

State of Washington  
DRAFT  
REPORT OF EXAMINATION  
FOR WATER RIGHT APPLICATION

**PRIORITY DATE**  
June 22, 1998

**WATER RIGHT NUMBER**  
G3-30206

**MAILING ADDRESS**  
Kettle Falls City  
PO Box 457  
Kettle Falls WA 99141

Kettle Falls City  
580 Meyers Street  
Kettle Falls WA 99141

**Quantity Authorized for Withdrawal or Diversion**

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
1900*	GPM	3065**

Total withdrawals or diversions from all sources must not exceed the total quantity authorized for withdrawal or diversion listed above.

**Purpose**

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Municipal	1900	---	GPM	0	3065	Continuous

**REMARKS**

This authorization combined with Ground Water Certificates G3-26691C(A), G3-26691C(B), G3-27700C and Permit G3-28966P shall be limited to a total withdrawal not exceeding 4700 gallons per minute and 4509 acre-feet per year, continuously, for municipal supply.

\*1900 gallons per minute is Additive to existing water rights

\*\*3065 acre-feet per year is Non-additive to existing water rights

**IRRIGATED ACRES**  
ADDITIVE

NON-ADDITIVE

**PUBLIC WATER SYSTEM INFORMATION**

WATER SYSTEM ID

CONNECTIONS

**Source Location**

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Stevens	Seven (7) Wells		59-Colville

SOURCE	PARCEL	WELL TAG	TWP	RGE	SEC	QQ	LATITUDE	LONGITUDE
WELL #2	8005325	AHC046	36N	38E	30	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	N 48.58689	W 118.06850
WELL #3	8005325	AHC043	36N	38E	30	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	N 48.58789	W 118.07178
WELL #4	8005325	AHC044	36N	38E	30	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	N 48.58632	W 118.07111
WELL #5	8005325	AHC045	36N	38E	30	NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	N 48.58683	W 118.07057
WELL #6	8005325	BAB684	36N	38E	30	SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	N 48.58697	W 118.06979
WELL #7	Not drilled	---	36N	38E	31	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	---	---
WELL #8	Not drilled	---	36N	38E	17	SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	---	---

Datum: WGS84

**Place of Use (See Attached Map)****PARCELS (NOT LISTED FOR SERVICE AREAS)****LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE**

The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program 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**

Seven (7) wells, pumps, reservoirs, distribution system

**Development Schedule**

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
2/1/2013	2/1/2015	2/1/2017

**Measurement of Water Use**

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm or cfs)

**Provisions****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.

In addition to the required access port, the applicant shall install and maintain, in operating condition, an airline and pressure gage. The pressure gage shall be equipped with a standard tire valve and placed in a location accessible to Department of Ecology personnel. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Department of Ecology upon completion of the pump system.

#### **Measurements, Monitoring, Metering and Reporting**

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", WAC 173-173.

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**

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.

#### **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(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER **approval** of Ground Water Application No. G3-30206, 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 Hearing 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> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this       day of       2011.

---

Keith L. Stoffel, Section Manager

DRAFT

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>.

## INVESTIGATOR'S REPORT

Application for Water Right -- Kettle Falls, City of  
Water Right Control Number G3-30206  
Water Resources Program, Department of Ecology

### **BACKGROUND**

---

An application for permit was submitted by the City of Kettle Falls, Washington, to the Department of Ecology on June 22, 1998. The application was accepted and assigned Ground Water Application No. G3-30206. The City of Kettle Falls proposes to pump an additional instantaneous amount of 1900 gallons per minute water from existing authorized city wells and approved well sites for municipal water supply. No additional acre-feet are requested by the city.

The 1900 gallons per minute is only needed to meet the calculated peak demands on the city's water system. The city currently has sufficient acre-feet under existing water rights to serve existing and future needs. The acre-feet associated with the withdrawal proposed under this application will be non-additive to existing city water rights.

The City of Kettle Falls wells are located at the lower end of the Colville River basin. The Colville River basin has an instream flow regulation in order to protect senior water rights, maintain the current basin ecosystem, and to meet further water resource management objectives as established under WAC 173-559. Ecology has determined that no water is available for further consumptive appropriations in streams tributary to the Colville River. Therefore, these tributary streams are closed to further consumptive appropriation except for reservoir storage from November 1 through May 31 and in-house single domestic supply when no alternate source is available. The Upper Colville River and Lower Colville River are closed to further consumptive appropriation from July 16 through September 30. The City of Kettle Falls already has existing ground water rights allocated for consumptive water use for up to 4509 acre-feet for municipal supply purposes. The existing wells are able to reach this quantity but only if the wells run continuously 24/7 for 365 days a year. The city proposes an increase in their instantaneous withdrawal rate by 1900 gallons per minute. The increase would be from current 2800 gallons per minute to 4700 gallons per minute to meet peak demand and not exceed its allocated annual consumptive quantity of water.

