



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

For Ecology Use Only

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DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

Reviewed by: _____
Date Reviewed: _____

P.U.D #1 of Stevens Co.

Applicant: ~~Diamond M Ranch, LLC & Co. Partnership~~

Application Number: **STEV-12-05**

This record of decision was made by a majority of the board at an open public meeting of the Stevens County Water Conservancy Board held on November 18, 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.

Approval: The Stevens County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on November 18, 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 November 18, 2013 and submits this record of decision to the Department of Ecology for final review.

Signed:

Jim Gleaton

Jim Gleaton, Chair
Stevens County Water Conservancy Board

Date: 11/18/13

Approve
Deny
Abstain
Recuse
Other

Wes McCart

Wes McCart, Vice Chair
Stevens County Water Conservancy Board

Date: 11/18/13

Approve
Deny
Abstain
Recuse
Other

Luke McGuire

Luke McGuire, Treasurer
Stevens County Water Conservancy Board

Date: 11/18/13

Approve
Deny
Abstain
Recuse
Other

Tom Sparley, Member
Stevens County Water Conservancy Board

Date: _____

Approve
Deny
Abstain
Recuse
Other

Absent

Mailed with all related documents to the Dept of Ecology Eastern Regional Office, and other interested parties on May 25, 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).

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Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 120	MAXIMUM ACRE-FT/YR 48.24	TYPE OF USE, PERIOD OF USE Municipal - continuous				
SOURCE Groundwater			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
5204500 (SO#1)	NW	SE	24	29N	41E	55	Stevens
5204500 (SO#2)	NW	SE	24	29N	41E	55	Stevens
5204901 (SO#7)	SW	NE	24	29N	41E	55	Stevens
5838115-Wiltse Well	SE	SW	20	29N	42E	55	Stevens
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
Area served by Public Utility District No. 1 of Stevens County (Stevens PUD); as approved in the most recent water system plan.							
PARCEL NO.	¼	¼	SECTION	PARCEL NO.	¼		

DESCRIPTION OF PROPOSED WORKS

The Clayton Public Water System is constructed. The PUD proposes to transfer all of this water right to the Clayton Public Water System's wells, and place of use for municipal supply. The existing well will remain as a point of withdrawal because the PUD may purchase the Wiltse well in the future and connect it to the existing water supply delivery system. When the well is transferred to the PUD it will either be rehabilitated to DOH criteria or a new well will be installed adjacent to the existing well. The proposed completion date of December 31st, 2033 is consistent with the PUD Clayton Water System approved water system plan.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: December 31 st , 2013	COMPLETE PROJECT BY THIS DATE: December 31 st , 2020	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: December 31 st , 2033
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REPORT

NOTE TO AUTHOR: This form reflects the minimum regulatory requirements as required in WAC 173-153-130(6). In accordance with WAC 173-153-130(5), "It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." **Completion solely of the minimum regulatory requirements may not constitute a fully documented decision.**

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

The Public Utility District No. 1 of Stevens County of Loon Lake, Washington filed an application for change to Change the Purpose of Use, Add Points of Withdrawal, Change Place of Use and Change Season of Use under Certificate No. G3-01489C. The application was accepted at an open public meeting on December 17th, 2012, and the board assigned application number STEV-12-05. A change application was also submitted for groundwater right G3-25373C (STEV-12-06) at the same time, and is considered within the analysis and conclusions of this ROE.

Attributes of the water right as currently documented

Name on certificate, claim, permit: Lyle Wiltse

Water right document number: G3-01489C

As modified by certificate of change number: N/A

Priority date, first use: January 26th, 1968

Water quantities: Qi: 120 gpm Qa: 61 acre ft./ year (60 AF/yr for irrigation, 1 AF/yr for stockwater)

Source: Groundwater

Point of diversion/withdrawal: 75 feet north and 3300 feet west of the SE corner of Section 20

Purpose of use: 60 AF/yr, from April 1 to October 1, each year for irrigation of 20 acres; 1 AF/yr, each year, continuously, for stockwater.

Period of use: irrigation: April 1 to October 1; stockwater: continuously

Place of use: SE¼ NE¼ SW¼ and NE¼ SE¼ SW¼ of Section 20 T29N, R42EWM

Existing provisions:

"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."

Tentative determination of the water right

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

History of water use

On January 26th, 1968, Mr. Lyle Wiltse applied to withdraw groundwater to be used for irrigation, stock water and fish propagation. Ecology issued a permit on October 2nd, 1968 for 120 gpm and 61 acre-feet of water (60 AF to irrigate 20 acres, and one AF for stock water).

In May 1977, Ecology prepared a Report of Examination which approved permit G3-01489P for 120 gpm, 61 acre-feet per year (60 acre-feet per year to be used for irrigation of 20 acres from April 1 to October 1 and one AF for continuous stock water) for the place of use currently identified on the permit and certificate.

The original approved point of withdrawal is located approximately 75 feet north and 3300 feet west of the SE corner of Section 20.

