WASHINGTON STATE DEPARTMENT OF ECOLOGY

For Ecology Use Only

Received: JUL 29 2013 Date Stamp DEPARTMENT OF ECOLOGY EASTERN REGIONAL OFFICE

Reviewed by: _____

Date Reviewed: _____

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

Applicant: Stevens Co. P.U.D. Application Number SPOK-11-07

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 July 22, 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 July 22, 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: 7-22-13	Approve ☒ Deny ☐ Abstain ☐ Recuse ☐ Other ☐
Craig Schwyn, Secretary Spokane County Water Conservancy Board	Date: 7/22/13	Approve ☒ Deny ☐ Abstain ☐ Recuse ☐ Other ☐
Stan Schultz, Vice Chair Spokane County Water Conservancy Board	Date: 7/22/13	Approve ☒ Deny ☐ Abstain ☐ Recuse ☐ Other ☐
George Schlender, Board Member Spokane County Water Conservancy Board	Date:	Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ Other ☐
Bryan St. Clair, Board Member Spokane County Water Conservancy Board	Date: 7/22/13	Approve ☒ 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.

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WASHINGTON STATE DEPARTMENT OF ECOLOGY

Spokane County
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 F11 key to move through the form.*

☐ Surface Water ☒ Ground Water

DATE APPLICATION RECEIVED	WATER RIGHT DOCUMENT NUMBER (i.e., claim, permit, certificate, etc.)	WATER RIGHT PRIORITY DATE	BOARD-ASSIGNED CHANGE APPLICATION NUMBER
April 25, 2011	G3-28260P	December 24, 1986	SPOK-11-07

NAME
Stevens County Public Utility District No. 1

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
P.O. Box 592	Loon Lake	WA	99148-0592

Changes Proposed: Change purpose ☐ Add purpose ☐ Add irrigated acres X Change point of diversion/withdrawal

X Add point of diversion/withdrawal Change place of use ☐ Other (Temporary, Trust, Interties, etc.)

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

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
	190	100	Continuous municipal supply

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
3 wells	

AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
39353.9105	SW1/4	SW	35	29	43 E.	55	Spokane
38023.0502	SW1/4	SW1/4	2	28	43 E.		
39353.9105	SW1/4	SW1/4	35	29	43 E.		

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED
Area Served by Stevens County PUD No. 1

PARCEL NO.			SECTION	TOWNSHIP N.	RANGE,

Proposed Use

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
	190	100	Continuous Municipal Supply

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
4 wells	

Riverside Water System	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
39355.9601 (S04)	SW	NW	35	29	43	55	Spokane
39355.9601 (S05)	SW	NW	35	29	43		
39353.9105 (S02)	SW	SW	35	29	43		
39353.9105 (Future S06)	SW	SW	35	29	43		

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED
Area served by Stevens County PUD No. 1

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/Y45	TYPE OF USE, PERIOD OF USE
	190	100	No Change

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
4 Wells	

AT A POINT LOCATED: Riverside Water System	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
39355.9601 (S04)	SW	NW	35	29	43	55	Spokane
39355.9601 (S05)	SW	NW	35	29	43		
39353.9105 (S02)	SW	SW	35	29	43		
39353.9105 (Future S06)	SW	SW	35	29	43		

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD

Area served by Stevens County PUD Number 1as outlined in the approved water system plan.

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,

DESCRIPTION OF EXISTING POINTS OF WITHDRAWAL

Wells #1 is located 500 feet North and 800 feet east of the SW Corner of Section 35; within the SW1/4 SW1/4 of Sec. 35, T29N. R. 43 E.W.M. Well #2 is located 81 feet North and 1140 feet East from the SW of Sec. 2; within the SW1/4SW1/4 of Sec. 2, T. 28N, R. 43E.W.M., this well has been decommissioned. Well #4 (proposed future S06) is 400 feet North and 800 feet East from the SW corner of Sec. 35, within the SW1/4 SW1/4 of Sec. 35, T. 29N., R. 43 E.W.M.

DESCRIPTION OF PROPOSED WORKS

Riverside Area Water system and wells:

The Riverside water systems are 4 old previous water systems that are all now connected and owned by Stevens County PUD. Some of these systems had water rights and some were using exempt wells. The Riverside water systems now consists of the old Debra Addition, Gatlin Mobile Home Park, Mormon Church, Ram Drive In (including the Gas Station and auto repair shop) Water Systems.

