

State of Washington  
**REPORT OF EXAMINATION  
 FOR WATER RIGHT APPLICATION**

DRAFT

**PRIORITY DATE**  
 March 25, 1997

**WATER RIGHT NUMBER**  
 G3-29978

**NAME & ADDRESS**  
 Irvin Water District No. 6  
 E. 11907 Trent  
 Spokane, WA 99206

**Quantity Authorized for Withdrawal**

| WITHDRAWAL RATE | UNITS | ANNUAL QUANTITY | UNITS |
|-----------------|-------|-----------------|-------|
| 2700            | GPM   | 0               | AF/YR |

**Purpose**

| PURPOSE   | WITHDRAWAL RATE | ANNUAL QUANTITY | PERIOD OF USE (mm/dd) |
|-----------|-----------------|-----------------|-----------------------|
| Municipal | 2700 GPM        | 0 AF/YR         | 01/01 - 12/31         |

**PUBLIC WATER SYSTEM INFORMATION**  
 Irvin Water District #6

**WATER SYSTEM ID**  
 36050R

**CONNECTIONS**  
 Municipal

**Source Locations**

| Source | Parcel #   | Well Tag | Twp   | Rng   | Sec | QQ                                | Latitude      | Longitude       |
|--------|------------|----------|-------|-------|-----|-----------------------------------|---------------|-----------------|
| Well 1 | 45092.0702 | AHC825   | 25 N. | 44 E. | 9   | NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 47.68559072°N | -117.25074438°W |
| Well 3 | 45044.9023 | AHC824   | 25 N. | 44 E. | 4   | SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 47.68846884°N | -117.24084522°W |
| Well 4 | 45092.9045 | AHC826   | 25 N. | 44 E. | 9   | SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 47.68025854°N | -117.25938778°W |
| Well 5 | 45044.9068 | AFN455   | 25 N. | 44 E. | 4   | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 47.69271035°N | -117.24228770°W |

Datum: WGS84

| County  | Water Body  | Tributary To | WRIA               |
|---------|-------------|--------------|--------------------|
| Spokane | Groundwater | ---          | 57- Middle Spokane |

**Place of Use (See Attached Map)**

**LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE**

Area served by Irvin Water District No. 6. The place of use (POU) of this water right is the service area described in the most recent Water System Plan approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

### Proposed Works

Four (4) wells, pumps, reservoirs and distribution system

### Development Schedule

| BEGIN PROJECT | COMPLETE PROJECT | PUT WATER TO FULL USE |
|---------------|------------------|-----------------------|
| Begun         | Completed        | In use                |

### Measurement of Water Use

|   |                                      |
|---|--------------------------------------|
| How often must water use be measured?                 | Weekly                               |
| How often must water use data be reported to Ecology? | Upon Request by Ecology              |
| What volume should be reported?                       | Total Annual Volume                  |
| What rate should be reported?                         | Annual Peak Rate of Withdrawal (gpm) |

### Provisions

**The total amount of water authorized for withdrawal under Ground Water Certificate Nos. G3-00415C, G3-27211C and this authorization is limited to 6400 gallons per minute; 1767.7 acre-feet per year, continuously, for municipal supply.**

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.

#### Wells, Well Logs and Well Construction Standards

All 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.

All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160-291(3) is required.

#### Measurements, Monitoring, Metering and Reporting

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

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

**Department of Health Requirements**

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at DOH/Division of Environmental Health, 16201 E. Indiana Avenue, Suite 1500, Spokane Valley, WA 99216, (509) 329-2100.

**Water Use Efficiency**

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

**Proof of Appropriation**

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

**Schedule and Inspections**

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.

**Findings of Facts**

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose of use is beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. G3-29978, subject to existing rights and the provisions specified above.