On May 17th, 1977 Mr. Wiltse put in a second application for groundwater which requested 2070 gpm, 828 AF to irrigate 207 acres and for stock watering. Permit G3-25373P was issued on March 19, 1979 for the requested amount and allowed the groundwater to be withdrawn from 2 wells. The permit was issued to allow 2065 gpm, 812 AF/year to irrigate 207 acres from April 1 to October 1 of each year; and two AF/year, continuously, for stock water.

Mr. Wiltse continued to develop the project but could not complete the full quantities issued on the G3-25373 permit. A final certificate was issued in October 1982 for 225 gpm, 176 AF/year for irrigation of 172 acres from April 1 to October 1 of each year, and 2 AF/year, continuously for stock water. Certificate G3-25373C contained the following condition:

“Total quantities and use under Groundwater Certificate No. G3-01489C and this certificate shall be limited to 340 gallons per minute, 236 acre-feet per year, from April 1 to October 1, each year, for the irrigation of 192 acres, and 5 gallons per minute, 2 AF/year for continuous stockwater.” In addition, certificate G3-25373C limited the total amount of stock water of both certificates to 2 AF/yr.

Mr. Wiltse irrigated his 192 acres and ran stock on the property through the 1970's until 2002. The property was irrigated from the 20-hp pump in the well via 3-inch handlines throughout the property. In 2002, the Wiltse's began to sell portions of the property, and withheld the water rights from those parcels sold of the original irrigated land (see discussion below). After the sale of the land on which the water right was withheld, Mr. Wiltse increased his water duty on his remaining irrigated acreage to increase crop production. After 2007, only approximately 100 acres were being irrigated by the Wiltse's under the two certificates. However, as irrigated land was subdivided off, Mr. Wiltse increased the water duty on the remaining lands to increase crop production (Certificate G3-25373C originally had a water duty of 1.02 feet/acre for 172 acres). Electrical records reviewed showed Mr. Wiltse was pumping between 163 and 240 AF/year between 2005 and 2009 (see WNR Group report dated October 12th, 2012). His combined certificated amount of water from certificates G3-01489C and G3-25373C is 236 AF/year for irrigation (plus 2 AF/yr for stock water). Mr. Wiltse also maintained cattle and horses at the property for the two (2) AF/year of stockwater under the two certificates. Typically there was a minimum of 90 head of cattle on the property.

Review of records and air photos reveal that portions of the property have continuously been utilized as irrigated agricultural lands since the certificates were issued for the property. The property is approved to withdraw a total of 238 AF, 345 gpm as follows:

Certificate	Qa (irr)	Qa(stock)	Acres	Qi (irr)	Qi (stock)
G3-01489C	60 AF	1 AF	20	120	----
G3-25373C	176 AF	2 AF	172	220	5
TOTAL	236 AF	2 AF(1)	192	340	5

(1) Certificate G3-25373C limited the total amount of stock water of both certificates to 2 AF/yr.

Previous changes

No previous changes have occurred on either of the certificates.

SEPA

The board has reviewed the proposed project in its entirety. Ground water certificate G3-01489C (and the combined G3-01489C and G3-25373C) is less than the threshold of 2250 gpm or less defined in the categorical exemptions of WAC 197-11, therefore this application for change is categorically exempt from SEPA (WAC 197-11-800(4)). The Board also coordinated with the County and determined that the UGA modification completed for the Town of Clayton and the PUD service area did not require SEPA under this transfer application.

Other

After 2002, Mr. Wiltse began to sell of portions of the farm. During the sale of these properties, Mr. Wiltse discussed with the buyers his intention to retain the water rights, as indicated by the Wiltse's and in their affidavits. The withholding of water rights were documented to the Board in deeds or from notarized statements completed by the property owners. This sale of property did not affect the land (acreage) on which G3-01489C was appurtenant. However, lands which were within the perfected area of G3-25373C were sold. Mr. Wiltse withheld the appurtenant water in order to increase crop production on the remaining Wiltse farm area by increasing the water duty originally allocated under G3-25373C. A description of all these parcels sold, and acres of irrigated land is present in the file and summarized in the table below. The Board requested the applicant provide documentation that the water rights were expressly withheld. The applicant provided the following documentation that water was withheld and then used on the main Wiltse farm. Copies of the documents are in the file.

- Christopher Uhden, Parcel No. 5837780: Notarized statement that no water was sold with property.
- Ronald Wilson, Parcel Nos. 29204.9013 and 29204.9015: Release of Interest Statement to Stevens PUD.

- Daniel & Patricia McHatton, Parcel No. 5837801: Release of Interest Statement to Stevens PUD.
- Byron & Paula Wiltse, Parcel No. 5837802: Release of Interest Statement to Stevens PUD.
- David Melson, Parcel No. 5837770: Release Estate Contract showing water rights not included.

