File NR CG3-*00736S@1
WR Doc ID 4205430

DEPARTMENT OF ECOLOGY
State of Washington

# State of Washington
# DRAFT
# REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

| PRIORITY DATE | WATER RIGHT NUMBER |
|---|---|
| The year 1912 | 689-D (1-3-280) |

| MAILING ADDRESS | SITE ADDRESS (IF DIFFERENT) |
|---|---|
| MODEL IRRIGATION DIST NO. 18<br>1506 S. PIERCE<br>SPOKANE, WA 99206 | |

## Total Quantity Authorized for Withdrawal

| WITHDRAWAL RATE | UNITS | ANNUAL QUANTITY (AF/YR) |
|---|---|---|
| 4200 | GPM | 779 |

## Purpose

| PURPOSE | WITHDRAWAL RATE (GPM) | ANNUAL QUANTITY (AF/YR) | PERIOD OF USE |
|---|---|---|---|
| Municipal | 4200 | 779 | 01/01 - 12/31 |

## Source Location

| SOURCE | COUNTY | WATERBODY | WATER RESOURCE INVENTORY AREA |
|---|---|---|---|
| Six (6) wells | SPOKANE | GROUNDWATER | 57-MIDDLE SPOKANE |

**Well #1** – SW¼SW¼ of Sec. 21, T. 25 N., R. 44 E.W.M.
250 feet north and 1180 feet east from the SW corner of Section 21
**Well #3** – SE¼SW¼ of Sec. 28, T. 25 N., R. 44 E.W.M.
590 feet north and 1480 feet east from the SW corner of Section 28
**Well #4** – NE¼SW¼ of Sec. 21, T. 25 N., R. 44 E.W.M.
1930 feet north and 2050 feet east from the SW of Section 21
**Well #5** – NW¼SW¼ of Sec. 28, T. 25 N., R. 44 E.W.M.
2070 feet north and 1270 feet east from the SW corner of Section 28
**Well #6** – SW¼SW¼ of Sec. 21, T. 25 N., R. 44 E.W.M.
270 feet north and 1180 feet east from the SW corner of Section 21
**Well #7** – NE¼NE¼ of Sec. 33, T. 25 N., R. 44 E.W.M.
480 feet south and 900 feet west from the NE corner of Section 33

## 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/Small Water System Management Program approved by the Washington State Department of Health.

## Proposed Works

Six (6) wells, pumps, reservoirs, distribution system

## Development Schedule

| BEGIN PROJECT | COMPLETE PROJECT | PUT WATER TO FULL USE |
|---|---|---|
| Started | Complete | In Use |

## Measurement of Water Use

| | |
|---|---|
| How often must water use be measured? | Weekly |
| How often must 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) |

## 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 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 Application No. CG3-*00736S@1, 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 |
|---|---|
| **Department of Ecology**<br>Attn: Appeals Processing Desk<br>300 Desmond Drive SE<br>Lacey, WA 98503 | **Department of Ecology**<br>Attn: Appeals Processing Desk<br>PO Box 47608<br>Olympia, WA 98504-7608 |
| **Pollution Control Hearings Board**<br>1111 Israel Road SW Ste 301<br>Tumwater, WA 98501 | **Pollution Control Hearings Board**<br>PO Box 40903<br>Olympia, WA 98504-0903 |

Signed at Spokane, Washington, this day of 2013.

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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-*00736S@1
689-D(1-3-280)

## BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number CG3-*00736S@1.

### EXISTING Water Right Attributes

| | |
|---|---|
| **Water Right Owner** | Model Irrigation District No. 18 |
| **Priority Date** | The year 1912 |
| **Place of Use** | W¾ of the S½ of Sec. 21, T. 25 N., R. 44 E.W.M., also 10 acres adjoining the N½ of said Sec. 21. |

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

| Purpose | Rate | Unit | Ac-ft/yr | Begin Season | End Season |
|---|---|---|---|---|---|
| Municipal | 4200 | GPM | 779 | 01/01 | 12/31 |

| Source | Well Tag | Township (Twp) | Range | Section | QQ Q |
|---|---|---|---|---|---|
| Well #1 | ABR777 | 25 N. | 44 E. | 21 | SE¼SE¼SW¼SW¼ |
| Well #6 | AHC977 | 25 N. | 44 E. | 21 | SE¼SE¼SW¼SW¼ |

CFS = Cubic Feet per Second; 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