**Your Right To Appeal**

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

| Street Addresses   | Mailing Addresses   |
|--|---|
| <b>Department of Ecology</b><br>Attn: Appeals Processing Desk<br>300 Desmond Drive SE<br>Lacey, WA 98503 | <b>Department of Ecology</b><br>Attn: Appeals Processing Desk<br>PO Box 47608<br>Olympia, WA 98504-7608 |
| <b>Pollution Control Hearings Board</b><br>1111 Israel Road SW Ste 301<br>Tumwater, WA 98501             | <b>Pollution Control Hearings Board</b><br>PO Box 40903<br>Olympia, WA 98504-0903                       |

Signed at Spokane, Washington, this XX day of XX, 2014.

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Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

DRAFT

**BACKGROUND**

This report serves as the written findings of fact concerning Water Right Application Number G3-29978. Irvin Water District No. 6 submitted an application to increase the instantaneous rate of withdrawal for municipal water supply.

|                             |   |
|-----------------------------|---|
| <b>Applicant Name:</b>      | Irvin Water District No. 6                |
| <b>Date of Application:</b> | March 25, 1997                            |
| <b>Place of Use:</b>        | Area served by Irvin Water District No. 6 |

|               |                   |                     |                    |
|---------------|-------------------|---------------------|--------------------|
| <b>County</b> | <b>Water Body</b> | <b>Tributary To</b> | <b>WRIA</b>        |
| Spokane       | Groundwater       | ---                 | 57- Middle Spokane |

|                |             |             |                 |                     |                   |
|----------------|-------------|-------------|-----------------|---------------------|-------------------|
| <b>Purpose</b> | <b>Rate</b> | <b>Unit</b> | <b>Ac-ft/yr</b> | <b>Begin Season</b> | <b>End Season</b> |
| Municipal      | 2700        | GPM         | 0               | 01/01               | 12/31             |

| Source | Parcel #   | Well Tag | Twp   | Rng   | Sec | QQ     | Latitude      | Longitude       |
|--------|------------|----------|-------|-------|-----|--------|---------------|-----------------|
| Well 1 | 45092.0702 | AHC825   | 25 N. | 44 E. | 9   | NE¼NW¼ | 47.68559072°N | -117.25074438°W |
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| Well 4 | 45092.9045 | AHC826   | 25 N. | 44 E. | 9   | SW¼NW¼ | 47.68025854°N | -117.25938778°W |
| Well 5 | 45044.9068 | AFN455   | 25 N. | 44 E. | 4   | NE¼SE¼ | 47.69271035°N | -117.24228770°W |

Datum: WGS84

**GPM = Gallons Per Minute; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum: WGS84.**

**Public Notice**

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the *Valley News Herald* on May 23 and 30, 1997.

**State Environmental Policy Act (SEPA)**

This application is not exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21 RCW, due to the fact that the cumulative quantities of water for this project and those under existing water rights constitute a withdrawal of more than 2,250 gallons per minute. After review of a completed environmental checklist and other information on file with Ecology, this proposal was determined to not have a significant adverse impact on the environment. A final Declaration of Non-Significance was issued by Ecology on August 11, 2014, stating that no environmental impact statement is required.

**INVESTIGATION**

A field investigation was conducted by Gene Drury on July 17, 2014 with Glen Terry, Manager for Irvin Water District No. 6 (IWD#6). Additional information was obtained in conversations with Thomas G.

Haggarty, P.E. of E&H Engineering in Spokane. IWD#6 is located in the Spokane Valley and currently serves municipal water to 2005 connections and is approved for an unspecified number of connections according to the Water Facilities Inventory (WFI) approved by the Department of Health. IWD#6 currently pumps its water from four wells located in the Spokane Valley-Rathdrum Prairie Aquifer. The wells range in depth from 97 to 141 feet. The static water levels in these wells are all around the same elevation and they produce large quantities of water and withdraw from the same body of public ground water.