Parcel No.	Owner	Total Acres	Irrigated Acres	Year Sold	Irrigated in Last 5 years
Parcels in Stevens County covered by G3-25373C					
5837790	Wiltse Trust	5	4.3	-----	No
5837780	Chris Uhden	5	4.32	2002	No
5837770	David Melson	5	5	2011	Yes
5837804	Wiltse Trust	12.7	12.7	-----	Yes
5837802	Byron Wiltse	1	1	2010	Yes
5837801	Daniel McHatton	1	1	2005	No
5838301	Wiltse Trust	2.31	0.81	-----	Yes
5838302	Wiltse Trust	2.54	2.54	-----	Yes
5838303	Wiltse Trust	4.39	4.39	-----	Yes
5838304	Wiltse Trust	4.06	4.06	-----	Yes
5837800	Wiltse Trust	5.0	1.66	-----	Yes
5837701	Wiltse Trust	5.0	1.63	-----	Yes
5837705	Wiltse Trust	5.0	1.43	-----	Yes
5837810	Wiltse Trust	5.0	5.0	-----	Yes
5837710	Wiltse Trust	5.0	5.0	-----	Yes
5837715	Wiltse Trust	5.0	5.0	-----	Yes
5838101	Wiltse Trust	4.96	3.83	-----	Yes
5838105	Wiltse Trust	4.96	3.64	-----	Yes
5838110	Wiltse Trust	4.96	4.51	-----	Yes
5838115	Wiltse Trust	4.96	2.21	-----	Yes
Four Parcels in Spokane County covered by G3-25373C					
29203.9009	S1/2 Wiltse Trust	10	10	-----	Yes
29203.9008	N1/2 Wiltse Trust	10	5.5	-----	Yes
29204.9013	Ronald Wilson	39	39	2007	No
29204.9015	Ronald Wilson	38	38	2007	No
Total Irrigated in Last 5 yrs-G3-25373C			79.91		

G3-01489C also irrigated 20 acres through 2010, at which time approximately 99.91 acres of land were being irrigated. Electrical records show the water volume pumped met the certificates requirements of 238 AF/year (236 AF for irrigation). This resulted in an average allocated water duty of 2.362 ft/acre.

The information or conclusions in this section were authored and/or developed by Gene St.Godard and reviewed by the Stevens County WCB.

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

Public notice of the application was given in the Chewelah Independent on February 21st and 28th, 2013. Protest period ended on March 30th, 2013. 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.

The information or conclusions in this section were authored and/or developed by Gene St.Godard and by the Stevens County WCB.

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

The following information was obtained from a site inspection conducted by Luke McGuire and Jim Gleaton on February 13th, 2013, technical reports, research of Ecology records, affidavits of the property owners, reports prepared by the Water & Natural Resource Group, Inc. on behalf of the applicant, Ecology files, aerial photographs, DOH records, Stevens County Planning records, and conversations with the applicant and/or other interested parties.

The Stevens PUD has been interested in purchasing the Wiltse water rights for several years to acquire water for the future plan development of the Clayton Water System Service area and the proposed changes to the UGA. In March 2011, a Purchase Agreement was developed between the Wiltse's and the Stevens PUD. This Purchase agreement went through numerous modifications and revisions until it was finally signed by both parties on June 12th, 2012. At this time, the PUD had the intent to purchase water rights which enabled them to move forward with their future planned development of the Clayton Water System Service Area. In accordance with RCW90.14.140, this date stopped the relinquishment clock and therefore, the Board evaluated the water use 60 months prior to this date. On June 20th, 2012 the PUD & Wiltse's submitted their Comprehensive Plan Amendment Application to add the Wiltse property to the Clayton UGA. In September through November 2012, the PUD began work on these water right change applications.

In order to determine the quantity of water put to beneficial use, the Board reviewed technical reports prepared by the WNR Group and the WIG to evaluate water duties on the property. Aerial photographs from 1995, 2003, 2005, 2006, and 2009 were also reviewed.

There are two groundwater withdrawals at the site, however only one has been used in the recent past as stated in Mrs. Wiltse's affidavit. Personal communication with Mrs. Wiltse stated that the older eastern well began to silt/sand in approximately 10 years ago and the 10-hp pump was removed and never replaced. The water supplied by this well was subsequently withdrawn from the newer western well. Electricity is supplied to the pump in the one western well under Service No. 4538-001, Meter No. 509063-7438613. The electrical records reviewed from 2001 through 2010 are attached to the WNR Group report to the Stevens PUD dated October 14th, 2012. Power from this meter is solely dedicated to the individual pump in the irrigation well. Water was sometimes diverted to the pond over a two month period each year to allow for sufficient water for cattle (typically numbering 90 or more). Water was also diverted from the irrigation well to a calving area where they were separated to be weaned during each year. The pond appears to be a naturally occurring pond which is immediately adjacent to the artesian older well.

