



STATE OF WASHINGTON
 DEPARTMENT OF ECOLOGY
Application for Change
REPORT OF EXAMINATION

PRIORITY DATE	APPLICATION NO.	PERMIT NO.	CERTIFICATE NO.
January 22, 1991	G3-28940	G3-28940	

NAME		
Fruitland Bible Camp		
ADDRESS/STREET	CITY/STATE	ZIP CODE
5876 Mudgett Lake Road	Fruitland, WA	99129

PUBLIC WATERS TO BE APPROPRIATED

SOURCE		
Three wells		
TRIBUTARY OF (IF SURFACE WATERS)		
MAXIMUM CUBIC FEET PER SECOND (cfs)	MAXIMUM GALLONS PER MINUTE (gpm)	MAXIMUM ACRE FEET PER YEAR (ac-ft/yr)
	20	32
QUANTITY, TYPE OF USE, PERIOD OF USE		
20 gallons per minute, 32 acre-feet per year: 6.4 acre-feet per year for non-agricultural irrigation of 2 acres from April 1 to October 31 and 25.6 acre-feet per year for continuous group domestic supply (including irrigation of lawns)		

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL					
<ul style="list-style-type: none"> • 100 feet north and 700 feet west from the E¹/₄ corner of Section 13, • 20 feet south and 1300 feet west from the E¹/₄ corner of Section 13, • 600 feet north and 300 feet west from the E¹/₄ corner of Section 13 					

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY
S ¹ / ₂ NE ¹ / ₄ or N ¹ / ₂ SE ¹ / ₄	13	29 N.	36 E.W.M.	58	Stevens
PARCEL NUMBER	LATITUDE		LONGITUDE		DATUM
1514005, 1514010, 1513400, 1513750					

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

[Attachment 1 shows location of the authorized place of use and point(s) of diversion or withdrawal.]

Parcel A: That part of the NE¹/₄ and that part of the SE¹/₄, all in Sec. 13, T. 29 N., R. 36 E.W.M., Stevens County, WA, described as follows: Commencing at the NE corner of said Sec. 13, from which the SE corner thereof bears S 5233.66 feet; thence, along the E line of said Sec. 13, S 2616.83 feet to the proportionate position for the E¹/₄ corner of said Sec. 13; thence along the E-W centerline of said Sec. 13, N 89°18'22" W 682.37 feet to the Westerly right of way line of County Road No. 2786 (old P.S.H. No. 22) and Point of Beginning for this description, said point being on a curve concave to the East having a radius of 1462.50 feet, the center of which bears S 69°19'35" E; thence, leaving said E-W centerline and along said Westerly right of way line and curve, Southerly 116.78 feet through a central angle of 4°34'30" to the intersection with the Northerly right of way line of County Road No. 2750, known as Revision No. 1 in Little Road: thence along said Northerly right of way line, S 89°16'27" W 398.22 feet to the beginning of a curve concave to the North having a radius of 1080.00 feet; thence, along said right of way line and curve, Westerly 390.97 feet through a central angle of 20°44'30"; thence N 69°59'03" W 216.79 feet to the beginning of a curve concave to the South having a radius of 727.13 feet; thence, along said right of way line and curve, Westerly 203.17 feet through a central angle of 16°00'33"; thence leaving said right of way line, N 2°25'49" E 22.71 feet; thence N 88°54'46" E 352.33 feet; thence N 82°21'07" E 248.60 feet; thence N

8°44'16" W 81.23 feet; thence N 80°47'18" E 825.90 feet to the Westerly right of way line of said County Road No. 2786 (old P.S.H. No. 22); thence, along said Westerly right of way line, S 34°09'31" W 43.23 feet to the beginning of a curve concave to the East having a radius of 1462.50 feet; thence, along said right of way line and curve, Southerly 344.21 feet through a central angle of 13°29'06" to the Point of Beginning.

