File NR CG3-24739
WR Doc ID 4664208

DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
DRAFT
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Changed Place of Use
Added or Changed Purpose of Use
Added or Changed Point of Withdrawal/Diversion

PRIORITY DATE	WATER RIGHT NUMBER
January 19, 1976	G3-24739

MAILING ADDRESS
BASIN CITY WATER & SEWER DISTRICT
P.O. BOX 454
MESA, WA 99343-0454

SITE ADDRESS (IF DIFFERENT)

Total Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
250	GPM	95.4

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE ADDITIVE	WITHDRAWAL OR DIVERSION RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Municipal Water Supply Purposes	250		GPM	95.4		01/01 - 12/31

IRRIGATED ACRES ADDITIVE	IRRIGATED ACRES NON-ADDITIVE	PUBLIC WATER SYSTEM INFORMATION WATER SYSTEM ID	PUBLIC WATER SYSTEM INFORMATION CONNECTIONS
		04461	234(2011)

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
FRANKLIN	GROUNDWATER		36-ESQUATZEL COULEE

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
B. C. Mobile Home Court Well 1	121262017	AFQ277	13N	29E	27	NENE	46.590477	-119.157801
B. C. Mobile Home Court Well 2	121262017	AFQ276	13N	29E	26	NWNW	46.589803	-119.153069
Basin City Well 1	121233085	none	13N	29E	23	NESW	46.593784	-119.146428
Basin City Well 2	121233325	ABS463	13N	29E	23	SESW	46.596469	-119.146230

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Area served by the Basin City Water and Sewer District

Proposed Works

4 wells and municipal distribution system with Storage Tanks

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	December 1, 2018	December 1, 2020

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 or cfs)

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.

If the criteria in RCW 90.03.386(2) are not met and a Water System Plan/Small Water System Management Program was approved after September 9, 2003, the place of use of this water right reverts to the service area described in that document. If the criteria in RCW 90.03.386(2) are not met and no Water System Plan/Small Water System Management Program has been approved after September 9, 2003, the place of use reverts to the last place of use described by Ecology in a water right authorization.

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.

DRAFT

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
Use of water under this authorization will 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 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.

This authorization for the withdrawal of public ground waters within the boundaries of the Columbia Basin Project is based, on a tentative conclusion that public ground waters are available. If, however, it is subsequently determined by the Department that public ground waters are not available in the amounts authorized for withdrawal, the Department shall, by order of notification, withdraw or modify the authority granted therein as may be appropriate. In accordance with WAC 508-14-030(2)(b), no certificate of water right as provided for in RCW 90.44.080, shall be issued by the Department of Ecology until such time as a more definite determination can be reached as to the availability of public ground waters in an area described in WAC 508-14-030(3).

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, P O Box 47477, Olympia, WA 98504-7477. Internet: http://dor.wa.gov/. E-mail: REETSP@DOR.WA.GOV.

DRAFT

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.CG3-24739P, 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
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW Ste 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this day of 2012.

Keith L. Stoffel, Section Manager
Water Resources Program

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
Department of Ecology
Water Right Control Number CG3-24739

BACKGROUND

Description and Purpose of Proposed Change

On December 16 2009, the Basin City Water and Sewer District filed an application for change to change the purpose of use, add points of withdrawal, and change the place of use of their underlying water rights. The Basin City Water and Sewer District currently holds four water rights to serve the District. The District was consolidated when the Basin City Water System converged with the adjacent Mobile Home Park. Four applications were filed to consolidate the four source wells together and integrate the rights into one system. Two of the wells were having problems with high nitrate levels. These applications were filed to consolidate the wells to maintain better operating conditions and supply delivery of water that meets drinking water standards. Each application will have a separate report.

Attributes of the Existing Water Right and Proposed Change

	Existing	Proposed
Name	Basin City Water & Sewer District	Basin City Water & Sewer District
Priority Date	01/19/1976	01/19/1976
Change Application Date	12/16/2009	12/16/2009
Instantaneous Rate	250 gpm	250 gpm
Annual Quantity	95.4 af/yr	95.4 af/yr
Purpose(s) of Use	Community Domestic Supply	Municipal Water Supply Purposes
Period of Use	continuously	continuously
Place(s) of Use	A portion of F.U.17, Block 19, T. 13 N., R. 29 E.W.M.	Area Served by Basin City Water and Sewer District

Existing Point of Withdrawal

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
B. C. Mobile Home Court Well 2	121262017	AFQ276	13N	29E	26	NWNW	46.589803	-119.153069