**Irvin Water District No. 6: Well Information**

| PARAMETER       | WELL #1 | WELL #3 | WELL #4    | WELL #5 |
|-----------------|---------|---------|------------|---------|
| Name            | Bowdish | Pines   | Montgomery | Cement  |
| Unique Well ID# | AHC825  | AHC824  | AHC826     | AFN455  |
| DOH #           | S01     | S03     | S04        | S05     |
| Year drilled    | 1955    | 1961    | 1973       | 2000    |
| Depth           | 125'    | 117'    | 141'       | 97'     |
| Diameter        | 16"     | 16"     | 16"        | 24"     |
| Elevation       | 1998.2' | 1989.5' | 1978'      | 1980'   |
| SWL             | 91'     | 79'     | 95.5'      | 73.5'   |
| GPM             | 1070    | 1070    | 1500       | 1800    |
| Pump(s) HP      | 100     | 100     | 200        | 200     |
| Pump Type       | VT      | VT      | VT         | VT      |

VT = Vertical turbine pump

**Proposed Use and Basis of Water Demand**

The applicant has asked for an increase in the authorized instantaneous rate of 2700 gallons per minute with no increase in annual quantity. The current water system has four operating wells authorized under existing water rights. The total amount of water authorized for withdrawal under existing rights is 3700 gallons per minute and 1767.7 acre-feet per year, continuously, for municipal supply. According to E&H Engineering, under normal conditions, the existing rights are sufficient for the current and 6 year water use projections but would be exceeded in the 20 year projection. During a peak demand, the instantaneous rate of 3700 gpm could be exceeded for a short time depending on which pumps are turned on by IWD#6. The additional 2700 gpm under G3-29978 would allow IWD#6 to use any combination of pumps from the existing four wells and provide sufficient rights to meet the 20 year projected instantaneous demand. The 20 year projection shows that IWD#6 may exceed the annual quantity in the future. The district will have to look at other ways to obtain additional water rights to cover this future use.

**Irvin Water District No. 6: Water Pumped - Last 5 years**

| Year | Total Gallons | Total Acre-feet |
|------|---------------|-----------------|
| 2013 | 413,055,000   | 1268            |
| 2012 | 423,078,000   | 1298            |
| 2011 | 368,863,000   | 1132            |
| 2010 | 394,654,000   | 1211            |
| 2009 | 458,147,000   | 1406            |

**Existing Water Rights – Irvin Water District No. 6**

IWD#6 qualifies as a “municipal water supplier” as defined under RCW 90.03.015(3) and has used water for municipal supply purposes under its water rights within the authorized place of use. Based on the water use data provided, IWD#6 has not perfected its full allocation of water under all of its water right certificates, leaving inchoate (or unused) water rights available for future use. The inchoate water availability is consistent with the municipal legislation (SHB 1338) passed in 2003. This law became effective September 9, 2003 and allowed municipal water suppliers to grow into the remaining quantities of these “pumps and pipes” certificates. The remaining or unused portions allows for certainty and future growth by municipal water suppliers. RCW 90.03.330(3) indicates that such water rights remain in good standing.

**Ground Water Certificate Number G3-00415C**

Recorded Name: Irvin Water District No.6  
 Priority Date: August 25, 1970  
 Instantaneous Quantity – Qi: 2000 gallons per minute  
 Annual Quantity – Qa: 495 acre-feet per year  
 Purpose of Use: Municipal supply  
 Period of Use: Continuous  
 Source: Four (4) wells (#1, #3, #4, #5)  
 Point(s) of Withdrawal: #1) NE¼NW¼ of Sec. 9, T. 25 N., R. 44 E.W.M.  
 #3) SE¼SE¼ of Sec. 4, T. 25 N., R. 44 E.W.M.  
 #4) SW¼NW¼ of Sec. 9, T. 25 N., R. 44 E.W.M.  
 #5) NE¼SE¼ of Sec. 4, T. 25 N., R. 44 E.W.M.  
 Place of Use: Area served by Irvin Water District No. 6