Parcel B: That part of the NE¼ of Sec. 13, T. 29 N., R. 36 E.W.M., in Stevens County, Washington, described as follows: Commencing at the NE corner of said Sec. 13, from which the SE corner thereof bears S 5233.66 feet; thence along the E line of said Sec. 13, S 2616.83 feet to the proportionate position for the E¼ corner of said Sec. 13; thence along the east-west centerline of said Sec. 13, N 89° 18'22" W 682.37 feet to the westerly right of way line of County Road No. 2786 (Old P.S.H. No. 22) said point being on a curve concave to the E having a radius of 1462.50 feet, the center of which bears S 69°19'35" E; thence leaving said east-west centerline and along said westerly right of way line and curve, northerly 344.21 feet through a central angle of 13°29'06"; thence N 34°09'31" E 43.23 feet to a 5/8 rebar and cap and point of beginning for this description; thence, continuing along said right of way line, N 34°09'31" E 400.00 feet; thence, leaving said right of way line, N 82°29'35" W 1640.22 feet; thence S 797.55 feet to a 5/8 rebar and cap at the northwesterly corner of that parcel of land described under Auditor's File No. 8904658; thence, along the northerly line thereof, N 88°54'46" E 352.33 feet; thence N 82°21'07" E 248.60 feet; thence N 8°44'16" W 81.23 feet; thence north 80°47'18" E 825.90 feet to the point of beginning.

Parcel C: Commencing at the 1/16 corner (the SE corner of the NE¼ of the NE¼ of Sec. 13, T. 29 N., R. 36 E.W.M.) approximately 1320 feet S of corners of Sec. 12 and 13, T. 29 N., R. 36 E.W.M. and Sections 7 and 18, T. 29 N., R. 37 E.W.M.; thence S 1320 feet to the ¼ corner between Sec. 13, T. 29 N., R. 36 E.W.M. and Sec. 18, T. 29 N., R. 37 E.W.M.; thence W along the east-west ¼ section line in said Sec. 13, to the easterly right of way line of former State Hwy No. 22 now Stevens County Road known as Fruitland-South Road No. 2786; thence northeasterly along the easterly right of way line of the said County Road to the point of beginning, in Stevens County, Washington.

Parcel D: The North 130 feet of the E½SE¼ lying east of County Road No. 2786 (old State Highway No. 22) in Sec. 13, T. 29 N., R. 36 E.W.M. in Stevens County, Washington. Together with the South 30 feet of the North 160 feet of the East 50 feet of the E½SE¼ of said Sec. 13, T. 29 N., R. 36 E.W.M., in Stevens County, Washington.

DESCRIPTION OF PROPOSED WORKS

3 wells, domestic supply (including lawns) and non-agricultural irrigation of 2 acres

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	WATER PUT TO FULL USE BY THIS DATE
Started	Complete	November 1, 2012

PROVISIONS

All wells constructed shall meet the construction requirements of chapter 173-160 WAC entitled "Minimum Standards for the Construction and Maintenance of Wells" and chapter 18.104 RCW titled "Water Well Construction".

Installation and maintenance of an access port as described in chapter 173-160 WAC is required.

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

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

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 provisions, and to inspect at reasonable times any measuring device used to meet the above provisions.

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 wells or diversions and associated distribution systems for compliance with water law.

"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."

“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.”

“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).”

“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.”

FINDINGS OF FACT AND ORDER

Upon reviewing the investigator’s report, I find all facts relevant and material to the subject application have been thoroughly investigated. Furthermore, I find the change of water right as recommended will not be detrimental to existing water rights.

Therefore, I ORDER approval of the recommended change to add one well and change the place of use under Ground Water Permit G3-28940P, subject to existing rights and the provisions listed above.

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the “date of receipt” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals & Application for Relief
Coordinator
PO Box 47608
Olympia, WA 98504-7608

OR

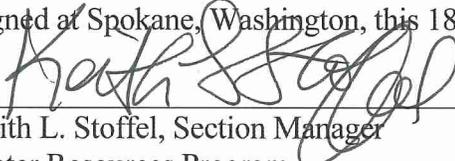
Deliver your appeal in person to:

The Department of Ecology
Appeals & Application for Relief
Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

Keith L. Stoffel
Department of Ecology
Eastern Regional Office
4601 North Monroe Street
Spokane, WA 99205

Signed at Spokane, Washington, this 18th day of May, 2010.



Keith L. Stoffel, Section Manager
Water Resources Program
Eastern Regional Office

BACKGROUND

An application for change/transfer was submitted by Fruitland Bible Camp to the Department of Ecology on February 8, 2008. The applicant proposes to add a well and change the place of use of Ground Water Permit G3-28940P.