The irrigation system was typically run at a pressure of 50 psi for all the configurations. Assuming a pressure of 50 psi, this would result in a TDH of 115.5 feet (50 x 2.31). Electrical records were reviewed for the full years of 2005 through 2010. Table 1 summarizes the electrical draw for the period of use reviewed for the power supply at the site. Water was diverted to a minimum of two handlines which were typically configured with 16 to 22 sprinkler heads (7 gpm each), with an estimated 300+ gpm pumping rate. Infrastructure at the site was sufficient to divert the full amount of water on both the certificates.

YEAR	Meter Service 4538-001
2010	9014
2009	29910
2008	30155
2007	44024
2006	26732
2005	31395

Using the equation as described in WAC 173-173 as the primary method used when relying upon electrical power consumption to estimate volume or flow rate, an estimated quantity of water diverted was calculated for each of the years 2005 through 2010. Table 2 summarizes the annual quantities in acre feet for the irrigation system. In year 2007, the maximum volume of water was diverted for the records reviewed. The two certificates G3-25373C & G3-01489C allow for a total diversion of 238 acre-feet per year. Electrical records show that in 2007, the pump diverted an estimated amount of 239.55 acre feet.

2010						
Constant	K(w)	Pe _{eff}	Me _{eff}	TDH	Q (gallons)	Q (acre-feet)
318600	9014	0.8	0.8	115	15982527.44	49.04857571
2009						
Constant	K(w)	Pe _{eff}	Me _{eff}	TDH	Q (gallons)	Q (acre-feet)
318600	29910	0.8	0.8	115	53032770.78	162.7515975
2008						
Constant	K(w)	Pe _{eff}	Me _{eff}	TDH	Q (gallons)	Q (acre-feet)
318600	30155	0.8	0.8	115	53467174.96	164.0847349
2007						
Constant	K(w)	Pe _{eff}	Me _{eff}	TDH	Q (gallons)	Q (acre-feet)
318600	44024	0.8	0.8	115	78057997.36	239.5511978
2006						
Constant	K(w)	Pe _{eff}	Me _{eff}	TDH	Q (gallons)	Q (acre-feet)
318600	26732	0.8	0.8	115	47397928.07	145.4589001

The Board reviewed the evaluation of the potential use of water at the property using the WIG. An analysis was performed to show that the water right would not be enlarged and impairment is not an issue with the extension of the period of use from April-October 1 to continuous year round.

The existing irrigation season on the certificate is April 1 to October 1, or 184 days. The existing property is primarily agricultural production lands. Two water rights (G3-01489C and G3-25373C) are appurtenant to the property. The property was historically irrigated with a groundwater well which conveyed irrigation to the property via handlines, and to a small pond for stockwatering during the drier parts of the summer. The water right G3-01489C is authorized to irrigate 20 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, T.29N., R42E.W.M. It also allows one AF for continuously for stockwatering. Water right G3-25273C is authorized to irrigate 172 acres within: *That part of Sec. 20, T. 29 N, R 42 E.W.M. within Spokane and Stevens Counties, more particularly described as: SW $\frac{1}{4}$ lying northeasterly of railroad right-of-way and the S $\frac{1}{2}$ SE $\frac{1}{4}$; less roads, except beginning at the NW corner of that part of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 20, T.29N., R42E.W.M., Stevens County, WA, lying East of right-of-way for Burlington Northern Santa Fe Railway, thence southeasterly along said right-of-way 450 ft; Thence northeasterly, perpendicular to said right-of-way to the north line of said property; thence west to the point of beginning.* During most years water was applied to the property depending on crop type and crop rotation. The Wiltse's primarily irrigated alfalfa with some rotations of timothy hay and pasture. Typical crops grown during most years were alfalfa and with some pasture. Aerial photographs were reviewed for the years July, 1995, June 2003, July 2005, August 2006, May and September 2009, and November 2011. Each of the aerial photographs reviewed showed irrigation of agricultural lands was occurring at the property.

The Wiltse's always harvested a minimum of two alfalfa cuttings each year with some years allowing a third cutting. No meters are present on the site, other than the electrical records discussed above. Quantities of water withdrawn from the well were estimated using the methods described in WAC 173-173-160(2).

In order to estimate amount of water put to beneficial use, several analysis to determine crop irrigation needs at the property were conducted. For the property, WIG numbers were used for the area near Spokane, Washington. Crop irrigation requirements were used for alfalfa at latitude of 47.63degrees. The irrigation season is documented beginning on May 15th and ending October 10th in the WIG. The irrigation period identified on the water right certificate is from April 1 through October 1.

As shown in the WIG, the net irrigation requirements for alfalfa near Spokane, Washington is 26.62 inches (2.22 feet) per acre of land. The groundwater rights were used historically for irrigation on approximately 190 acres of the Wiltse Farm. However, since 2002, the Wiltse family has sold some of the acreage which has not been irrigated in the past 5 years. The land was sold with no intent of the water being sold to the new property owners. Over the last 5 years, prior to the exemption for the future plan development (60 months prior to June 2012), approximately 99.91 acres has been irrigated, twenty acres under this certificate. The following outlines the WIG analysis for the two water rights appurtenant to the property.

