DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
DRAFT
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

PRIORITY DATE	WATER RIGHT NUMBER
December 9, 1957	3256-A

NAME & ADDRESS
Spokane County Water District No. 3
1225 N. Yardley Street
Spokane, WA 99212

Total Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
700	GPM	288

Total amount authorized under existing water rights for Spokane County Water District No. 3 for the Mead Water System is 3430 gallons per minute; 2248.2 acre-feet per year, continuously, for municipal supply purposes.

Purpose

PURPOSE	WITHDRAWAL RATE (GPM)	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE
Municipal	700	288	01/01 - 12/31

Source – MEAD Water System

SOURCE	COUNTY	WATERBODY	WATER RESOURCE INVENTORY AREA
Seven (7) wells	SPOKANE	GROUNDWATER	55 - LITTLE SPOKANE

Source Locations - MEAD Water System

Source	Name	Parcel #	Well Tag	Twp	Rng	Sec	QQ	Latitude	Longitude
Well 3-4	Guy/Freya	36104.0201	AHC739	26N	43E	10	NW¼SE¼	47.7642157°N	-117.3565731°W
Well 3-5	Dakota	36081.0102	AHC743	26N	43E	8	NW¼NE¼	47.7724703°N	-117.3992120°W
Well 3-6	Freya/Farwell	36033.0148	AHC740	26N	43E	3	SE¼SW¼	47.7748730°N	-117.3580909°W
Well 3-7	Cherry/Farwell	36033.0190	ABS048	26N	43E	3	SW¼SW¼	47.7733403°N	-117.3675125°W
Well 3-13	Guy/Freya	36104.0204	AHC738	26N	43E	10	NW¼SE¼	47.7643788°N	-117.3563188°W
Well 3-14	Helena	36092.0703	AHC742	26N	43E	9	NW¼NW¼	47.7716542°N	-117.3876821°W
Well 3-15	Hawthorne	36165.9012	AHC984	26N	43E	16	SE¼NW¼	47.7534122°N	-117.3818251°W

Datum: WGS84

Place of Use (See Attached Map)

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.

Proposed Works

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

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
September 1, 2015	September 1, 2016	September 1, 2025

Measurement of Water Use

How often must water use be measured?	Weekly
How often must 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

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 must 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 must be decommissioned.

All wells must 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 must 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 must 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 , which 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.

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 must 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 water right. 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, will 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.

Real Estate Excise Tax
This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the state Department of Revenue to obtain specific requirements for your project. Phone: (360) 570-3265. The mailing address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia WA 98504-7477 Internet: http://dor.wa.gov/. E-mail: REETSP@DOR.WA.GOV.

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 a valid right exists; 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 Application No. CG3-*04733C@1, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. 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 this document:

- File your appeal and a copy of this document 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 document on Ecology in paper form - by mail or in person. (See addresses below.) Email 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
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

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

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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.

INVESTIGATOR'S REPORT
Gene Drury, Department of Ecology
Water Right Control Number CG3-*04733C@1
Ground Water Certificate Number 3256-A

BACKGROUND

This report serves as the written findings of fact concerning Water Right Change Application Number CG3-*04733C@1.

Application and Proposed Changes

An application for change/transfer was submitted by Spokane County Water District No. 3 (SCWD#3), to the Department of Ecology, Water Resources Program on February 18, 2014. SCWD#3 proposes to add one existing point of withdrawal as granted under Ground Water Certificate No. 3256-A.

EXISTING Water Right Attributes

Recorded Name:	Spokane County Water District No. 3
Priority Date:	December 9, 1957
Source	Six (6) wells
GPM	700
AF/YR	288
Purpose of use	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/Small Water System Management Program approved by the Washington State Department of Health
County	Spokane
WRIA	55 – Middle Spokane

Source	Name	Parcel #	Well Tag	Twp	Rng	Sec	QQ	Latitude	Longitude
Well 3-4	Guy/Freya	36104.0201	AHC739	26N	43E	10	NW¼SE¼	47.7642157°N	-117.3565731°W
Well 3-5	Dakota	36081.0102	AHC743	26N	43E	8	NW¼NE¼	47.7724703°N	-117.3992120°W
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Well 3-14	Helena	36092.0703	AHC742	26N	43E	9	NW¼NW¼	47.7716542°N	-117.3876821°W

