DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Added or Changed Point of Withdrawal

PRIORITY DATE	WATER RIGHT NUMBER
The year 1923	544-D

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
CRESTON TOWN 100 CRESTON AVENUE CRESTON, WA 99117	

Total Quantity Authorized for Withdrawal

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
40	GPM	1

Purpose

	WITHDRAWAL RATE			ANNUAL QUANTITY (AF/YR)		
PURPOSE	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	PERIOD OF USE (mm/dd)
Municipal Water Supply Purposes	40		GPM	1		01/01 - 12/31

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
		16150	185

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
LINCOLN	GROUNDWATER		43-UPPER CRAB-WILSON

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
South Well	0209000000000	AFA203	26 N.	34 E.	15	SE¼NW¼	47.751448	118.519758
North Well	0207999001150	ABR210	26 N.	34 E.	10	NE¼SW¼	47.764463	118.520334
							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 Town of Creston. The place of use (POU) of this water right is the Area Served by the Town of Creston 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

2 wells and municipal water distribution system

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	Complete	In use

Measurement of Water Use

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

Provisions

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, contracting with a Certified Water Rights Examiner (CWRE) to confirm 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.

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-*00583S, 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 Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 **Pollution Control Hearings Board** 1111 Israel Road SW Ste 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

Signed at Spokane, Washington, this 22nd day of March, 2016.

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.

Background:

Applications for change were submitted by the Town of Creston (Town) to the Department of Ecology on October 16, 2015. The Town of Creston proposes to add two points of withdrawal to Certificate 544-D and to delete the original authorized point of withdrawal. The City proposes to use two existing wells that are currently serving the Town.

Three (3) Applications for Change/Transfer under Ground Water Certificates 543-D, 544-D, G3-26677 were filed by the Town of Creston. The applications request integration of wells. A new water right application was filed to increase the instantaneous rate of the Town's rights.

These applications will all have decisions rendered based on their own respective findings.

A notice of application was duly published on November 5 and 12, 2015 in the Wilbur Register in accordance with RCW 90.03.280 and no protests or objections 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.

- 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;
- It is a groundwater right application for more than 2,250 gallons per minute;

Because the quantity of water proposed for the multiple change applications does not meet these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

Investigation:

In considering the proposed application for change/transfer, the investigation included, but was not limited to, research and review of (1) appropriate rules and statutes; (2) Ground Water Certificates 543-D, 544-D, and G3-26677 and other water rights/claims/applications in the vicinity; (3) water well reports for the applicant's well, and other wells in the vicinity; (4) USGS topographic maps; (5) discussions with Department of Ecology regional program staff; including review by Ecology hydrogeologists.

Town of Creston Water Rights:

Water Right Documents

NUMBER	PRIORITY	SOURCE	GPM	Primary Qa	PURPOSE
543-D	9-1-1942	a well	50	10	Municipal
544-D	1923	a well	40	1	Municipal
G3-26677	9-25-80	a well	650	448	Municipal
Total			740	459	
G3-30746	10-16-2015	2 wells	200	0	Municipal
TOTAL			940	459	Municipal

In addition to the above listed documents, the Town of Creston filed two (2) water right claims with the Department of Ecology for municipal water supply. The following claims were filed in 1973: 033464 and 028937. These claims appear to have been filed to protect the rights, which the Town had already obtained under the above issued state ground water declarations. Water right claims are statements that a vested right may exist. To be considered a valid vested right, the water use must have begun prior to 1917 for surface water and prior to 1945 for ground water. It appears that the claims may represent valid vested water rights based on the date of first use, and memorialize the existing state issued rights. These claims are not recognized as being "in addition to" the above referenced certificates held by the Town. Until such time as an adjudication of these claims is completed, they will remain on file with the Department of Ecology.

The intent of the Claims Registration Act, Chapter 90.14 RCW, was to document those uses of surface water in existence prior to the adoption of the State Surface Water Code, Chapter 90.03 RCW, which was adopted in 1917, and those uses of ground water in existence prior to the adoption of the State Ground Water Code, Chapter 90.44 RCW, which was adopted in 1945. Since each code(s) adoption, the only means of acquiring a water right within the state is by filing for, and receiving, a permit from the Department of Ecology or one of its predecessors or by establishing a right under the "domestic exemption" under the ground water code (RCW 90.44.050). The Department of Ecology recognizes that the final determination of the validity and extent associated with a claim registered in accordance with RCW 90.14 ultimately lies with the Superior Court through the general adjudication process provided for by Sections 90.03.110 through 90.03.240 RCW.