### REQUESTED Water Right Attributes

| | |
|---|---|
| **Applicant Name** | Model Irrigation Dist. No. 18 |
| **Date of Application** | September 13, 2004 |
| **Place of Use** | Area served by Model Irrigation Dist. No. 18 |
| **Source** | 6 wells |

| County | Waterbody | Tributary To | WRIA |
|---|---|---|---|
| Spokane | Groundwater | --- | 57-Middle Spokane |

| Purpose | Rate | Unit | Acre-feet/yr | Begin Season | End Season |
|---|---|---|---|---|---|
| Municipal | 4200 | GPM | 779 | 01/01 | 12/31 |

**Well #1** – SW¼SW¼ of Sec. 21, T. 25 N., R. 44 E.W.M.
250 feet north and 1180 feet east from the SW corner of Section 21

**Well #3** – SE¼SW¼ of Sec. 28, T. 25 N., R. 44 E.W.M.
590 feet north and 1480 feet east from the SW corner of Section 28

**Well #4** – NE¼SW¼ of Sec. 21, T. 25 N., R. 44 E.W.M.
1930 feet north and 2050 feet east from the SW of Section 21

**Well #5** – NW¼SW¼ of Sec. 28, T. 25 N., R. 44 E.W.M.
2070 feet north and 1270 feet east from the SW corner of Section 28

**Well #6** – SW¼SW¼ of Sec. 21, T. 25 N., R. 44 E.W.M.
270 feet north and 1180 feet east from the SW corner of Section 21

**Well #7** – NE¼NE¼ of Sec. 33, T. 25 N., R. 44 E.W.M.
480 feet south and 900 feet west from the NE corner of Section 33

| Source | Well Tag | Township | Range | Section | QQ Q |
|---|---|---|---|---|---|
| Well 1 | ABR777 | 25 N. | 44 E. | 21 | SW¼SW¼ |
| Well 3 | AHC978 | 25 N. | 44 E. | 28 | SE¼SW¼ |
| Well 4 | ABR179 | 25 N. | 44 E. | 21 | NE¼SW¼ |
| Well 5 | ABR778 | 25 N. | 44 E. | 28 | NW¼SW¼ |
| Well 6 | AHC977 | 25 N. | 44 E. | 21 | SW¼SW¼ |
| Well 7 | ABR779 | 25 N. | 44 E. | 33 | NE¼NE¼ |

CFS = Cubic Feet per Second; 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

### 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 Spokane Valley News Herald on January 14 and 21, 2005.

### 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 March 29, 2005, stating that no environmental impact statement is required.

## 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. 689-D(1-3-280) and other water rights/claims/applications in the vicinity; (3) water well reports for the applicant's wells; (4) USGS topographic maps; (5) Comprehensive Water System Plan for Model Irrigation District No. 18; (6) discussions with Jim Lahde, Manager of Model Irrigation District No. 18 and Sharon O'Shaughnessy, consultant for the district; and (7) review by Department of Ecology regional program staff.

A field investigation was conducted by Gene Drury on February 25, 2005 with Jim Lahde. Model Irrigation District No. 18 is located at 1506 S. Pierce Road in the in the Spokane Valley.

## History of Water Use

Ground Water Certificate 689-D with a priority of 1912 was issued on August 19, 1948 to Model Water & Light Company for domestic supply, irrigation and municipal supply in the amount of 4200 gallons per minute and 779 acre-feet per year. This right authorized one well (District Well #1) within the SE¼SE¼SW¼SW¼ of Sec. 21, T. 25 N., R. 44 E.W.M. This right was changed on August 28, 1981 under Certificate of Change Vol. 1-3, PP. 280. The district added one point of withdrawal (District Well #6) also located within the SE¼SE¼SW¼SW¼ of Sec. 21, T. 25 N., R. 44 E.W.M.

The district currently has a total of six (6) municipal water supply wells. They are well Nos. #1, #3, #4, #5, #6 and #7. All of these wells are used by the district for municipal supply purposes. The district holds a combined total of water rights at 9,780 gallons per minute and 4,115 acre-feet per year. Of this, the district has used 9700 gallons per minute and 2,023 acre-feet per year

Model Irrigation District No. 18 qualifies as a "municipal water supplier" as defined under RCW 90.03.015(3) and has used water for municipal supply purposes under this certificate within the authorized place of use. Based on the water use data, the District has perfected its full allocation of water under this right. Therefore, the purpose of use is being changed to "municipal supply purposes". Under this change application, the district proposes to include its other wells under this Ground Water Certificate 689-D (1-3-280) for a total of six (6) wells. The well integration has already been authorized through changes approved by the Department in 2005.

