



State of Washington
DRAFT
 REPORT OF EXAMINATION
 FOR WATER RIGHT CHANGE

Added or Changed Point of Withdrawal/Diversion

PRIORITY DATE
 September 15, 1992

WATER RIGHT NUMBER
 G3-29314

MAILING ADDRESS
 MARTIN CREEK COMMUNITY ASSOCIATION
 PO BOX 943
 KETTLE FALLS WA 99141

SITE ADDRESS (IF DIFFERENT)

Total Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
65	GPM	50

Total quantity authorized under all rights is limited to 101 gallons per minute, 50 acre-feet per year.

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Municipal Water Supply Purposes	65				50	01/01 - 12/31

ADDITIVE	IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
	ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
			51877	49

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
FERRY	GROUNDWATER		58-MIDDLE LAKE ROOSEVELT

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well 1 (existing)	Lot 42	AFR976	35N	37E	17	SE¼SW¼	48.527594	118.188420
Well 2 (existing)	Lot 39	ABP495	35N	37E	17	SE¼SW¼	48.529250	118.186920
Well 3 (proposed)*	Lot 32	BCE553	35N	37E	20	NE¼NW¼	48.523125	118.186455

*Well 3 was constructed in April of 2012

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Plat of Martin Creek Tree Farms within Gov't Lot 10 of Section 16, Gov't Lots 3 and 4 of Section 20, and Gov't Lot 3, SW¼SE¼ and SE¼SW¼ of Section 17, T. 35 N., R. 37 E.W.M.

Proposed Works

Three wells and distribution system

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	January 1, 2015	January 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

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.

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.

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

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 for Change to Permit G3-29314, 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
<p>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p>
<p>Pollution Control Hearings Board 1111 Israel RD SW Ste 301 Tumwater, WA 98501</p>	<p>Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903</p>

Signed at Spokane, Washington, this day of 2012.

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

On August 29, 2011, Martin Creek Community Association (MCCA) filed an application for change requesting to add one point of withdrawal to existing Ground Water Permit G3-29314. The existing wells were having difficulty meeting the demand of the water system and it appears the water system was inadequate to provide sufficient water to the homeowners. A third well was proposed under this application.

The MCCA requested expedited processing in August of 2011 to obtain authorization to begin construction as soon as possible. On September 7, 2011, Ecology issued the MCCA a TEMPORARY Authorization to drill the new well. The TEMPORARY authorization remains in effect until a formal decision is made on the application. As this decision is issued the TEMPORARY authorization will cancel and be replaced.

Table 1 Summary of Water Right Permit

Applicant Name:	Martin Creek Community Association
Priority Date	September 15, 1992
Place of Use	Plat of Martin Creek

County	Waterbody	Tributary To	WRIA
Ferry	Groundwater		58-Middle Lake Roosevelt

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Group Domestic Supply	65	GPM	50	01/01	12/31

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well 1 (existing)	Lot 42	AFR976	35N	37E	17	SE¼SW¼	48.527594	118.188420
Well 2 (existing)	Lot 39	ABP495	35N	37E	17	SE¼SW¼	48.529250	118.186920
Well 3 (proposed)*	Lot 32	BCE553	35N	37E	20	NE¼NW¼	48.523125	118.186455

*Well 3 was constructed in April of 2012

Legal Requirements for Approval of Appropriation of Water

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 Republic News Miner on November 10 and 17, 2011 and 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;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

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

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. G3-29314P 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.

A field examination was conducted on April 4, 2012. Mr. Robert Anderson and other members of the Association were present. The existing project is platted into 49 lots and partially developed with 37 homes. Two wells have been constructed and are in operation. The third well was constructed in April of 2012 under the Temporary Authorization and is complete.

This permit 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.

Other Rights Appurtenant to the Place of Use

Ground Water Certificate G3-25769 confirms a right of 36 gallons per minute, 46 acre-feet per year for community domestic supply from a well located in the SE¼ of Section 17 for the Plat of Martin Creek. The authorized well under this right is not currently used. It is anticipated this right will require a change application to add the three wells that are currently in use and constructed.

The instantaneous quantities of the rights are additive and the annual quantity of the rights are non-additive for a total of 101 gallons per minute, 50 acre-feet per year.

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.