**Ground Water Certificate Number G3-27211C**

Recorded Name: Irvin Water District No.6  
 Priority Date: February 23, 1982  
 Instantaneous Quantity – Qi: 1700 gallons per minute  
 Annual Quantity – Qa: 1272.7 acre-feet per year  
 Purpose of Use: Municipal supply  
 Period of Use: Continuous  
 Source: Four (4) wells (#1, #3, #4, #5)  
 Point(s) of Withdrawal: #1) NE¼NW¼ of Sec. 9, T. 25 N., R. 44 E.W.M.  
 #3) SE¼SE¼ of Sec. 4, T. 25 N., R. 44 E.W.M.  
 #4) N½SW¼SW¼NW¼ of Sec. 9, T. 25 N., R. 44 E.W.M.  
 #5) NE¼SE¼ of Sec. 4, T. 25 N., R. 44 E.W.M.  
 Place of Use: Area served by Irvin Water District No. 6

**Impairment Considerations**

Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection. A water right application may not be approved if it would:

- Interrupt or interfere with the availability of water to an adequately constructed groundwater withdrawal facility of an existing right. An adequately constructed groundwater withdrawal facility is one that (a) is constructed in compliance with well construction requirements and (b)

fully penetrates the saturated zone of an aquifer or withdraws water from a reasonable and feasible pumping lift.

- Interrupt or interfere with the availability of water at the authorized point of diversion of a surface water right. A surface water right conditioned with instream flows may be impaired if a proposed use or change would cause the flow of the stream to fall to or below the instream flow more frequently or for a longer duration than was previously the case.
- Interrupt or interfere with the flow of water allocated by rule, water rights, or court decree to instream flows.
- Degrade the water quality of the source to the point that the water is unsuitable for beneficial use by existing users (e.g., via sea water intrusion).

Irvin Water District No. 6 has requested an increase in instantaneous quantity only, with no additional consumptive water use. Because this requested appropriation is non-additive with respect to annual quantity, and would not result in increased water consumption, this application has no tangible effect on other pending requests and can be processed prior to older pending applications.

The existing wells have been used continuously by IWD#6 with no reported well interference issues. A review of Ecology records was also conducted for other water rights in the vicinity of the District's points of withdrawal. The additional instantaneous quantity is available for withdrawal and the proposed well will not impair existing water rights.

## **Water Availability**

For water to be available for appropriation, it must be both physically and legally available.

### ***Physical availability***

For water to be physically available for appropriation there must be ground or surface water present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses. In addition, the following factors are considered:

- Volume of water represented by senior water rights, including federal or tribal reserved rights or claims;
- Water right claims registered under Chapter 90.14 RCW;
- Ground water uses established in accordance with Chapter 90.44 RCW, including those that are exempt from the requirement to obtain a permit; and
- Potential riparian water rights, including non-diversionary stock water.
- Lack of data indicating water usage can also be a consideration in determining water availability, if the department cannot ascertain the extent to which existing rights are consistently utilized and cannot affirmatively find that water is available for further appropriation.

### ***Legal availability***

To determine whether water is legally available for appropriation, the following factors are considered:

- Regional water management plans – which may specifically close certain water bodies to further appropriation.
- Existing rights – which may already appropriate physically available water.
- Fisheries and other instream uses (e.g., recreation and navigation). Instream needs, including instream and base flows set by regulation. Water is not available for out of stream uses where further reducing the flow level of surface water would be detrimental to existing fishery resources.

- The Department may deny an application for a new appropriation in a drainage where adjudicated rights exceed the average low flow supply, even if the prior rights are not presently being exercised. Water would not become available for appropriation until existing rights are relinquished for non-use by state proceedings.

The District has requested an increase in instantaneous quantity only, with no additional consumptive water use. The District holds adequate annual acre-feet per year under existing water rights. The increase of 2700 gallons per minute from the existing municipal supply system will be for operational purposes only as no additional consumptive water is being withdrawn. The 2700 gallons per minute is available for withdrawal.