Table 1 Application Summary

Attributes	Summary
Name	City of Kettle Falls
Priority Date	June 22, 1998
Instantaneous Quantity	1900 gallons per minute*
Annual Quantity	3065 acre-feet/year**
Source	7 wells
Purpose of Use	Municipal Supply
Period of Use	Continuous
Place of Use	Area served by the City of Kettle Falls, WA

\*Additive to existing water rights

\*\*Non-additive to existing water rights

Table 2 Proposed Sources of Withdrawal

City of Kettle Falls - 7 wells

SOURCE	PARCEL	WELL TAG	TWP	RGE	SEC	QQ	LATITUDE	LONGITUDE
WELL #2	8005325	AHC046	36N	38E	30	NW¼SE¼	N 48.58689	W 118.06850
WELL #3	8005325	AHC043	36N	38E	30	SW¼NE¼	N 48.58789	W 118.07178
WELL #4	8005325	AHC044	36N	38E	30	NW¼SE¼	N 48.58632	W 118.07111
WELL #5	8005325	AHC045	36N	38E	30	NW¼SE¼	N 48.58683	W 118.07057
WELL #6	8005325	BAB684	36N	38E	30	SE¼NW¼SE¼	N 48.58697	W 118.06979
WELL #7	Not drilled	---	36N	38E	31	SW¼NE¼	---	---
WELL #8	Not drilled	---	36N	38E	17	SE¼SW¼	---	---

Datum: WGS84

Legal Requirements for Approval of Appropriation of Water

RCWs 90.03 and 90.44 authorize the appropriation of public water for beneficial use and describe the process for obtaining water rights. Laws governing the water right permitting process are contained in RCW 90.03.250 through 90.03.340 and RCW 90.44.050. In accordance with RCW 90.03.290, determinations must be made on the following four criteria in order for an application for water rights to be approved:

- Water must be available
- There must be no impairment of existing rights
- The water use must be beneficial
- The water use must not be detrimental to the public interest

This report serves as the written findings of fact concerning all things investigated regarding Water Right Application Number G3-30206.

### *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 area where the water is to be stored, diverted and used. Notice of this application was published in the Statesman Examiner on June 1 and 8, 2011, and no protests were received.

### 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 the City of Kettle Falls on September 2, 2011, stating the proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c)

### INVESTIGATION

In considering the proposed application, the investigation included, but was not limited to, research and review of (1) appropriate rules and statutes; (2) Existing City of Kettle Falls water rights and other rights/claims/applications in the vicinity; (3) water well reports for the applicant's well; (4) USGS topographic maps; (5) DRAFT Water System Plan for Kettle Falls dated March 2002; (6) City of Kettle Falls officials; and (7) discussions with Department of Ecology regional program staff; including review by Ecology hydrogeologists.

A field investigation was conducted by Gene Drury on May 10, 2011, with Joel Gassaway (City of Kettle Falls Superintendent). The City of Kettle Falls is located in northern Stevens County on US Highway 395 just east of the Columbia River. It was noted that the project has been started as City wells #2, #3, #4, #5 and #6 are in place and authorized for pumping under existing water rights. Wells #7 and #8 have not been drilled but are also authorized under existing city water rights. An estimated 2863 persons are provided water within the entire service area of Kettle Falls.

City of Kettle Falls Rights Appurtenant to the Place of Use

---

Water use for the City of Kettle Falls is authorized under the following water rights:

**Ground Water Certificate G3-26691C(A)**

Recorded Name: City of Kettle Falls  
Priority date: October 15, 1980  
Instantaneous Quantity - Qi: 2100 gallons per minute  
Annual Quantity - Qa: 1488 acre-feet per year  
Purpose of use: Municipal supply  
Period of use: Continuous  
Source: Four (4) wells  
Points of Withdrawal: City of Kettle Falls Wells #2, #3, #4, #5  
Place of Use: Area served by the City of Kettle Falls municipal supply system  
Note: Total instantaneous amount authorized under G3-26691C(A) and G3-26691(B) cannot exceed 2100 gallons per minute