Ecology Policy 1210 generally allows evaporation from the irrigation system as a documented consumptive use. For handline irrigation, an assumed evaporation rate of 10-percent is added to the consumptive use (Ecology Guid-1210, 2005). For this analysis, due to the sandy soils located below the site, a system efficiency rating as presented in Guid-1210 was used as 70 percent.

Utilizing the Ecology 1210 guidance, the total irrigation requirement (TIR) for the 20 acres (used for irrigation by groundwater right G3-01489C) on the Wiltse property is 63.38 acre-feet and the total consumptive use (Cu) is 50.70 for alfalfa. Return flow passes through the property and infiltrates through the permeable soils into the groundwater. Therefore, the entire certificate amount for irrigation meets the estimate provided under the WIG; 60 AF per year and 120 gpm. One AF/year is also attributed to the stockwatering of cattle and horses on the Wiltse farm, for a total of 61 AF per year. Acres irrigated under certificate G3-01489C were continuously used for agricultural irrigation and was not affected by any transfer of property. This water right is solely and independently irrigated under certificate G3-01489C and is not included in the area assessed for certificate G3-25373C.

The total irrigation requirement (TIR) for the remaining 79.91 acres irrigated in the last 5 years (for irrigation by groundwater right G3-25373C) on the Wiltse property is 253.24 acre-feet and the total consumptive use (Cu) is 202.59 AF for alfalfa according to the WIG. Return flow passes through the property and infiltrates through the permeable soils into the groundwater. Therefore, for G3-25373C in accordance with the WIG, an amount of 253.24 AF for irrigation could have been withdrawn for beneficial use, above the certificated amount of 176 AF. Two AF/year and 5 gpm are also attributed to the stockwatering of cattle and horses on the Wiltse farm, for a total of 255.24 AF per year and 141.4 gpm. However, one AF of stockwater is conditioned to not be additive to the stockwater used under G3-01489C, resulting in a total potential use of 254.24 AF/yr. However, the maximum amount of acre-feet approved under this change application for G3-25373C is 178 AF.

The electrical analysis presented above showed Mr. Wiltse pumped 239.55 acre-feet of water in his highest year of 2007. TIR as calculated from Ecology Guidance 1210 for the total 99.91 acres according to the WIG for alfalfa is 316.62 AF per year, plus 2 AF/year for stockwatering. However, the two certificates only allow for a total withdrawal of 238 AF, that amount which the electrical records support for the year 2007.

The Board determined that the 238 AF withdrawn during 2007 must be apportioned throughout the property, of which 236 AF was used for irrigation. At that time, 99.91 acres was being irrigated by the Wiltse's. This results in an average apportioned water duty for the irrigation portion of 2.362 ft per acre. Using this analysis, 47.24 AF is appurtenant to the 20 acres irrigated under G3-01489C and 188.75 AF to the 79.91 acres irrigated under G3-25373C. However, G3-25373C only allows for the withdrawal of 176 AF for irrigation, resulting in a 12.75 AF excess of water attributed to that certificate. One AF is also allotted to each certificate for stockwater. The following table summarizes the findings of the Boards investigation.

Certificate	Cert AF	Cert GPM	Calculated AF WIG + SW	Calculated AF from Electrical Usage 2007	Perfected GPM	Approved AF	Approved GPM
G3-01489C	61	120	64.38	239.55	120	48.24	120
G3-25373C	178	225	254.24		225	177	225
TOTAL	239	345	318.62	239.55	345	225.24	345

(1) Certificate G3-25373C limited the total amount of stock water of both certificates to 2 AF/yr.

The Board also review the issues surrounding the Family Farm right and what portions are covered by the UGA. Ecology has informed the Board that only that portion that is within the UGA can be transferred to municipal use. Of the 79.91 acres attributed to the irrigation occurring under the Family Farm right, 34.23 acres (approximately 43%) are within the UGA and 45.68 (approximately 57%) is outside the UGA. The Board can only approve the municipal use of that land inside the UGA. Of the 176 AF of irrigation water, 57% or 100.32 AF must remain as Family Farm irrigation as an A-portion, and 43% or 75.68 AF of irrigation and one AF of stock water (for a total of 76.68 AF) can be transferred as municipal under a B-portion. Therefore the Board has concluded that the following should be approved under the two transfer applications:

Certificate	Tentative Determination AF (irrigation)	Tentative Determination AF (stock)	Tentative Determination AF Total	GPM	Use
G3-01489C	47.24	1	48.24	120	Municipal
G3-25373C (A-portion)	100.32	--	100.32	128.25	Irrigation Family Farm
G3-25373C (B-portion)	75.68	1	76.68	96.75	Municipal
TOTAL	223.24	2	225.24	345	

Proposed project plans and specifications

A proposal has been submitted to change an existing groundwater withdrawal at the Wiltse property in T29N, R42E, Section 20 to the existing Clayton Water System groundwater withdrawals located in T29N, R41E, Section 24, approximately two miles apart in the Community of Clayton. No improvements and/or modifications to the Clayton Water System are proposed at this time. Future improvements may occur as the Clayton water system expands into the new areas under the water system plan and the new area under the UGA.

