEPA) of 1971, Chapter 43.21C RCW and Chapter 197-11-800 WAC due to the fact the amount of water being withdrawn is less than 2250 gallons per minute.

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

Public notice of the application was published in the Deer Park Tribune on October 5 & 12, 2011  
Protest period ended on November 11, 2011

There were no protests received during the 30 day protest period. In addition, no oral and written comments were received at an open public meeting of the board or other means as designated by the board.

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

On June 26, 2012 Commissioners Doug Rider and Stan Schultz met with Susan Mc George, the General Manager of the Whitworth Water District #2. visited this well site. Additional information was found in technical reports, research of department records and conversations with the applicant.

On 7-22-2012 Doug Rider revisited the Panorama well site to get GPS readings. The well adjacent south of the road and west of the private driveway is as follows; 47 50.955N, 117 23.613W El. 1935 ft.

This Panorama System was connected to the Whitworth Water System #2 in November 2001.

On June 11, 2013, Commissioners Rider and Schlender made a field visit to the place of use for SPOK-11-15 to review areas for possible irrigation listed on the certificate. The inspection revealed that the homes served by Whitworth in the Panorama area, are on large lots of 3 to 6 or more acres. Extensive lawns and gardens exist on the lots. A review of water use records provided by Whitworth Water District indicated that some of the lots average water use exceeded 1 acre feet per year. A review of these properties showed domestic animals, some pasture with standpipes and some areas for irrigation. On those parcels where the average use significantly exceeded 1 acre feet, we credited 1 acre of irrigation which is supported by records provided by the applicant. This totaled 10 acres of irrigation.

A subsequent visit by Commissioner Rider on June 26, 2013, to evaluate the irrigation usage for the 5 additional lots on Saddle Mtn. Ln. and 1 lot on Half Moon Rd. which The applicant stated was being served. This added 13 acre feet of additional irrigation for a total of 23 acre feet for irrigation and 30 acre feet continuously for Municipal Water Supply. This is confirmed by Water use Records submitted by Whitworth Water District #2.

Neither on-site investigation nor review of historical aerial photographs indicated evidence of the seasonal irrigation of 50 acres for agricultural purposes within since 2001.

*Proposed project plans and specifications*

To serve municipal water from Whitworth, to serve these small districts that have been taken over by Whitworth Water District #2

*Other water rights appurtenant to the property (if applicable)*

The Whitworth Water District #2 has several municipal water rights for continuous municipal supply.

*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. This change will modify quantities authorized by change ROE dated December 11, 1996. ( See attached documents) The Whitworth Water District No. 2 is a municipal water supplier with a current water system plan.

*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: (1) Water Right Certificate No. G3-23977C was partially relinquished voluntarily by Stevens County P.U.D. in 1996 resulting reducing the water quantities permitted to 30 acre feet for continuously for Community Domestic supply and 196 acre feet for the seasonal irrigation of 50 acres; (2) Whitworth Water District No.2 and its predecessor, Stevens County PUD are both a "municipal water supplier" as defined in RCW 90.03.015; (3) To the extent that the uses allowed by Water Right Certificate No G3-23977C are "municipal supply purposes" as defined in RCW 90.03.015, there can be no involuntary relinquishment through non-use. RCW 90.14.140 (2)(d); (4) RCW 90.03.015 provides that some irrigation uses such as irrigation for parks, open spaces, landscaping or related purposes is a "municipal purpose"; (5) However, a water right for irrigation for agricultural purposes does not fit within the definition of "municipal supply purposes" and therefore may be subject to relinquishment under RCW 90.14.140 even if the right is held by a "municipal water supplier"; (6) Neither Water Right Certificate G3-23977C nor the Report of Examination dated December 5, 1996, indicate whether the irrigation purposes are for agricultural purposes and/or for the irrigation of parks, open spaces, landscaping or related purposes; (7) Having seen no evidence of irrigation for agricultural purposes, the Board determined that to the extent Water Right Certificate No. G3-23977C provided for irrigation for agricultural purposes, that right has been partially relinquished through non-use; (8) However, it is apparent that water use on many of the large residential parcels served by this water right exceed the normal 1 acre foot/residence due to irrigation of landscaping and open spaces and related uses on large residential parcels and that some of the irrigation rights should be attributed to these irrigation uses; (9) The Board has determined that these irrigation uses fall within the definition of "municipal purpose" and total 23 acre feet per year based upon Whitworth's water usage records; and (10) the total quantity of water currently provided by Whitworth for municipal purposes pursuant to Water Right Certificated No. G3-23977C is 53 acre feet per year.