**Change Authorization - Ground Water Certificate G3-26691C(B)**

Recorded Name: City of Kettle Falls  
Priority date: October 15, 1980  
Instantaneous Quantity - Qi: 2100 gallons per minute  
Annual Quantity - Qa: 1872 acre-feet per year  
Purpose of use: Municipal supply  
Period of use: Continuous  
Source: Seven (7) wells  
Points of Withdrawal: City of Kettle Falls Wells #2, #3, #4, #5, #6, #7, #8  
Place of Use: Area served by the City of Kettle Falls municipal supply system  
Development Schedule: Proof of Appropriation due: February 1, 2022  
Note: Total instantaneous amount authorized under G3-26691C(A) and G3-26691(B) cannot exceed 2100 gallons per minute

**Change Authorization - Ground Water Certificate G3-27700C**

Recorded Name: City of Kettle Falls  
Priority date: November 29, 1983  
Instantaneous Quantity - Qi: 200 gallons per minute  
Annual Quantity - Qa: 349 acre-feet per year  
Purpose of use: Municipal supply  
Period of use: Continuous  
Source: Seven (7) wells  
Points of Withdrawal: City of Kettle Falls Wells #2, #3, #4, #5, #6, #7, #8  
Place of Use: Area served by the City of Kettle Falls municipal supply system  
Development Schedule: Proof of Appropriation due: February 1, 2022

**Ground Water Permit G3-28966P**

Recorded Name: City of Kettle Falls  
Priority date: March 14, 1991  
Instantaneous Quantity - Qi: 500 gallons per minute  
Annual Quantity - Qa: 800 acre-feet per year  
Purpose of use: Municipal supply  
Period of use: Continuous  
Source: Seven (7) wells  
Points of Withdrawal: City of Kettle Falls Wells #2, #3, #4, #5, #6, #7, #8  
Place of Use: Area served by the City of Kettle Falls municipal supply system  
Development Schedule: Proof of Appropriation due: February 1, 2022

**Surface Water Certificate 10372**

Recorded Name: Town of Kettle Falls  
Priority date: February 26, 1968  
Instantaneous Quantity - Qi: 2.68 cubic feet per second  
Annual Quantity - Qa: 960 acre-feet per year  
Purpose of use: Municipal supply  
Period of use: Continuous  
Source: Franklin D. Roosevelt Lake and Six (6) wells  
Points of Diversion: Falls Pump Station and Avista Kettle Falls  
Generating Station Wells (see file)  
Place of Use: Area served by Town of Kettle Falls

**Surface Water Certificate 11480**

Recorded Name: Town of Kettle Falls  
Priority date: February 20, 1969  
Instantaneous Quantity - Qi: 3.0 cubic feet per second  
Annual Quantity - Qa: 960 acre-feet per year  
Purpose of use: Municipal supply  
Period of use: Continuous  
Source: Franklin D. Roosevelt Lake (Columbia River)  
Point of Diversion: NW¼ of 26, T. 36 N., R. 37 E.W.M.  
Place of Use: Area served by Town of Kettle Falls.  
Note: Total 960 af/yr less that amount used under SWC 10372  
Primary 0.32 cfs (see the original Report of Examination)

**Existing City of Kettle Falls wells**

PARAMETER	WELL #2	WELL #3	WELL #4	WELL #5	WELL #6
Year drilled	1982	1983	1983	1992	2007
Depth (feet)	192	211	226	157	180
Diameter (inches)	16	20	16	20	16
Production GPM	1000	300	1000	500	---
Pump HP	200	60	300	100	No Pump
Pump Type	Submersible	Submersible	Vertical Turbine	Submersible	---

**Impairment and Well Interference**

A review of Ecology records was conducted for existing water rights, permits, applications and claims in the vicinity of the proposed points of withdrawal. The search found no existing rights in the area which would be impaired through issuance of this application for change. The city received authorization to consolidate existing wells and construct three additional wells (#6, #7, and #8) in 2002. All of the city wells are located within the Colville River watershed and are constructed into the local sand and gravel aquifer. The existing wells are located in close proximity to one another and have similar static water levels. For 2010, the city provided static water level readings for wells 2, 3, 4 and 5:

**2010 STATIC WATER LEVELS**

WELL	ELEVATION (als)	DEPTH (feet)	SWL-low (feet)	DATE (low)	SWL-high (feet)	DATE (high)
#2	1380	192	88.5	Dec 2010	85.0	June 2010
#3	1389	211	99.5	Dec 2010	95	June 2010
#4	1395	226	110	Sept and Dec 2010	106	June 2010
#5	1395	157	107	Sept 2010	103	June 2010

Latest SWL reading for Well #6 was 85.7 feet from top of casing on Feb. 22, 2008

The proposed wells (#7, #8) would be constructed into the same sands and gravels of the Colville River watershed and would, therefore, withdraw water from the same body of public ground water as determined in the city's 2002 water right change decisions. The withdrawal of an additional 1900 gallons per minute will not have any effect on existing rights in this area. These two wells were approved in 2002 for the City's municipal supply system but have yet to be drilled. The city hopes to obtain the increased instantaneous by installing a new pump in well #6.