GPM = Gallons per minute; AF/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

REQUESTED Water Right Attributes

Applicant Name:	Spokane County Water District No. 3
Date of Application:	February 18, 2014
Source	Seven (7) wells (#3-4, 3-5, 3-6, 3-7, 3-13, 3-14, 3-15)
GPM	700
AF/YR	288
Purpose of use	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 approved by the Washington State Department of Health

Source	Name	Parcel #	Well Tag	Twp	Rng	Sec	QQ	Latitude	Longitude
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GPM = Gallons per minute; AF/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

Legal Requirements for Proposed Change

The following is a list of requirements that must be met prior to authorizing the proposed change.

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 Deer Park Tribune on March 19 and 26, 2014. 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 Declaration of Non-Significance was issued by Spokane County Water District No. 3 on June 8, 1995.

Water Resources Statutes and Case Law

RCW 90.03.380(1) states that a water right that has been put to beneficial use may be changed. The point of diversion, place of use, and purpose of use may be changed if it would not result in harm or injury to other water rights.

The Washington Supreme Court has held that Ecology, when processing an application for change to a water right, is required to make a tentative determination of extent and validity of the claim or right.

This is necessary to establish whether the claim or right is eligible for change. *R .D. Merrill v. PCHB* and *Okanogan Wilderness League v. Town of Twisp.*

RCW 90.44.100 allows Ecology to amend a ground water permit to (1) allow the user to construct a replacement or additional well at a new location outside of the location of the original well, or to (2) change the manner or place of use of the water, if:

(a) The additional or replacement well taps the same body of public ground water as the original well. RCW 90.44.100(2)(a),
(b) Where a replacement well is approved, the user must discontinue use of the original well and properly decommission the original well. RCW 90.44.100(2)(b),
(c) Where an additional well is constructed, the user may continue to use the original well, but the combined total withdrawal from all wells shall not enlarge the right conveyed by the original permit or certificate. RCW 90.44.100(2)(c),
(d) Other existing rights shall not be impaired. RCW 90.44.100(2)(d).

When changing or adding points of withdrawal to groundwater rights (RCW 90.44.100), or when consolidating exempt wells with an existing permit or certificate (RCW 90.44.105), the wells must draw from the *same body of public groundwater*. Indicators that wells tap the *same body of public groundwater* include:

(a) Hydraulic connectivity.
(b) Common recharge (catchment) area.
(c) Common flow regime.
(d) Geologic materials that allow for storage and flow, with recognizable boundaries or effective barriers to flow.

RCW 90.03.386(2) states that a municipal water supplier may change its service area through the water system plan approval process. As long as the municipal water supplier is in compliance with the approved plan, the place of use for the water right is the service area of the plan.

INVESTIGATION

In considering the proposed change, the investigation included, but was not limited to, research and review of (1) appropriate rules and statutes; (2) Ground Water Certificate No. 3256-A and other water rights/claims/applications in the vicinity; (3) water well reports for the applicant's wells; (4) USGS topographic maps; (5) Water System Plan prepared by Varela & Associates for SCWD#3; (6) review by Department of Ecology regional program staff.

A field investigation was conducted by Gene Drury on July 22, 2014 with Ty Wick, General Manager of SCWD3. SCWD3 is a municipal water supplier and serves water throughout the Spokane area through 9 separate water systems. This application involves adding an existing well to the Mead Water System (DOH System ID# 933547). SCWD3 currently pumps ground water from a total of six (6) wells for its Mead Water System. These wells all pump water from the Spokane Valley/Rathdrum Prairie Aquifer.