A notice of application was duly published in accordance with RCW 90.03.280 in the Chewelah Independent on March 20 and 27, 2008, and no protests were received.

This application is categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW.

INVESTIGATION

The project is nearly completed. The applicant requests to add a small parcel of land to the existing place of use. The land on the east side of the road contains a shop and chapel and was not included in the permit. These new lands are not served from the water system. The third well is located on the property to the east and is proposed to be included into the water system and a small amount of domestic water will be used on this property. The facility includes dorms, kitchens, 40 RV sites, four cabins, main wash facility and the director's home. The domestic use includes irrigation of lawns. In addition to the lawns, the permit authorizes two acres of non-agricultural irrigation. Peak water use is in the summer months.

Evaluation of the Water Right And Beneficial Use Analysis:

The Washington State Supreme Court, in *Okanogan Wilderness v. Town of Twisp and Department of Ecology*, 133 Wn.2d 769, 947 P.2d 732 (1997), found that applications for change may be granted only to the extent the water has been historically put to beneficial use, as beneficial use determines the measure of a water right. They also found that the existence and quantification of a water right must be determined, including whether or not the water right has been lost for non-use before the Department can approve a change or transfer of the water right.

RCW 90.44.100 allows for amendment of a groundwater permit where water has not actually been applied to beneficial use. RCW 90.44.100 addresses amendments to both certificates of groundwater rights *and to permits*. The statute provides that an amendment to a certificate of groundwater right or *a permit* may be applied for, and, if approved, allow the holder to construct wells or other means of withdrawal at another location or to change the manner or place of use of the water without loss of priority of right. Changes in well location(s), or the manner or place of use of the water, i.e., changes permitted under RCW 90.44.100, do not alter the original project or the quantity of water needed. RCW 90.44.100 allows flexibility in the physical location and means of withdrawal so that permit holders can beneficially use the groundwater they are entitled to appropriate under their permits.

This permit is in good standing and available for change or transfer.

Hydrogeologic Analysis

Applications for change of water right permits and certificates are governed by RCW 90.44.100, which states in part that: the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Such amendment shall be issued by the Department only on the conditions that; (1) the additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) other existing rights shall not be impaired. The Department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment. The two (2) existing wells and the well proposed to be added are located within Section 13, T. 29 N., R. 36 E. The wells are drilled through sand, clay and basalt. All three wells are located less than three miles southeast of the Columbia River, and drilled within one quarter mile of each other.

Well #1 is located within the S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 13, T. 29 N., R. 36 E. It was constructed in 1976 to a depth of 225 feet and is six inches in diameter. The static water level at the time of drilling was 140 feet below land surface. Yields at the time of drilling are unknown. The well was drilled through a series of sand and clay layers. It was cased to a depth of 225 feet with a surface seal down to a depth of 40 feet.

Well #2 is located within the N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 13, T. 29 N., R. 36 E. It was constructed in 1986 to a depth of 405 feet and is six inches in diameter. The static water level at the time of drilling was 200 feet below land surface. Yields at the time of drilling were 12 gallons per minute after an unknown amount of time. The well was

drilled through sand and basalt and into shale. It was cased to a depth of 240 feet with a surface seal down to a depth of 40 feet.

The proposed well is located within the SE¼NE¼ of Section 13, T. 29 N., R. 36 E. It was constructed in 2001 to a depth of 420 feet and is six inches in diameter. The static water level at the time of drilling was 15 feet below land surface. Yields at the time of drilling were 12 gallons per minute for one hour with an unknown amount of drawdown. The well was drilled through clay and into a series of basalt layers. It was cased to a depth of 440 feet with a surface seal down to a depth of 18 feet.

All three wells are withdrawing water from the same body of public groundwater.

Impairment Considerations

“Impair” or “impairment” means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection, not including earlier filed applications (HB 1832); and/or 2) to prevent the beneficial use of the water to which one is entitled; and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below instream flow levels established by rule (POL-1200); and/or 4) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150).