## Other District Water Rights

The six (6) district wells are currently authorized under the district's following ten (10) ground water certificates: Ground Water Certificate Nos. 689-D (1-3-280), 119-A (871), 3211-A (681 and 1-3-80), 4109-A (1-3-67), 5558-A, G3-00342C, G3-20159C, G3-21962C, G3-26072C and G3-26369C.

| Certificate No. | Priority Date | Use | Gallons per minute | Acre-feet per year |
|---|---|---|---|---|
| 689-D (1-3-280) | 1912 | Municipal | 4200 | 779 |
| 119-A (871) | 9-24-46 | Municipal | 80 | 40* |
| 3211-A (681 and 1-3-80) | 4-10-52 | Municipal | 375 | 600* |
| 4109-A (1-3-67) | 9-7-61 | Municipal | 525 | 670* |
| 5558-A | 11-24-65 | Municipal | 1000 | 670* |
| G3-00342C | 8-17-70 | Municipal | 1000 | 526 |
| G3-20159C | 5-5-72 | Municipal | 600 | 540 |
| G3-21962C | 10-17-73 | Municipal | 200 | 0 |
| G3-26072C | 10-3-78 | Municipal | 1000 | 1600 |
| G3-26369C | 10-5-79 | Municipal | 1800** (800) | 1600**(0) |
| | | **TOTAL** | **9780** | **4115** |

*Total annual quantity under Certificates 119-A (871), 3211-A (681 and 1-3-80), 4109-A (1-3-67) and 5558-A is limited to 670 acre-feet per year.

**Certificate G3-26369C was issued less any amounts used under Certificate No. G3-26072C.

## Hydrologic/Hydrogeologic Evaluation

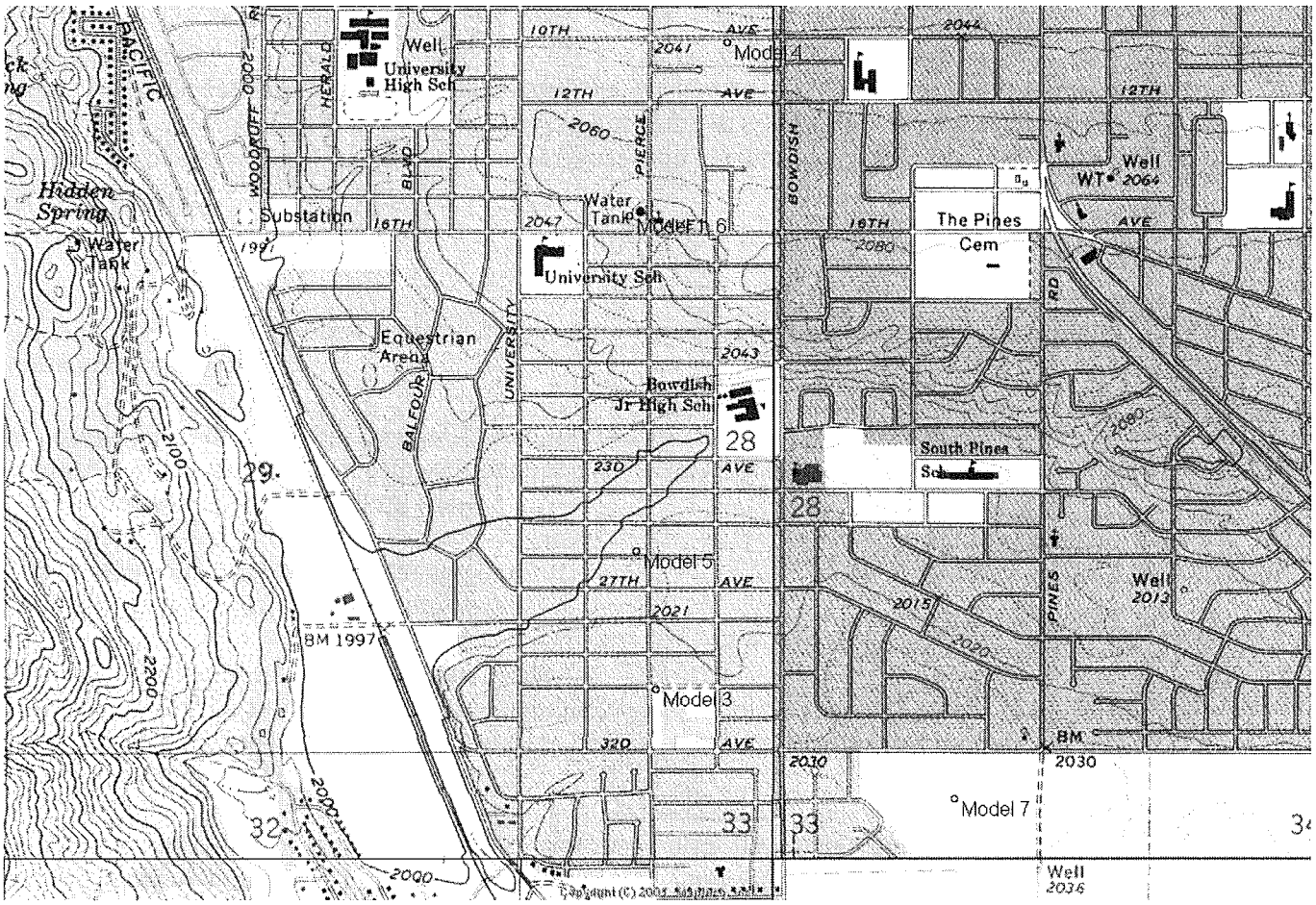
Applications for change of water right permits and certificates are governed by RCW 90.44.100, which states in part that: the holder of a valid right to withdraw public ground waters may, without losing the holder's priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or the holder 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.