Proposed Points of Withdrawal

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
B.C. Mobile Home Court Well 1	121262017	AFQ277	13N	29E	27	NENE	46.590477	-119.157801
B.C. Mobile Home Court Well 2	121262017	AFQ276	13N	29E	26	NWNW	46.589803	-119.153069
Basin City Well 1	121233085	none	13N	29E	23	NESW	46.593784	-119.146428
Basin City Well 2	121233325	ABS463	13N	29E	23	SESW	46.596469	-119.146230
							Datum: NAD83/WGS84	

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
FRANKLIN	GROUNDWATER		36-ESQUATZEL COULEE

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 Franklin County Graphic on February 11 and 18, 2010. No protests were received.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

(a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
(b) It is a groundwater right application for more than 2,250 gallons per minute;

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

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.*

When changing or adding points of withdrawal to groundwater rights (RCW 90.44.100), the wells must draw from the *same body of public groundwater.*

INVESTIGATION

In considering the proposed change/transfer, the investigation included, but was not limited to, research and review of (1) appropriate rules and statutes; (2) Ground Water Permit No. G3-24739P and other water rights/claims/applications in the vicinity; (3) water well reports for the applicant's wells, and other wells in the vicinity; (4) USGS topographic maps; (5) discussions with Department of Ecology regional program staff; including review by Ecology hydrogeologists.

This permit lies within the Columbia Basin Project and is subject to WAC 508-14. These permits authorized the withdrawal of public ground waters within the boundaries of the Columbia Basin Project, and based on a conditional determination that public ground water was available for beneficial use. In accordance with WAC 508-14-030(2)(b), no certificate of water right as provided in RCW 90.44.080 shall be issued by the Department of Ecology until such time as a more definite determination can be reached as to the availability of public ground waters in an area described in WAC 508-14-030(3).

The District currently holds four ground water permits for continuous community domestic /municipal supply. The rights are described below.

Name	Permit	Qi	Qa	Purposes
Basin City W and S Dist.	G3-24177P	300	34.6	Continuous Community Domestic Supply
Basin City W and S Dist.	G3-20411P	250	290	Municipal Supply
Basin City W and S Dist.	G3-24511P	400	290*	Municipal Supply
Basin City W and S Dist.	G3-24739P	250	95.4	Community Domestic Supply
Total		1200	420	Municipal Water Supply Purposes

*The annual quantity associated with this permit is non-additive to G3-20411.

History of Water Use

Ground Water Permit G3-24739 issued for community domestic supply for 106 units. A Proof of Appropriation was filed in 1979. The department conducted a field examination and found the right to be fully developed.

This application requests to change the purpose of use to Municipal Water Supply Purposes. This right meets the requirements of municipal water supply purposes under RCW 90.03.015(4)(a) serving residential purposes through 15 or more residential service connections. RCW 90.03.560 requires the department to amend the water right document and related records to reflect the purpose of use as municipal water supply purposes when processing a water right change or amendment. This permit is in good standing and the purpose of use is changed to municipal water supply purposes consistent with RCW 90.03.560.

Proposed Use

The purpose of use of this right is amended to be Municipal Water Supply Purposes consistent with RCW 90.03.560.

The applicant requests authorization to change the place of use from a specific legal description within T. 13 N., R.29 E.W.M. to the Service Area for the Basin City Water and Sewer District as identified in the Water System Plan. This would allow for the service area to be consistent with RCW 90.03.386 and their current water system plan.

The applicant requests to integrate this right to three other rights and integrate the well locations.

Other Rights Appurtenant to the Place of Use

The following water rights have all been acquired by the Basin City Water and Sewer District and proposed to be consolidated into one municipal water delivery system within the service area. These permits are all in good standing and determined to have been put to beneficial use. The total quantified amount is available for the purveyor to satisfy municipal water supply purposes within their service area.

Name	Permit	Qi	Qa	Purpose
Basin City W and S Dist.	G3-24177P	300	34.6	municipal water supply purposes
Basin City W and S Dist.	G3-20411P	250	290	municipal water supply purposes
Basin City W and S Dist.	G3-24511P	400	290*	municipal water supply purposes
Basin City W and S Dist.	G3-24738P	250	95.4	municipal water supply purposes
Total		1200	420	municipal water supply purposes *

Each application has determined the extent and validity of these rights.
*290 acre-feet is non-additive to G3-20411P

Hydrologic/Hydrogeologic Evaluation

Applications for change of water right permits and certificates are governed by RCW 90.44.100, which states in part: the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Such amendment shall be issued by the Department only on the conditions that: (1) the additional or substitute well or wells shall tap the same body of public ground water as the original well or wells, (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells, (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate, and (4) other existing rights shall not be impaired. The Department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment.