Certificate No. 3256-A

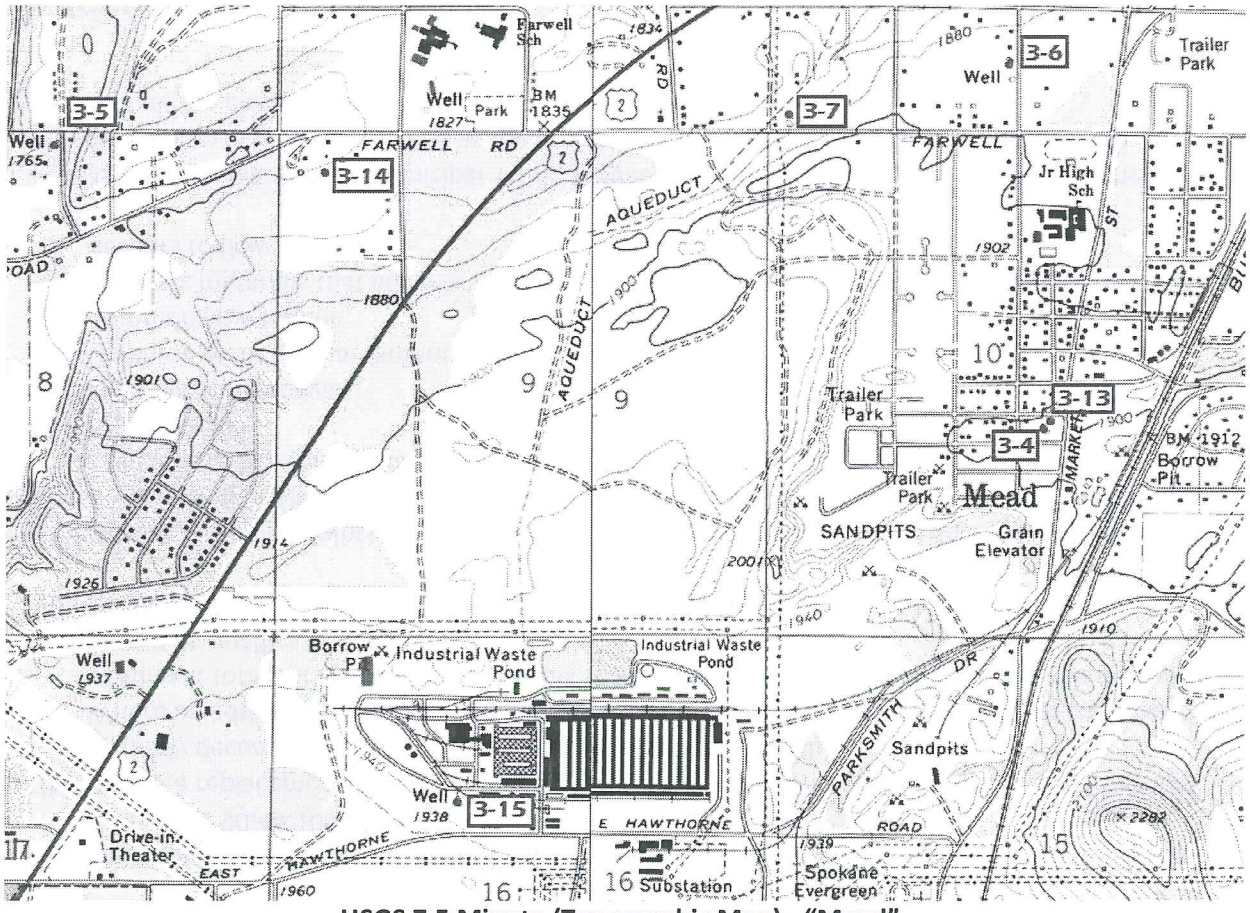
Ground Water Certificate 3256-A, with a priority of December 9, 1957, authorizes the withdrawal of 700 gallons per minute and 288 acre-feet per year, continuously, for municipal supply from six wells. The

authorized six wells are Wells 3-4 (Guy/Freya), 3-5 (Dakota), 3-6 (Freya/Farwell), 3-7 (Cherry/Farwell), 3-13 (Guy/Freya) and 3-14 (Helena). SCWD#3 proposes to add a seventh, Well 3-15 (Hawthorne).

Proposed Well 3-15 (Hawthorne)

The well proposed to be added is located just off Hawthorne Road at the old Kaiser Aluminum Mead Works Plant now owned by New Mill Capitol LLC. The well is actually owned by SCWD3 according to Ty Wick and is located within the SE¼NW¼ of Section 16, Township 26 North, Range 43 E.W.M. on Spokane County Parcel #36165.9012. The 30 inch well was drilled in 1963 to a depth of 284 feet. The well was originally authorized for use at the Kaiser Plant under Ground Water Certificate No. 5928-A with a priority date of August 16, 1963. New Mill does have other pending applications to change this water right however, the extent and validity of Certificate 5928-A was not evaluated under this current application for change by SCWD3. This well will be used as a primary municipal supply well for the district as it produces large quantities of good quality water. It is proposed to be added to all of the district's water rights. Well 3-15 is currently capped and a 400 horsepower pump has been ordered by the district. Plans are to install the pump and construct a pump house in September of this year.