Well No. 1 (AFR976) was originally an 8 inch well constructed in 1977 to a depth of 227 feet and completed at 220 feet. The well had the liner replaced in 1999. The well was deepened in 2001 to a depth of 300 feet. Static water level was identified at 110 feet below land surface during this construction.

Well No. 2 (ABP495) was originally a 6 inch well constructed in 1994 to a depth of 400 feet. The well was deepened in 2005 to a depth of 580 feet. Static water level was identified at 250 feet below land surface. This well was hydrofractured in 2010.

Well No. 3 (BCE 553) was constructed in April of 2012. This well was constructed to a depth of 440 feet with a static water level of 47 feet below land surface. The well produced 25.5 gallons per minute.

The existing wells produce water from the pre-Miocene bedrock of the region, as such, yields are often low. The change proposed adding Well No. 3, (Ecology well tag BCE 553) to the project due to water availability grounds. The log reveals this well also produces water from the bedrock water table, with a static water level similar to existing wells. This additional well taps the same body of public ground water as the existing wells.

Construction of this well does not enlarge the right, nor will production from this additional well cause impairment to existing rights.

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 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 would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

Construction of the new well is determined in the same body of public ground water, and will not increase the amount of water authorized under this permit. The additional well will not impair existing right or instream flows.

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 detrimental impact to the public welfare through issuance of the proposed change.

Conclusions

There is a water right permit available for change/transfer under Ground Water Permit No. G3-29314P. Ground water has been historically and beneficially used under this permit for the purpose of municipal water supply and the permit is in good standing. 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.

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 wells involved in this change application are wells producing from the same body of public ground water. No additional instantaneous or annual quantities are to be changed, and installation of an additional point of withdrawal does not enlarge the existing right. No impact to existing beneficial uses or to surface water is anticipated.

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.

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:

65 gpm

50 acre-feet per year

Municipal water supply purposes

Points of Withdrawal

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well 1	Lot 42	AFR976	35N	37E	17	SE¼SW¼	48.527594	118.188420
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Well 3*	Lot 32	BCE553	35N	37E	20	NE¼NW¼	48.523125	118.186455

*Well 3 was constructed in April of 2012

Place of Use

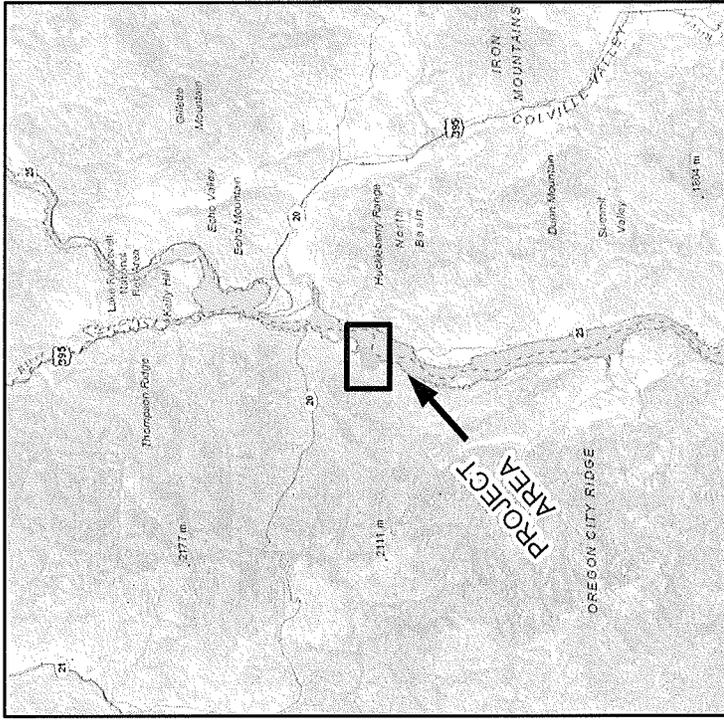
Plat of Martin Creek Tree Farms within Gov't Lot 10 of Section 16, Gov't Lots 3 and 4 of Section 20, and Gov't Lot 3, SW¼SE¼ and SE¼SW¼ of Section 17, T. 35 N., R. 37 E.W.M.