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

On January 13, 2013, Commissioner Schultz and Commissioner Rider met with Herman Spangle and John Covert, a hydrogeologist with the Department of Ecology to determine if both the Panorama wells and the Whitworth well are within the same water body. Based upon the hydrogeologic maps of the area at the Department of Ecology and Mr. Covert's experience and knowledge of the hydrogeology of the area, the conclusion was that the 3 wells are within the same water body--Little Spokane Aquifer.

*Other*

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

*Tentative determination (validity and extent of the right)*

Groundwater certificate G3-23977C is valid. However, this water right has been subject to a voluntary relinquishment of a substantial portion of the right in 1996 and a further relinquishment of a portion of the irrigation rights through non-use exceeding 5 years. Currently this right is exercised through 1 existing municipal well operated by the Whitworth Water District No. 2. The existing purpose of G3-23977C is continuous municipal supply. After the aforementioned relinquishments, groundwater certificate G3-23977C is limited to 53 acre feet per year and 260 gallons per minute for continuous municipal supply.

*Relinquishment or abandonment concerns*

As stated above, Ground Water Certificate G3-23977C has been subject to voluntary relinquishment of a substantial portion of the water right in 1996 and a further relinquishment of a portion of the irrigation right through non-use exceeding five years.

*Hydraulic analysis*

The Board concludes, based upon the expert opinion of John Covert, hydrogeologist, that the Whitworth well and the two Panorama wells draw from the same water body

*Consideration of comments and protests*

No protests or comments were received.

*Impairment*

There are no impairment issues.

*Public Interest*

The Whitworth Water District No. 2 is a municipal water supplier and has an approved water system plan by the Washington State Department of Health.

**DECISION** [See WAC 173-153-130(6)(e)]

Groundwater certificate G3-23977C is valid for continuous municipal supply for a total of 53 acre feet per year and 260 gallons per minute. The place of use (POU) of this water right is the Whitworth Water District #2 service area described in the most recent Water System Plan 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).

The applicant agrees to properly decommission the original Two Panorama well's in accordance with Chapter 18.104 RCW and Chapter 173-160 WAC.

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

*Conditions and limitations*

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

Department of Ecology personnel, upon presentation of proper credentials, must have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

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.

The geographic area served by the Whitworth Water District #2 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.

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

The installation of an access port, described in Ground Water Bulletin #1, shall be required prior to issuance of a final certificate of water right. In addition, an airline and pressure gauge shall be installed and maintained in operating condition. The pressure gauge shall be equipped with a standard tire valve and placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Department of Ecology upon completion of the pump system.

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).

The two Panorama wells associated with this change application, historically used as the point's of withdrawal shall be de-commissioned. The applicant agrees to properly decommission the well's in accordance with Chapter 18.104 RCW and Chapter 173-160 WAC.

Use of water under this authorization shall be contingent upon the water right 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

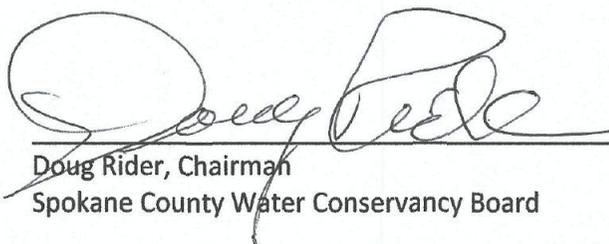
A certificate of water right will not be issued until a final examination is made.

*Construction Schedule*

Construction has already been completed and water is served by the Whitworth Water District #2.

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 Spokane Valley, Washington  
This 26th day of August, 2013

  
\_\_\_\_\_  
Doug Rider, Chairman  
Spokane County Water Conservancy Board

*If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).*

*Ecology is an equal opportunity employer*