Evaluation of the Water Rights and Beneficial Use Analysis:

The Washington State Supreme Court, in Okanogan Wilderness v. Town of Twisp and Department of Ecology, 133 Wn.2d 769, 947 P.2d 732 (1997), found that applications for change may be granted only to the extent the water has been historically put to beneficial use, as beneficial use determines the measure of a water right. They also found that the existence and quantification of a water right must be determined, including whether or not the water right has been lost for non-use before the Department can approve a change or transfer of the water right.

The Town holds rights that are identified for municipal water supply purposes under RCW 90.03.015. This right has been determined to be valid and in good standing.

Hydrogeologic Analysis:

Applications for change/transfer of water right permits and certificates of ground water 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. 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.

The original well was described as located in Lot 23 Block 9 of the Town of Creston. The well is no longer used and is described as abandoned. The file indicated the original well was constructed to a depth of 288 feet. This well would have been constructed in the basalt aquifers.

The two wells involved in this change application are as follows:

The "North Well", in Section 10, T. 26 N., R. 34 E. W. M., is 8 inches in diameter and 766 feet deep. It was constructed in 1981, at which time it had a static water level 116 feet below ground surface. It produces water from basalt formations, and bottoms in granitic basement rock.

The "South Well", in Section 15, T. 26 N., R. 34 E. W. M., is 8 inches in diameter and at least 455 feet deep. It was constructed in 1947, it's static water level was 216 feet below ground surface. Notations on water system plans indicate this well may have been deepened, but no log exists. Nearby wells and surface geologic mapping indicate this well produces water from basalt formations.

Basalt aquifers 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 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.

The amount of water authorized will not be increased or expanded by this authorization. The same amount of water will be authorized from the area from new source wells and remain within the same body of public ground water. Change in well location alone should not impair existing rights.

Impairment Analysis:

"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 flow 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 requires evidence of a substantial and lasting or frequent impact reflecting such conditions.

The amount of water authorized will not be increased or expanded by this authorization. The same amount of water will be authorized from the area from the proposed/added source wells and remain within the same body of public ground water. The change in well location should not impair the existing rights.

Findings:

Ground water has been historically and beneficially used under the certificate. The quantities listed on the Certificate have at one time been exercised and are available for change.

When considering an application for change to a water right, Ecology must determine that the proposed change/transfer 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:
No additional water will be withdrawn under this proposed change. It is not anticipated that the proposed new withdrawal would cause impairment to any existing ground water rights.

No Detriment to the Public Welfare:
There are no findings through this investigation to indicate that there would be detrimental impact to the public welfare through issuance of the proposed change.

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

Same Source of Water:
All of the wells involved in this change/transfer are constructed into basalt aquifers of the Columbia River Basalt Formation and therefore tap the same body of public ground water.

Conclusion:

It is the conclusion of this examiner that, in accordance with Chapters 90.03 and 90.44 RCW, this application to change/transfer will not enlarge the quantity of water historically put to beneficial use, nor will it impair existing rights or be detrimental to the public welfare provided the terms and conditions below are followed.

Recommendations:

The applicant's request to add two points of withdrawal is approved subject to the following:

Points of Withdrawal:

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
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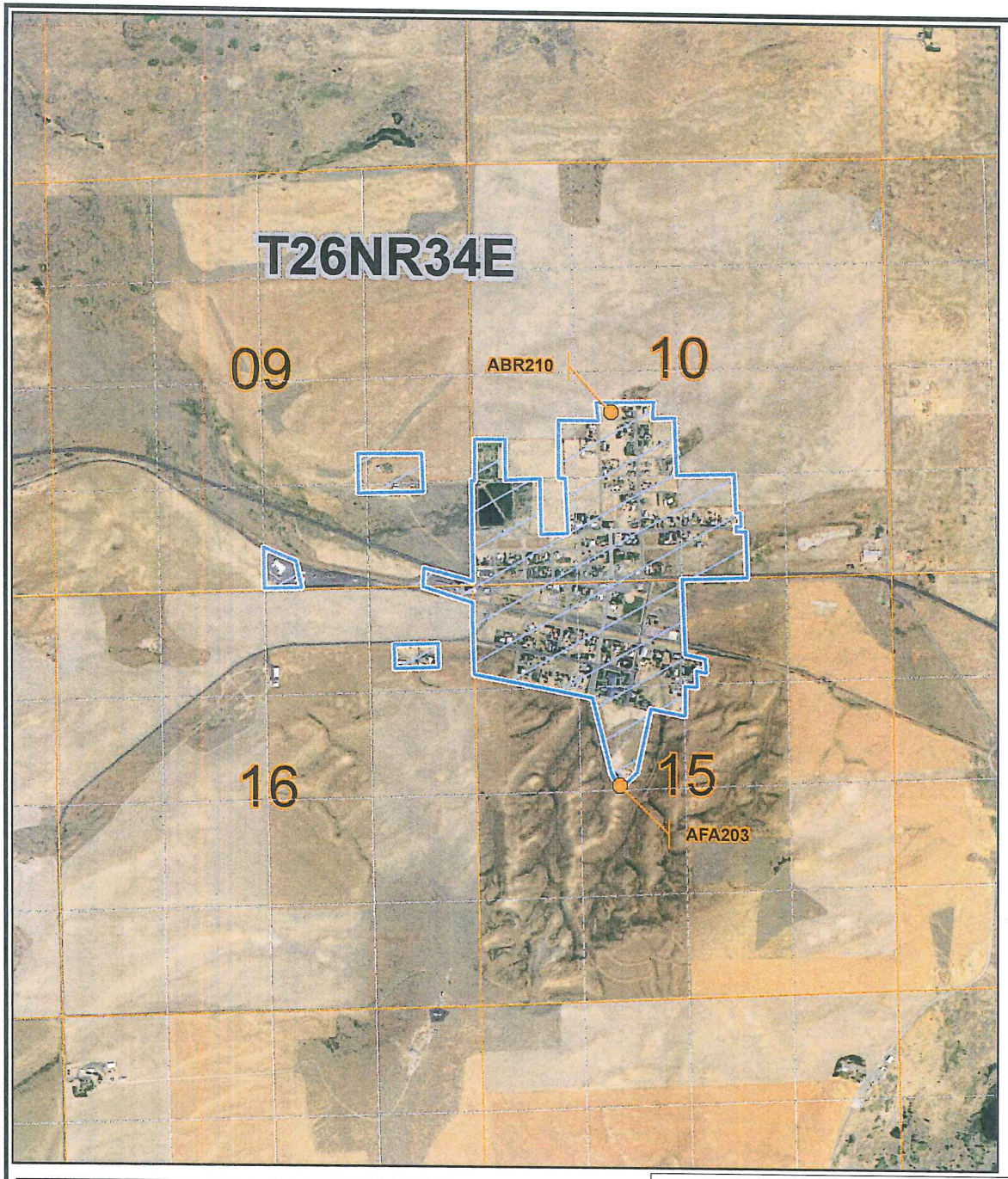
Place of use:

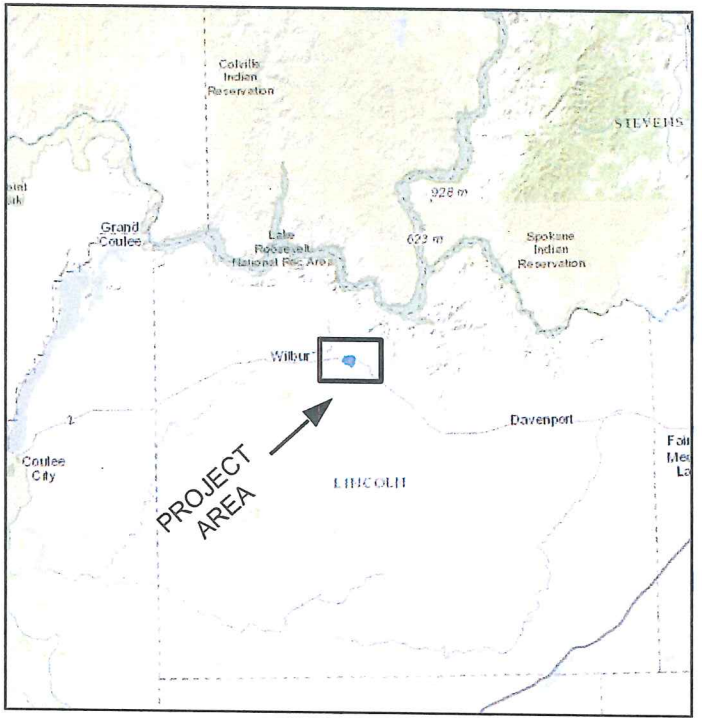
Area served by the Town of Creston. The place of use (POU) of this water right is the Area Served by the Town of Creston described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as the water system is and remains 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.

Report by: Kevin Brown
Kevin Brown

3/22/16
Date

Town of Creston
544-D
T26N/R34E





Basemap - (ESRI US Topographic Maps)

Legend

Authorized Place of Use

Townships

Sections

Authorized Point of Withdrawal

(Source locations may vary in their accuracy and precision as stated within the body of the report.)

0 660 1,320 2,640 3,960 5,280 Feet

Basemap - (NAIP 2015 Air Photo)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 3/18/2016

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