Kevin Brown, Report Writer

Date

ATTACHMENT 1

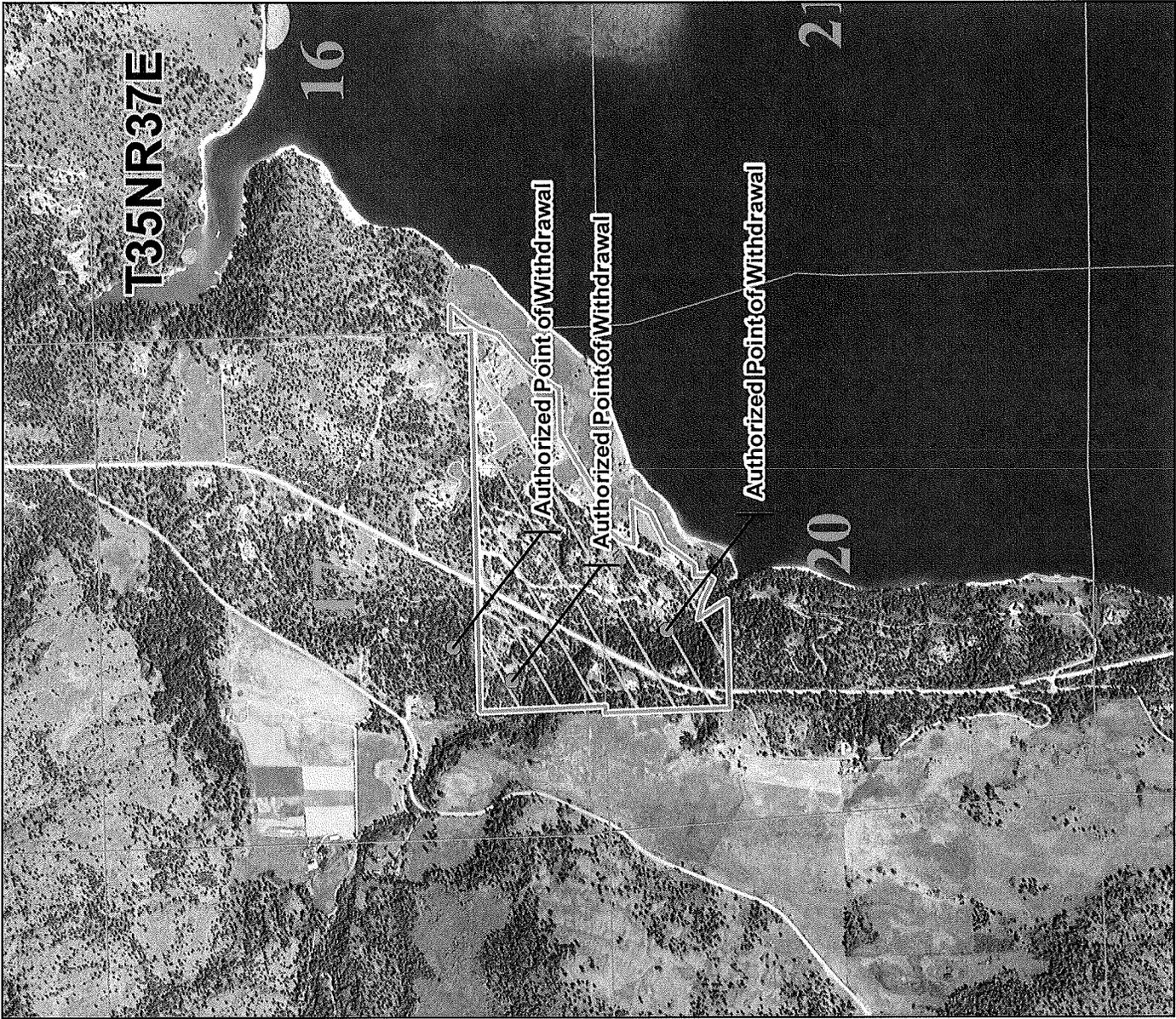
Martin Creek Community Association
 CG3-29314
 T35N/R37E



Basemap - (ESRI US Topographic Maps)

Legend

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



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

0 750 1,500 3,000 4,500 6,000 Feet

Basemap - (NAIP 2011 1m color)

DEPARTMENT OF
ECOLOGY
 State of Washington

Map Date: 6/26/2012