Other water rights appurtenant to the property (if applicable)

The Wiltse property contains two groundwater rights. In addition to this right G3-01489C, a second water right G3-25373C is appurtenant to the property. G3-25373C is a family farm water right issued for 220 gpm, 176 AF/year for irrigation of 172 acres from April 1 to October 1; and 2 AF/year, continuously for stock water.

The Clayton Water System has several other water rights used within the approved service area. Stevens County PUD No. 1 holds Surface Water Certificate No. 7992, Groundwater Certificates Nos. G3-25907C, G3-26170C, G3-28469C and G3-26466C. The total rights authorized under these certificates are 594 gallons per minute, 312 acre-feet per year, continuously, for municipal supply. The attributes of the certificates include:

Certificate No.	PD	Qi	Qa	Comments
7992 w/ Chg. 1-3-320	July 22, 1957	0.25 cfs	76 AF	Superseding Cert issued Dec. 9, 1997
G3-26466C	Feb 21, 1980	100 gpm	10.8 AF	Superseding Cert issued Aug. 15, 2007
G3-26170C	Feb. 27, 1979	36 gpm	25.2 AF	Superseding Cert issued Aug. 15, 2007
G3-28469C	March 30, 1988	350 gpm	200 AF	Superseding Cert issued Aug. 15, 2007
G3-25907C	April 5, 1978	100 gpm	65 AF	Superseding Cert issued Aug. 15, 2007

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. Currently, watershed planning effort in WRIA 59 is on-going. The Board received no comments, protests, or other indications that the proposed change would be detrimental to the public interest. By transferring this water right to the Clayton Water System, the public interest will be served to accommodate the growth of the Clayton, Washington area.

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:

Based on the Board's investigation and conclusions, the Board's decision is to Approve the requested change in place of use, points of withdrawal, type of use and season of use for G3-01489C as follows:

Purpose of Use and Quantities

120 gpm, 48.24 acre-ft/yr, for Municipal Supply.

Place of Use

The place of use (POU) of this water right is the service area described in the most recent Water System Plan for the Clayton Water System 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.

Points of Withdrawal

ACW888 (SO#1) and ACW887 (SO#2), located in the NW1/4-SE1/4 of Section 24, Township 29N, Range 41 E. Willamette Meridian; AKT710 (SO#7) in the SW1/4-NE1/4 of Section 24, Township 29N, Range 41 E. Willamette Meridian; and the original Wiltse Well located in the SE1/4-SW1/4 of Section 20, Township 29N, Range 42 E. Willamette Meridian

Season of Use

The season of use will be changed from seasonal irrigation to continuous year round for municipal supply.

Also see the Board's decision on page 2.

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

The WNR Group prepared a preliminary hydrogeologic review (WNR Group Report dated January 31st, 2013) of the vicinity of the Site located in the vicinity of Clayton, Washington. The conclusions in the report were based on review of readily available data and reports, noted in the bibliography of the letter report. The primary objective of this review was to provide a professional opinion of the "same body of water" from the proposed withdrawal location from the basalt aquifer at the site. An opinion on potential impairment to other wells in the area is also provided. The following is from the conclusion of the WNR Group January 2013 report.

"Review of data suggests that the hydrogeologic conditions at the existing and proposed withdrawal Sites consist of the glaciofluvial semi-confined aquifers with fingers of Columbia River Basalt. The main sand and gravel aquifers generally flow to the south in the area. Water is withdrawn from the existing well at a depth of approximately 135 to 190 feet, within the sands and gravels below the basalt. Yields above 300 gpm were encountered in the Wiltse well. The proposed withdrawal site is also in the interbedded sands and gravels, at depths of 35 to 46 feet below grade. However, the wells at both the locations are at the approximate same hydraulic head. Therefore, it is inferred that the transfer will be located within the Valley fill glaciofluvial aquifer, and is the "same body of water".

The proposed new place of use will be extracting groundwater from the same body of groundwater as the existing point of withdrawal, from the glaciofluvial aquifer. The transfer is inferred to be cross-gradient of the regional and local groundwater flows. Existing domestic and irrigation users located in the area will not be impaired from the new withdrawal, as the new point of withdrawal will be utilizing groundwater that is currently being withdrawn in the same aquifer interflow."

Other

Below is additional information that was provided in the WNR Group 2013 report:

"The existing Wiltse groundwater well is located at an elevation of approximately 2210 feet above MSL. The new proposed point of withdrawals are located approximately 2 miles west of the Wiltse property, where the existing Clayton Water System points of withdrawal are about 2220 to 2240 feet above MSL, relatively the same elevation. The proposed points of withdrawal are inferred to be slightly upgradient and cross-gradient of the existing point of withdrawal. Both sites have the static water levels within approximately 10 feet of each other. Therefore, it appears the wells are withdrawing groundwater from the same hydraulic aquifer system.