This permit lies within the Columbia Basin Project and the area defined in WAC 508-14. Basalt aquifers of the 508-14 and the Columbia Basin are part of a large ground water reservoir occurring in a thick series of basalt flows known as the Columbia River Basalt Group. The thickness of this series of flows varies from a few hundred feet at the Spokane River to over 10,000 feet in the Pasco Basin. The relatively flat-lying land surface slopes in a southwesterly direction and is locally dissected by coulees.

Proposal and Facilities

The proposal is to integrate wells and places of use among existing water rights held by Basin City. No new facilities are requested. The existing facilities are:

Basin City Mobile Home Court Well 1, bearing Well Tag AFQ 277, is a deepening of a pre-existing well located in the NE¼NE¼ Section 26, T. 13 N., R 29 E.W.M. It was deepened by Coeur d'Alene Drilling Co. in 1976 to a depth of 505 feet. It is 8 inches in diameter, completed in basalt. Its 1976 static water level was 70 feet below ground surface, and it had an estimated yield of 170 gallons per minute.

Basin City Mobile Home Court Well 2, bearing Well Tag AFQ 276, is located in the NW¼NW¼ Section 26, T. 13 N., R.29 E.W.M. It was drilled by Coeur d'Alene Drilling Co. in 1976 to a depth of 580 feet, completed in basalt. It is 8 inches in diameter, its 1976 static water level was 50 feet below ground surface, and it had an estimated yield of 323 gallons per minute.

Basin City Well No. 1 has no well tag. It is located in the NE¼SW¼ Section 23, T. 13 N., R 29 E.W.M. It was drilled by Cascade Drilling Co. in 1965 to a depth of 241 feet, completed in basalt. It is 6 inches in diameter, its 1965 static water level was 31.6 feet below ground surface, and it had an estimated yield of greater than 75 gallons per minute. Its log is in the file G3-24739.

Basin City Well No. 2, bearing Well Tag ABS 463, is located in the SE¼SW¼ Section 23, T. 13 N., R 29 E.W.M. It was drilled by L and L Drilling, Inc. in 1975 to a depth of 703 feet, completed in basalt. It is 16 inches in diameter, its 1975 static water level was 75 feet below ground surface. No yield estimate was made.

SOURCE FACILITY/DEVICE	WELL TAG	TWP	RNG	SEC	QQ Q	Dia.	Depth
B. C. Mobile Home Court Well 1	AFQ277	13N	29E	27	NENE	8	505
B. C. Mobile Home Court Well 2	AFQ276	13N	29E	26	NWNW	8	580
Basin City Well 1	none	13N	29E	23	NESW	6	241
Basin City Well 2	ABS463	13N	29E	23	SESW	10	703

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

Impairment Considerations

"Impair" or "impairment" means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection and/or 2) to prevent the beneficial use of the water to which one is entitled, and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below instream flows levels established by rule (POL-1200); and/or 4) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

Conclusions

There is a water right available for change/transfer under Ground Water Permit No. G3-24739P. Ground water has been historically and beneficially used under this permit for the purpose of municipal water supply. When considering an application for change to a water right, Ecology must determine that the proposed change can be made without detriment or injury to existing water rights. Factors considered when determining potential impact include the following:

No Impairment to Existing Rights:
The proposed change will not increase the volume of water currently authorized under this permit.

No Detriment to the Public Welfare:
There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be detrimental impact to the public welfare through issuance of the proposed change to add a well, change the place of use or change the purpose of use.

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:
All producing wells involved in this change application are wells producing from basalt aquifers, thus they all produce from the same body of public ground water. No additional instantaneous or annual quantities are to be changed, and installation of additional points of withdrawal does not enlarge the existing rights. The proposed change to the authorized place of use does not enlarge the existing rights. No impact to existing beneficial uses or to surface water is anticipated.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the request for change to Municipal Water Supply Purposes, adding three wells to the distribution system and changing the place of use to the Area Served by Basin City Water and Sewer District be approved in the amounts and within the limitations listed below and subject to the provisions.

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:

250 gpm
95.4 acre-feet per year
Municipal Water Supply Purposes

Points of Withdrawal

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
B. C. Mobile Home Court Well 1	121262017	AFQ277	13N	29E	27	NENE	46.590477	-119.157801
B. C. Mobile Home Court Well 2	121262017	AFQ276	13N	29E	26	NWNW	46.589803	-119.153069
Basin City Well 1	121233085	none	13N	29E	23	NESW	46.593784	-119.146428
Basin City Well 2	121233325	ABS463	13N	29E	23	SESW	46.596469	-119.146230
							Datum: NAD83/WGS84	

Place of Use

Area Served By the Basin City Water and Sewer District

Kevin Brown, 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.