## **Beneficial Use**

The proposed municipal use of water is defined in statute as a beneficial use (RCW 90.54.020(1)).

## **Public Interest Considerations**

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 any detrimental impact to the public welfare through issuance of the proposed appropriation.

## **Conclusions**

It is the conclusion of this examiner that: (1) public groundwater is available for appropriation for an instantaneous withdrawal of 2700 gallons per minute, continuously, for municipal supply purposes; (2) this is a beneficial use; (3) it will not impair existing rights; and (4) it will not be detrimental to the public welfare.

## **RECOMMENDATIONS**

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

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:

### **Quantity**

2700 gallons per minute; 0 acre-feet per year

### **Purpose of Use**

Municipal Supply

### **Points of Withdrawal**

Well #1: NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 9, Township 25 North, Range 44 E.W.M.

Well #3: SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 4, Township 25 North, Range 44 E.W.M.

Well #4: SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 9, Township 25 North, Range 44 E.W.M.

Well #5: NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 4, Township 25 North, Range 44 E.W.M.

**Place of Use**

Area served by Irvin Water District No. 6. The place of use (POU) of this water right is the service area described in the most recent Water System Plan approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

Note: This authorization is for an additional instantaneous supply only (2700 gallons per minute). **The total amount of water authorized for withdrawal under Ground Water Certificates Nos. G3-00415C, G3-27211C and this authorization is limited to 6400 gallons per minute; 1767.7 acre-feet per year, continuously, for municipal supply.**