All of the existing district wells are producing water from an unconsolidated, glaciofluvial, water table aquifer located in the Spokane Valley-Rathdrum Prairie Aquifer and produce large quantities of water. This includes the well authorized under this certificate. Based on the well depths, elevations and static water levels in each well, it can be concluded that all of the district's wells withdraw from the same body of public ground water. The district proposes to integrate all of its existing wells. This would allow some flexibility for the system and allow water to be withdrawn from any of the existing well sites. The wells are further described as follows:

## MODEL IRRIGATION DISTRICT NO. 18-WELLS

| PARAMETER | WELL #1 | WELL #3 | WELL #4 | WELL #5 | WELL #6 | WELL #7 |
|---|---|---|---|---|---|---|
| Unique Well ID# | ABR777 | AHC978 | ABR179 | ABR778 | AHC977 | ABR779 |
| Year drilled | 1911 | 1965 | 1969 | 1974 | 1979 | 1979 |
| Depth | 183' | 167' | 177' | 160' | 240' | 185' |
| Diameter | 7' | 16" | 16" | 16" | 16" | 16" |
| Casing | ? | 152.5' | 177' | 160' | 210' | 155' |
| SWL | 157' | 114' | 126' | 86' | 172' | 110' |
| Well elevation | 2081' | 2024' | 2043' | 2006' | 2081' | 2022' |
| GPM | 1,000 | 1,500 | 1,500 | 2,000 | 2,000 | 1,700 |
| Pump HP | 75 | 150 | 150 | 200 | 200 | 150 |
| Pump Type | VT | VT | VT | VT | VT | VT |

VT = Vertical Turbine




**Township 25 North, Range 44 E.W.M. (Spokane NE – U.S.G.S. 7.5 minute)**

### Impairment Considerations

A review of Ecology records was conducted for existing water rights, permits, applications and claims in the vicinity of the Model Irrigation District No. 18 wells. The search found no existing water rights in the area which would be impaired through issuance of this application for change. The district's municipal wells have been continuously used for many years with no reported well interference. It is not anticipated that the proposed changes by the district will cause any impairment.

### 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 change.

### Consideration of Protests and Comments

No protests were filed against this application.

### No Enhancement of the Original Right

No withdrawal of water over and above what has been historically put to beneficial use and/or originally authorized under existing rights will be allowed through approval of this change.

### Same Source of Water

The ground water withdrawn at all well locations is considered to be from the same body of public water.

## CONCLUSIONS

It is the conclusion of this examiner that, in accordance with Chapters 90.03 and 90.44 RCW, this application to integrate the existing water system by adding five (5) existing wells will not enlarge the water right originally authorized for beneficial use, nor will it impair existing rights or 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.

## 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:

**4200 gallons per minute; 779 acre-feet per year, continuously, for Municipal Supply purposes**

**Six (6) Wells located as follows:**

**Well #1 – SW¼SW¼ of Sec. 21, T. 25 N., R. 44 E.W.M.**
**Well #3 – SE¼SW¼ of Sec. 28, T. 25 N., R. 44 E.W.M.**
**Well #4 – NE¼SW¼ of Sec. 21, T. 25 N., R. 44 E.W.M.**
**Well #5 – NW¼SW¼ of Sec. 28, T. 25 N., R. 44 E.W.M.**
**Well #6 – SW¼SW¼ of Sec. 21, T. 25 N., R. 44 E.W.M.**
**Well #7 – NE¼NE¼ of Sec. 33, T. 25 N., R. 44 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*

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.