The PUD has received a loan from to the Washington State Revolving Fund at the Department of Health to connect the combined Chattaroy Springs West Water System with the Riverside Water System. The Stevens County PUD is a municipal water supplier and has both Riverside and Chattaroy Springs West Water System Plans, including Retail Service Areas that have been approved by the Department of Health (DOH). These approved Plans show the proposed connection and retail service areas in accordance with DOH requirements.

Riverside wells: Well (S02) 6"X145', Well (S04) 8"X125', Well (S05) 8"X114', Well (future S06).

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
Started	~~4/1/2019~~ 4-1-2020 Per Ecy mod.	~~4/1/2020~~ 4-1-2021

REPORT

BACKGROUND

On April 25, 2011, The Stevens Co. P.U.D. No. 1 filed an application with the Spokane County Water Conservancy Board to change/transfer, add or change points of withdrawal groundwater permit G3-28260P. The application was accepted at an open public meeting on April 25, 2011, and the board assigned application number SPOK-11-07. The Board also has additional change applications from the PUD on the Riverside Water system to integrate the existing points of withdrawal under all rights and add one new point of withdrawal and change the purpose and place of use of the two certificates. These applications are this application SPOK-11-04 (G3-26598P), SPOK-11-05 (G3-21375C), SPOK-11-06 (G3-26151C), SPOK-11-07 (G3-28260P) and Chattaroy system SPOK-12-03 (G3-28627P).

Attributes of the water right as currently documented

Name on certificate, claim, permit: Stevens County PUD No. 1

Water right document number: G3-28260P

As modified by certificate of change number:

Priority date, first use: December 24, 1986

Water quantities: Qi: 190 GPM Qa: 100 acre ft./ year

Source: 3 Wells

Point of diversion/withdrawal:

Purpose of use: 190 gallons per minute and 100 acre feet per year, Continuously for Municipal supply

Period of use: Continuously

Place of use: Area served by Stevens County PUD No. 1

Existing provisions: The total withdrawal from these three wells shall not exceed 380 gallons per minute, 204.4 acre feet per year, for continuous community domestic supply under Groundwater Permit No. G3-28260P and Groundwater Certificates Nos. G3-21375C & G3-26151C.

Tentative determination of the water right

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

History of water use

The following summarizes the total water used in the Riverside water system which was consolidated in 2010 with three other Riverside area systems which also have pending applications for change before the Board

In a notarized statement made MARCH 17, 2011, Mr. Richard Price P.E. indicates there is no complete pumping or usage records over the last five years for the three other water systems that were connected in 2010. Based on Mr. Price's engineering estimate of water use from existing data, the water use for the current 88 homes in the combined Riverside Water Systems is annually around 14.5 million gallons or 44.5 acre feet. The water right under G3-21375C is an inchoate certificate in good standing and still in development consistent with an approved water system plan.

Previous changes On April 21, 1997, Ecology issued a change to G3-28260P to add three points of withdrawal.

SEPA

The board has reviewed the proposed project in its entirety. The change is categorically exempt from SEPA.

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

Public notice of the application was published in the Deer Park Tribune on August 10 and 17, 2011, a minor error was found that they were published with the "SW 1/4" coming out as "SW _", so they were published again on September 14, 2011. The single republishing was reviewed with Ecology and found to be satisfactory.

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)]

The following information was obtained from a site inspection conducted by Doug Rider and Dave Johnson on April 28, 2011, technical reports, research of department records and conversations with the applicant and/or other interested parties.

On April 28, 2011 Commissioners Rider and Johnson met with Richard Price, the General Manager of the Stevens County P.U.D. No. 1. At this time we viewed all the wells, storage reservoirs in the Chattaroy Springs West Water System and the Riverside Water System. An additional investigation was made by Commissioner George Schlender on June 4, 2012 to determine the proposed schedule on the connection between Chattaroy Springs West Water System and the Riverside Water System and to clarify water use and existing rights. Due to water quality and quantity problems with the Chattaroy Springs West wells, the proposed 1.0 mile connection between the Chattaroy Springs West Water System and Riverside Water System is the only long term cost effective option for the PUD. Treatment for Uranium and Radium in the existing wells is expensive and causes other secondary issues. These wells will be kept as standby emergency wells after the connection between the two systems is completed.

Other water rights appurtenant to the property (if applicable)

Riverside Water Rights

The Stevens County P.U.D. No. 1 has 5 water rights for the Riverside Water System. The 4 of the 5 water rights listed above are under applications for change before the Board. The points of withdrawal proposed existing under the 4 Riverside rights are included in a previous change under SPOK 11-01 as proposed points of withdrawal for G3-27039C (Chattaroy).