After review of the well logs and geologic reports and maps, it appears that there is one distinct and separate hydrogeologic regime in the area of the Site above the basement rocks. This would consist of various sand and gravel interbeds in the glaciofluvial valley fill sediments. In our opinion, the same body of water will be encountered at the new point of withdrawal.

Most of the domestic well users in the area are north of the Community of Clayton and are withdrawing water from the fractured granite basement rocks. One other well is utilizing the glaciofluvial deposits. This well (WWP on well log), is only completed to a depth of 15 feet and is inferred to be withdrawing water from a shallow unconfined aquifer in hydraulic continuity with Beaver Creek. However, this well no longer exists."

The information or conclusions in this section were authored and/or developed by the Stevens County Water Conservancy Board.

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

Tentative determination (validity and extent of the right)

The following preliminary conclusions are made for the analysis completed on the Wiltse Farm Site.

- 1) Two water rights are appurtenant to the Wiltse property, G3-25373C & G3-01489C;
- 2) Water authorized consists of an annual withdrawal of 238 acre-feet under the two certificates.
- 3) Review of electrical records appear to indicate that at a minimum, the total annual quantity of water of 239 acre-feet was withdrawn from the irrigation well in 2007 under the two certificates and put to beneficial use at the site;
- 4) Estimates of annual quantities diverted were determined by methods described in WAC 173-173-160(2).
- 5) An analysis showed that a total of 99.91 acres were irrigated with an average water duty of 2.362 ft/acre, of which 20 acres were irrigated under G3-01489C.
- 6) Based on the investigation of the Board, the Board's decision is that 48.24 acre-feet of water was perfected under certificate G3-01489C, and is available for transfer.
- 7) In conclusion, 48.24 AF and 120 gpm were perfected under this certificate and can be transferred to municipal use within the Clayton Water System service area.

The Board determined that the relinquishment clock stopped in June 2012, at which time the Stevens PUD No. 1 entered into a purchase agreement for the Wiltse water. The applicant claimed this met the future plan development exemption listed in RCW 90.14.140(2)(c), which allows the relinquishment clock to stop prior to entering into a future plan development. RCW 90.14.140(2)(c) states:

(2) Notwithstanding any other provisions of RCW 90.14.130 through 90.14.180, there shall be no relinquishment of any water right:

(c) If such right is claimed for a determined future development to take place either within fifteen years of July 1, 1967, or the most recent beneficial use of the water right, whichever date is later;

Under PCHB Case Nos. 10-164 & 165, Findings of Fact, Conclusion of Law, Section 9, Page 23, lines 2 through 6; the following was stated as when a future plan development is initiated: *"When the purchaser and seller have executed a purchase and sale agreement, and are only awaiting Ecology's approval of the transfer, the terms of the agreement are known and the decision is essentially out of the hands of the parties. At this point in time, the purchaser has a sufficient ownership interest in the water right to assert the determined future development exception to relinquishment."*

The Stevens PUD signed the purchase and sale agreement on June 12th, 2012. Therefore, the period of evaluation of the water right for extent and validity is the highest irrigation year from June 2007 through June 2012. In 2007, the Wiltse's appear to have fully put to beneficial use the quantities of water approved under G3-01489C and G3-25373C. A specific timeline of the Steven's PUD No.1 approach to acquiring the water rights, and rezoning of the Clayton UGA is included in the file. The Stevens PUD applied for the UGA modification on June 25th, 2012, which was approved by the County Commissioners on November 8th, 2012.

Relinquishment or abandonment concerns

There are no abandonment concerns under this evaluation. The Board has determined that only 48.24 AF of the certificated 61 AF is available for transfer.

Hydraulic analysis

The hydraulic analysis is presented above.

Consideration of comments and protests

No comments, protests or other form of communication was received by the Board relative to this change application.

Impairment

To evaluate impairment considerations, the WNR Group 2013 report presented the following information:

In order to determine theoretical drawdown in wells at a given distance from the new proposed well, the Theis non-equilibrium equation (1935), modified by Cooper and Jacob (1946) was used as outlined in Driscoll (1986). The equation allows for the calculation of drawdown at any point away from a well pumping at a constant rate.

A spreadsheet was developed for the equation and is presented in Table 4 (in the WNR Report). The equation was run for a pumping rate of 148.2 gpm (that rate of the proposed transfer to the new point of withdrawal averaged out over one year: 239 AF = 148.2 gpm) with time of pumping at 1, 7, 14, 30, 60, 90, and 365 days, at a distance to an observation well of 1/4, 1/2, 1 and 2 miles from the new well. Transmissivity and storage coefficient values were obtained from the Emcon 1992 report.