WELL LOCATIONS



USGS 7.5 Minute (Topographic Map) - "Mead"

Existing Water Rights - SCWD#3

Spokane County Water District No. 3 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, SCWD#3 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.

Water right holders must still meet other requirements in the Water Code such as due diligence in project development to keep these rights in good standing. The Department recognizes that cities often grow at uneven rates, and need to be able to serve their growing populations. The actual use of water over time fluctuates due to many factors, which include but are not limited to year-to-year weather patterns, conservation measures, water price and general changes in water use practices.

SCWD#3 does hold water rights from wells located within both the Spokane Valley-Rathdrum Prairie Aquifer (SVRP) and the Little Spokane River (LSR) Aquifer. These proposed changes only affect those water rights in the SVRP Aquifer.

The SCWD#3 wells authorized for use within the Spokane Valley-Rathdrum Prairie aquifer are recorded under seven (7) ground water certificates as follows: Ground Water Certificate Nos. 29-A, 3256-A, 3779-A, 6086-A, G3-00949C, G3-23578C and G3-26510C. The total amount authorized under these existing water rights for from the Mead Water System is 3430 gallons per minute; 2248.2 acre-feet per year, continuously, for municipal supply purposes.

Water Use Data

WATER USE – SCWD3 "MEAD" SYSTEM

YEAR	GALLONS PUMPED	ACRE-FEET PUMPED
2001	326,284,000	1,001
2002	322,201,000	989
2003	350,381,000	1,075
2004	351,926,000	1,080
2005	362,020,461	1,111
2006	391,347,051	1,201
2007	357,453,000	1,097
2008	342,271,000	1,050
2009	374,840,000	1,150
2010	337,080,000	1,034
2011	331,537,000	1,017
2012	355,674,000	1,092
2013	365,112,000	1,120

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. Any amendment shall be issued by the Department of Ecology (Ecology) only under the conditions that (1) an 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) all existing water rights shall not be impaired. Ecology may specify an approved manner of well construction and shall require a showing of compliance with the provisions of the amendment.

John Covert, Hydrogeologist with Ecology, provided analysis for adding the seventh well. It was his conclusion that all of the existing SCWD3 municipal wells and proposed Well 3-15 all produce water from the same body of public ground water.

SCWD3 WATER SERVICE AREA #4 – EXISTING "MEAD" WELLS

WELL	**#3-4**	**#3-5**	**#3-6**	**#3-7**	**#3-13**	**#3-14**
WDOH ID#	S23	S24	S25	S26	S27	S30
Name	**Guy/Freya**	**Dakota**	**Freya/Farwell**	**Cherry/Farwell**	**Guy/Freya**	**Helena**
Well ID#	AHC739	AHC743	AHC740	ABS048	AHC738	AHC742
Year drilled	1946	1959	1966	1970	1980	1996
Depth	107'	89'	203'	180'	116'	165'
Diameter	96"	12"	10"	18"	16"	12"
Casing	?	89'	203'	135'	94'	160'
Perforated	?	yes	screens	screens	screens	no
SWL	90'	38'	145'	116'	92'	75'
Well elevation	1900'	1765'	1890'	1860'	1900'	1820'
GPM	550	480	320	1250	650	800
Pump HP	No pump	25	40	125	No pump	100
Pump Type	N/A	VT	VT	VT	N/A	VT

VT = Vertical Turbine pump

NOTES: Well 3-4 was previously referred to as "Market/Old" and identified as Well ID# AHC753
Well 3-13 was previously referred to as "Market/Guy"
Well 3-7 was previously identified as Well ID# AHC741

Three of the above referenced wells are contaminated and considered unusable by SCWD3. Wells #3-4 (Guy/Freya) and Well 3-13 (Guy/Freya) are both contaminated with Carbon Tetrachloride. The pumps have been removed and the district is looking into decommissioning these wells. Well #3-5 (Dakota) is contaminated with cyanide and is offline. This well should also be properly decommissioned in accordance with Chapter 173-160-381 WAC.