**Water Availability**

The city has requested an increase in instantaneous quantity only with no additional consumptive water use. The city holds adequate annual acre-feet under existing water rights. The increase of 1900 gallons per minute from the existing municipal supply system will be for operational purposes only as no additional consumptive water is being withdrawn. The 1900 gallons per minute is available for withdrawal.

### Beneficial Use

The use of water for Municipal Supply purposes is defined in statute as a beneficial use (RCW 90.54.020(1)).

### Public Interest Considerations

No detriment to the public interest could be identified during the investigation of the application. Additionally, no protests were filed against this application.

### CONCLUSION

It is the conclusion of this examiner that: (1) public ground water is available for appropriation for an instantaneous withdrawal of 1900 gallons per minute, 3065 acre-feet per year (Non-additive), continuously, for municipal supply purposes; (2) the water use is a beneficial use, and (3) the appropriation will not impair existing water rights; (4) nor will it 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.

### 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:

- 1900 gallons per minute (additive to existing water rights)
- 3065 acre-feet per year (non-additive to existing water rights)
- Continuously, for municipal supply

### Points of Withdrawal:

Well #2) NW¼SE¼ of Section 30, Township 36 N., Range 38 E.W.M.

Well #3) SW¼NE¼ of Section 30, Township 36 N., Range 38 E.W.M.

Well #4) NW¼SE¼ of Section 30, Township 36 N., Range 38 E.W.M.

Well #5) NW¼SE¼ of Section 30, Township 36 N., Range 38 E.W.M.

Well #6) SE¼NW¼SE¼ of Section 30, Township 36 N., Range 38 E.W.M.

Well #7) SW¼NE¼ of Section 31, Township 36 N., Range 38 E.W.M.

Well #8) SE¼SW¼ of Section 17, Township 36 N., Range 38 E.W.M.

Place of Use:

The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program 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.