For an aquifer thickness of 26 feet, which appears to be the average aquifer thickness represented in the area of the Clayton Water system wells, the Theis non-equilibrium equation generally revealed that a pumping rate of 150 gpm for 90 days drawdown in an observation would be 0.17 feet (1/4-mile), 0.14 feet (1/2-mile), 0.12 feet (1-mile) and 0.09 feet at 2-miles. At a pumping rate of 150 gpm for 365 days, drawdown in an observation would be 0.19 feet (1/4-mile), 0.17 feet (1/2-mile), 0.14 feet (1-mile) and 0.12 feet at 2-miles.

Using the available data from the Emcon report (1992), an average T value of 1,000,000 gpd/ft was used. Using the available lookup data from Driscoll (1986), the T value is within an acceptable range for determining aquifer characteristics within the coarse sand and gravel aquifers. It should be noted that pumping from other wells within the area of influence of the proposed site well may enhance the drawdown results calculated in the above outlined Theis equation. In addition, influence from recharge areas and/or boundary conditions will affect the drawdown values. For this site, recharge boundaries of Beaver Creek are within 1/2-miles of the site, and would likely reduce drawdown influence of the pumping well.

Also, the valley wall basement rock boundaries are located within two miles of the site. However, the Theis equation shows influence will be minimal at this distance. Therefore, in our opinion, there appears to be diminimus impairment to surrounding wells from future site groundwater withdrawals proposed under this transfer application as shown in Table 4 (of the WNR Group report).

Public Interest

The proposed transfer is authorized under RCW 90.44.100 exclusively and therefore is subject to the evaluation of the public interest. In the opinion of the Board, as a result of no public protest and/or comment on the change application, and as a result of the withdrawal occurring within the same body of water with no increase to the water right, the approval of this transfer would be in the public interest. Detriment to the public interest, including impacts on any watershed planning activities, will not occur under this transfer application.

Other

The board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision. Due to the recent change in the UGA boundaries under Comprehensive Plan Amendment CPA 2012-001, which will include a rezoning of a portion of the area irrigated under these water rights, the Board also concludes that this transfer will be in the public interest. This Comp Plan amendment was approved on December 18th, 2012 by the Stevens County Commissioners to redesignate approximately 49 acres from Rural designation to Urban Residential within the Clayton Urban Growth Area, and that it was in the publics' interest.

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

The board approves this application based on the information herein. The Board finds that a valid water right exists for groundwater Right No. G3-01489C for a Qi of 120 gpm and a Qa of 48.24 acre-ft/yr.

Also see tentative determination on page 2.

Based on the above investigation and conclusions, the Board's decision is to approve the requested change as follows:

Purpose of Use and Quantities

120 gpm, 48.24 acre-ft/yr continuously for municipal supply;

Place of Use

The place of use of this water right will be: Area served by Public Utility District No. 1 of Stevens County (Stevens PUD); as approved in the most recent Clayton water system plan in Stevens County, Washington.

Points of Diversion

The points of diversion for this water right will be: ACW888 (SO#1) and ACW887 (SO#2), located in the NW1/4-SE1/4 of Section 24, Township 29N, Range 41 E. Willamette Meridian; AKT710 (SO#7) in the SW1/4-NE1/4 of Section 24, Township 29N, Range 41 E. Willamette Meridian; and the original Wiltse Well located in the SE1/4-SW1/4 of Section 20, Township 29N, Range 42 E. Willamette Meridian

The information or conclusions in this section were authored and/or developed by Gene St.Godard of the WNR Group and reviewed by the Stevens County Water Conservancy Board.

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

Conditions and limitations

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.

Additional Conditions and limitations

In accordance with WAC 173-160, wells shall not be located within certain minimum distances of potential sources of contamination. These minimum distances shall comply with local health regulations, as appropriate. In general, wells shall be located at least 100 feet from sources of contamination. Wells shall not be located within 1,000 feet of the boundary of a solid waste landfill.

All water 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.

Total diversion from the Clayton Water System wells for Water Right Certificate G3-01489C shall not exceed 120 gpm and 48.24 acre-feet per year.

All wells shall be tagged with a Department of Ecology unique well identification number. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Required installation and maintenance of an access port as described in WAC 173-160-291(3). An approved measuring device shall be installed and maintained for each of the sources authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.
<http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>

Water use data shall be recorded weekly and maintained by the Clayton Water System for a minimum of five years, and shall be promptly submitted to Ecology upon request.

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

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

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.

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

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

Mitigation (if applicable)

None

Construction Schedule

The schedule will initiate any required construction activities by December 31st, 2020. Water will be fully perfected by December 31st, 2033.

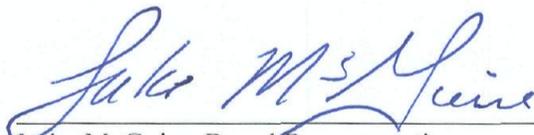
Other

N/A

The information or conclusions in this section were authored and/or developed by the Stevens County Water Conservancy Board.

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

Signed at Colville, Washington
This 18th day of November, 2013



Luke McGuire, Board Representative
Stevens County Water Conservancy Board

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