Impairment Considerations

A review of Ecology records was conducted for existing water rights, permits, and claims within the SCWD#3 project area. The search focused primarily on the location of the well to be added (Well 3-15) located within the SE¼NW¼ of Section 16, Township 26 North, Range 43 E.W.M. The review of Ecology's water right (WRTS) database found no existing water rights in this area which would be impaired through issuance of this application for change. The district's other municipal wells have been continuously used for many years with no reported well interference. It is not anticipated that the proposal to add Well 3-15 will cause any impairment.

CONCLUSIONS

There is a water right available for change under Ground Water Certificate No. 3256-A.

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:
It is not anticipated that the proposed change/transfer would cause impairment to existing water 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 any detrimental impact to the public welfare through issuance of the proposed change/transfer.

No Enhancement of the Original Right:
No withdrawal of water over and above what has been authorized for beneficial use would be authorized through approval of this change.

Same Source of Water:
The ground water to be withdrawn is supplied by the same body of public water.

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.

Authorized Quantities and Purpose of Use

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:

Quantities:
700 gallons per minute and 288 acre-feet per year

The total amount authorized under existing water rights for Spokane County Water District No. 3 from the Mead Water System is 3430 gallons per minute; 2248.2 acre-feet per year, continuously, for municipal supply purposes.

Purpose of Use:
Municipal Supply

Points of Withdrawal:
Seven (7) Wells located as follows:

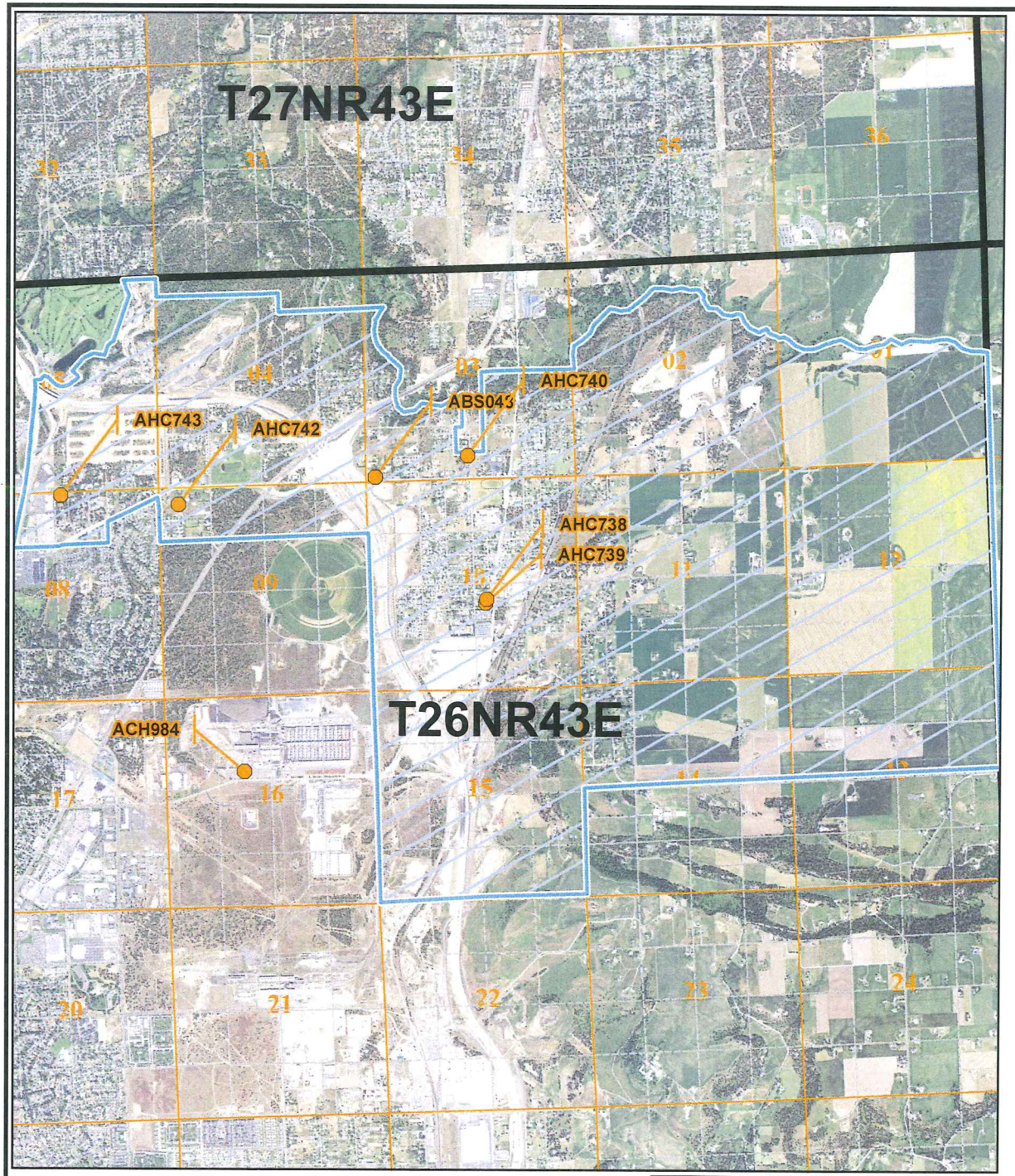
Source	Name	Location
Well 3-4	Guy/Freya	NW¼SE¼ of Sec. 10, T. 26 N., R. 43 E.W.M.
Well 3-5	Dakota	NW¼NE¼ of Sec. 8, T. 26 N., R. 43 E.W.M.
Well 3-6	Freya/Farwell	SE¼SW¼ of Sec. 3, T. 26 N., R. 43 E.W.M.
Well 3-7	Cherry/Farwell	SW¼SW¼ of Sec. 3, T. 26 N., R. 43 E.W.M.
Well 3-13	Guy/Freya	NW¼SE¼ of Sec. 10, T. 26 N., R. 43 E.W.M.
Well 3-14	Helena	NW¼NW¼ of Sec. 9, T. 26 N., R. 43 E.W.M.
Well 3-15	Hawthorne	SE¼NW¼ of Sec. 16, T. 26 N., R. 43 E.W.M.