G3-26598P is issued to Stevens County PUD #1 for two wells at 330 GPM and 127.8 acre feet for continuously community domestic supply; 8 acre feet for continuously commercial supply and the place of use is approximately 55 acres in Section 35, T. 29N, R. 43 E.W.M. The Board has application SPOK-11-04 to change or add points of withdrawal and change place of use to area served by Stevens County PUD #1.

G3-21375C is issued to Stevens County PUD No. 1 for 65 GPM and 45 acre feet per year for three wells and for continuously community domestic supply and the place of use is area service by Stevens County PUD No. 1. The Board has application SPOK-11-05 to change or add points of withdrawal and purpose of use to municipal supply.

G3-26151C is issued to Stevens County PUD No. 1 for 125 GPM and 59.4 acre feet per year for three wells and for continuously community domestic supply and the place of use is area service by Stevens County PUD No. 1. The Board has application SPOK-11-06 to change or add points of withdrawal and purpose of use to municipal supply.

G3-28260P is issued to Stevens County PUD No. 1 for 190 GPM and 100 acre feet per year for three wells and for continuously municipal domestic supply and the place of use is area service by Stevens County PUD No. 1. The Board has application SPOK-11-07 to change or add points of withdrawal.

G3-24001C is issued to Stevens County PUD No. 1 for 60 GPM and 6 acre feet per year for one well and group domestic supply. Stevens County PUD has submitted a change application to Ecology to add points of withdrawal, change place of use and purpose.

G3-28627P is issued Stevens County PUD No. 1 for 40 GPM and 33.3 acre feet per year for two wells and for continuously municipal domestic supply and the place of use is area service by Stevens County PUD No. 1. The Board has application SPOK-12-03 to change or add points of withdrawal.

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. The Stevens County P.U.D. No. 1 is a municipal water supplier and has taken over ownership and operation of most of the Riverside Water Systems. The PUD has upgraded the water systems to be in full compliance with DOH rules and regulations and water metering to alleviate compliance issues. The Riverside water System has a current approved Water System Plan and retail service areas. The Water System Plan includes a Water Conservation Plan. The Board determines that the proposed transfer is not detrimental to public interest.

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: The current water right under G3-28260P is for municipal supply of 190 GPM and 100 acre feet per year. The water use reported by Mr. Richard Price PE is within the limits of the permit and is still under development.

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

A request was made to Ecology concerning the evaluation of the same body of public ground water. On March 14, 2013, John Covert, Hydro geologist wrote: "When evaluating change applications to add points of withdrawal to existing rights in this area, we need to pay particular attention to the well construction provisions established in the original decisions. Wells authorized to withdraw water from the sand and gravel aquifer in this area need to remain in this aquifer at their proposed new locations. Similarly, wells authorized in the deeper, basement aquifer need to remain in this aquifer at their proposed location. Proposed, additional points of withdrawal, as of yet undrilled, are listed in the pending application. These new wells must be completed in unconsolidated sediments at their proposed locations and will not be permitted to be completed in the underlying basement aquifer. Well logs will be submitted to the department verifying these construction details. By maintaining this close control over the well construction details, the applicant will easily be assured the wells are tapping the same body of public groundwater as required by statue. More importantly, they will be adhering to the binding provisions added to the original reports of examination to protect senior water right holders in the area"

Other

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

Tentative determination (validity and extent of the right)

Groundwater certificate G3-28260P is currently exercised through three (3) wells authorized. The existing purpose of use for is continuous municipal supply and not subject to relinquishment to non-use. The right is not abandoned and in use. Groundwater permit G3-28260P is valid water right and eligible for change/transfer. .

Relinquishment or abandonment concerns

Groundwater permit G3-28260P is an inchoate permit in good standing and not subject to relinquishment.

Consideration of comments and protests
No comments or protests were received.

Impairment

There have been no reports of impairment.

Public Interest
The application is not detrimental to the public interest.

DECISION: [
The Board approves the change to add up to 2 points of withdrawal for a total of 4 wells.
PROVISIONS [See WAC 173-153-130(6) (f)]

Conditions and limitations
An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded monthly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition 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".

Department of Ecology personnel, upon presentation of proper credentials, shall 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 total withdrawal from these three wells shall not exceed 380 gallons per minute, 204.4 acre feet per year, for continuous community domestic supply under Groundwater Permit No. G3-28260P and Groundwater Certificates Nos. G3-21375C & G3-26151C.

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 Stevens County PUD Number 1 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).

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 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 begun, completed by April 1, 2019 and beneficial use by April 1, 2020.

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 22th day of July, 2013

Doug Rider, Chairman
Spokane County Water Conservancy Board

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