---

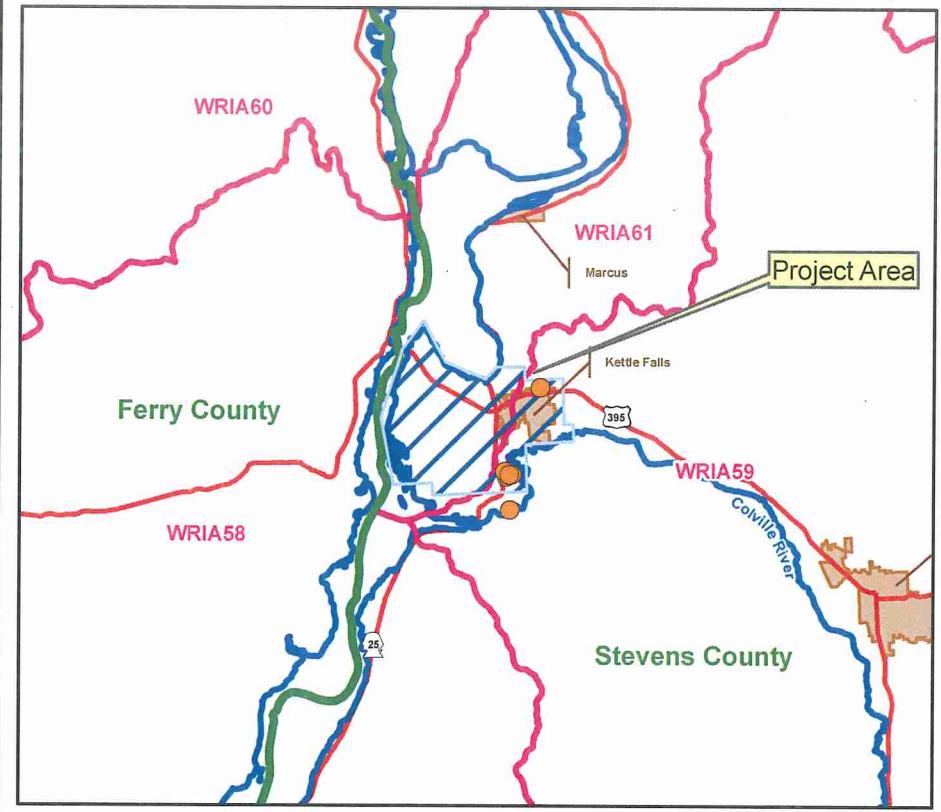
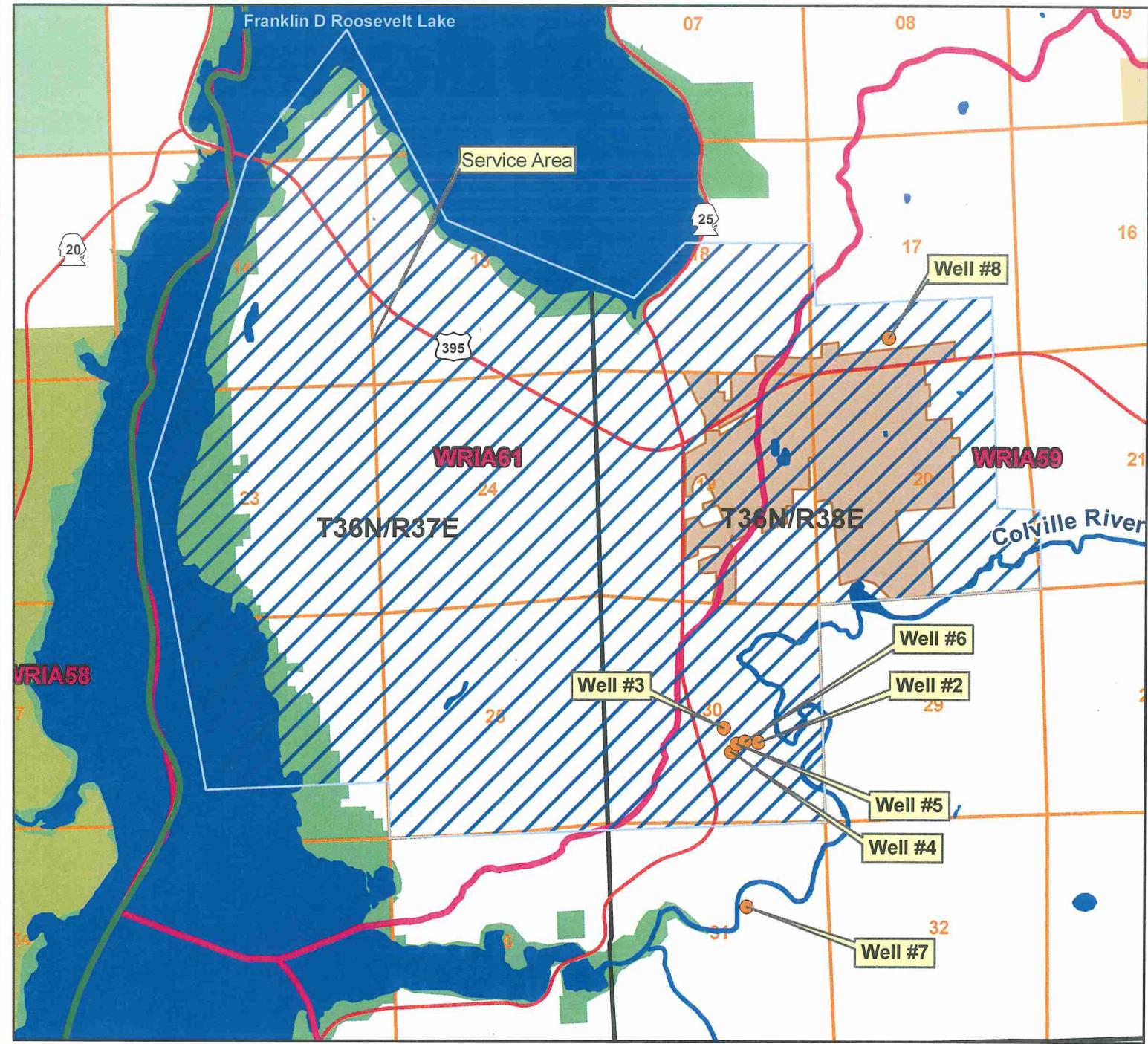
*Gene Drury, Report Writer*

*Date*

DRAFT

*If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.*

City of Kettle Falls  
Ground Water Record Number G3-30206  
T36N/R37E.W.M., T36N/R38E.W.M.  
WRIA 61 & 59 - Stevens County



**Legend**

- County
- WRIA
- Cities
- Local Roads
- Highways
- Townships
- Sections
- Authorized Point of Withdrawal
- Authorized Place of Use

Comments:

Attachment 1