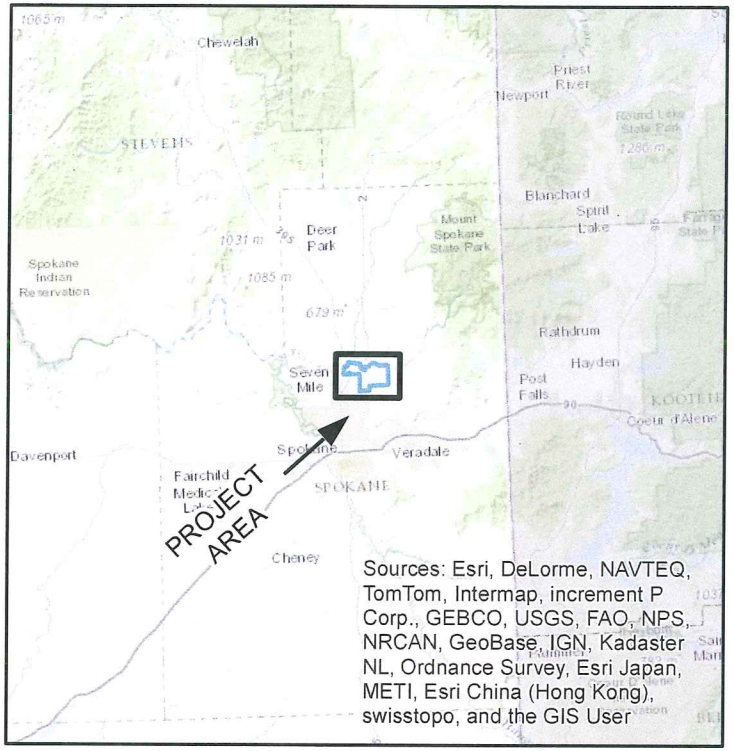
Place of Use:
The place of use (POU) of this water right is the service area described in the most recent Water System Plan approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

Gene Drury, Report Writer *Date*
Report Writer

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.

Spokane Cnty Water Dist 3
3256-A
T26N/43E





Basemap - (ESRI US Topographic Maps)

Legend

- Authorized Place of Use
- Townships
- Sections
- Authorized Point of Withdrawl

0 1,320 2,640 5,280 7,920 10,560 13,200 Feet

Basemap - (NAIP 2011 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 8/1/2014

Comment:
Place of use and source locations are as defined within the Report of Examination cover sheet for the document identfied in the header above.

ATTACHMENT 1