The proposed change to add a point of withdrawal will not enlarge the quantity of water withdrawn from the aquifer. Several wells already exist in the vicinity of the proposed location. The instantaneous rate of withdrawal for new wells at the proposed location(s) will not exceed what is already being exercised. There has been no documented history of pumping interference problems between existing wells in this area, and it is not anticipated that the proposed change would cause any impairment to existing water rights. In the unforeseen event that these new wells cause impairment to these existing rights, they will be treated as a junior appropriator and regulated accordingly.

CONCLUSIONS

There is a water right available for change/transfer under Ground Water Permit G3-28940P. Ground water has been authorized and partially beneficially used under this permit for domestic supply and irrigation.

When considering an application for change to a water right, Ecology must determine that the proposed change can be made without detriment or injury to existing water rights. Factors considered when determining potential impact include the following:

No Impairment to Existing Rights:

The proposed change will not increase the volume of water currently authorized from the aquifer nor is it found to impair existing rights.

No Detriment to the Public Welfare:

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be detrimental impact to the public welfare through issuance of the proposed change.

No Enhancement of the Original Right:

No increase in water use would be authorized through approval of this change.

Same Source of Water:

The wells associated with this change application are producing water from this aquifer system and as such, is producing water from the same body of public groundwater.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the request for change to add a well and change the place of use be approved in the amounts and within the limitations listed below and subject to the provisions beginning on Page 2.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

- 20 gpm
- 32 acre-feet per year
- Group domestic supply and irrigation of 2 acres

Point of Withdrawal

- 100 feet north and 700 feet west from the E¼ corner of Section 13,
- 20 feet south and 1300 feet west from the E¼ corner of Section 13,
- 600 feet north and 300 feet west from the E¼ corner of Section 13

Place of Use

Parcel A: That part of the NE¼ and that part of the SE¼, all in Sec. 13, T. 29 N., R. 36 E.W.M., Stevens County, WA, described as follows: Commencing at the NE corner of said Sec. 13, from which the SE corner thereof bears S 5233.66 feet; thence, along the E line of said Sec. 13, S 2616.83 feet to the proportionate position for the E¼ corner of said Sec. 13; thence along the E-W centerline of said Sec. 13, N 89°18'22" W 682.37 feet to the Westerly right of way line of County Road No. 2786 (old P.S.H. No. 22) and Point of Beginning for this description, said point being on a curve concave to the East having a radius of 1462.50 feet, the center of which bears S 69°19'35" E; thence, leaving said E-W centerline and along said Westerly right of way line and curve, Southerly 116.78 feet through a central angle of 4°34'30" to the intersection with the Northerly right of way line of County Road No. 2750, known as Revision No. 1 in Little Road: thence along said Northerly right of way line, S 89°16'27" W 398.22 feet to the beginning of a curve concave to the North having a radius of 1080.00 feet; thence, along said right of way line and curve, Westerly 390.97 feet through a central angle of 20°44'30"; thence N 69°59'03" W 216.79 feet to the beginning of a curve concave to the South having a radius of 727.13 feet; thence, along said right of way line and curve, Westerly 203.17 feet through a central angle of 16°00'33"; thence leaving said right of way line, N 2°25'49" E 22.71 feet; thence N 88°54'46" E 352.33 feet; thence N 82°21'07" E 248.60 feet; thence N 8°44'16" W 81.23 feet; thence N 80°47'18" E 825.90 feet to the Westerly right of way line of said County Road No. 2786 (old P.S.H. No. 22); thence, along said Westerly right of way line, S 34°09'31" W 43.23 feet to the beginning of a curve concave to the East having a radius of 1462.50 feet; thence, along said right of way line and curve, Southerly 344.21 feet through a central angle of 13°29'06" to the Point of Beginning.

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Parcel D: The North 130 feet of the E½SE¼ lying east of County Road No. 2786 (old State Highway No. 22) in Sec. 13, T. 29 N., R. 36 E.W.M. in Stevens County, Washington. Together with the South 30 feet of the North 160 feet of the East 50 feet of the E½SE¼ of said Sec. 13, T. 29 N., R. 36 E.W.M., in Stevens County, Washington.

Report by: Kevin Brown Date 5/18/2010
 Kevin Brown
 Water Resources Program

Y/Final docs/ROEs/Brown 2010/G3-28940 Fruitland BC

Attachment 1