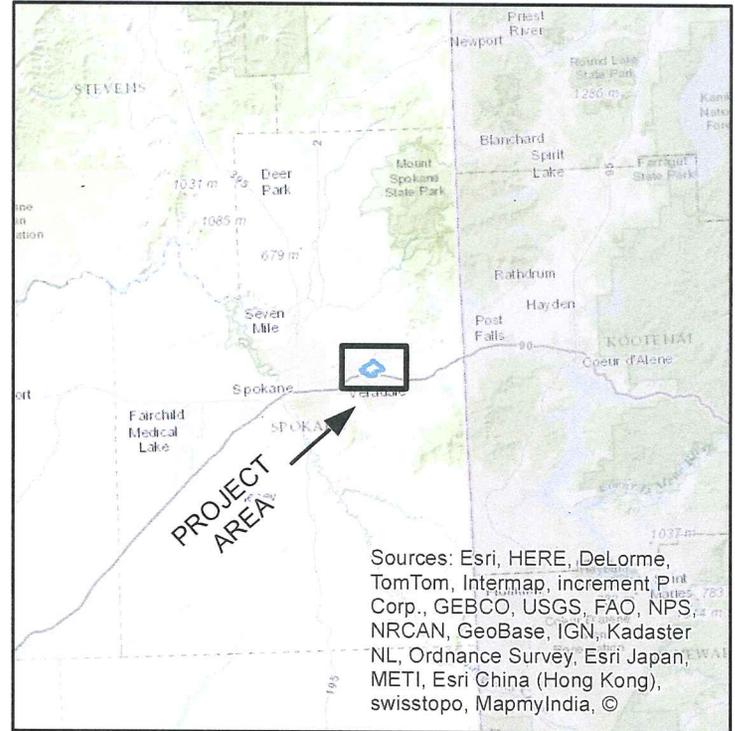
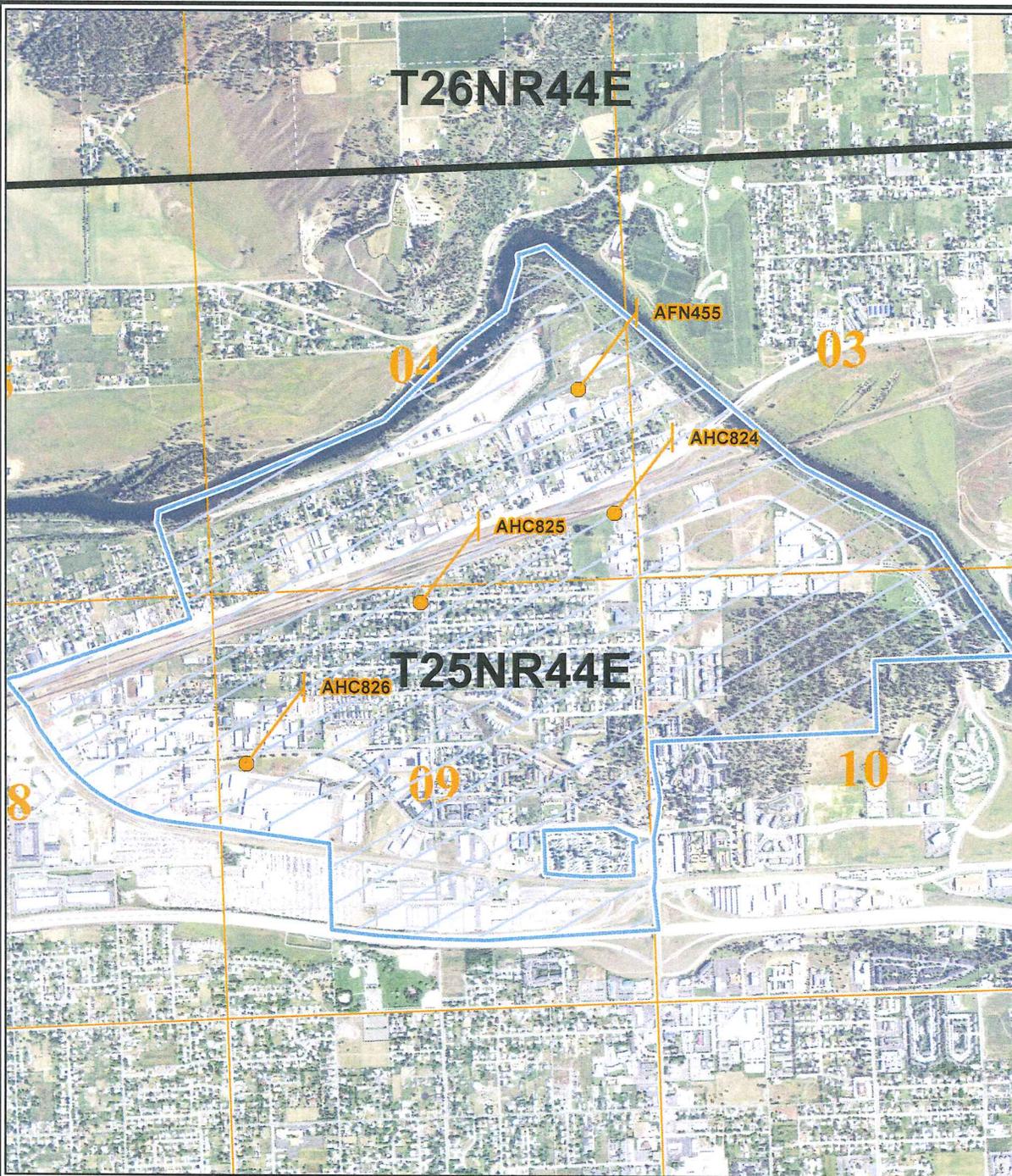
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*Gene Drury, Report Writer*

*Date*

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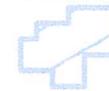
Irvin Water Distric No. 6  
 G3-29978  
 T25N/R44E



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, ©

Basemap - (ESRI US Topographic Maps)

**Legend**

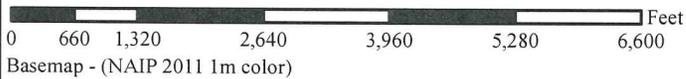


Authorized Place of Use

Townships

Sections

Authorized Point of Withdrawal



Map Date: 8/19/2014



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