



State of Washington
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT CHANGE

File NR CG3-26561C
WR Doc ID 4489374

| | |
|------------------------------------------------------------------------------------------|---------------------------------------|
| PRIORITY DATE May 28, 1980 | WATER RIGHT NUMBER G3-26561 |
| MAILING ADDRESS MURRAY D. & KRISTI M. GILES PO BOX 483 COLBERT, WA 99005 | SITE ADDRESS (IF DIFFERENT) |

Total Quantity Authorized for Withdrawal or Diversion

| | | |
|-----------------------------|---------------------|---------------------------------------|
| WITHDRAWAL RATE 4 | UNITS GPM | ANNUAL QUANTITY (AF/YR) 2.5 |
|-----------------------------|---------------------|---------------------------------------|

Purpose

| PURPOSE | WITHDRAWAL RATE | | UNITS | ANNUAL QUANTITY (AF/YR) | | PERIOD OF USE |
|------------|-----------------|--------------|-------|-------------------------|--------------|---------------|
| | ADDITIVE | NON-ADDITIVE | | ADDITIVE | NON-ADDITIVE | |
| Irrigation | 4 | | GPM | 2.5 | | 4/1 - 10/1 |

| IRRIGATED ACRES | | PUBLIC WATER SYSTEM INFORMATION | |
|-----------------|--------------|---------------------------------|-------------|
| ADDITIVE | NON-ADDITIVE | WATER SYSTEM ID | CONNECTIONS |
| 1.02 | | N/A | |

Source Limitations

| SOURCE | WITHDRAWAL RATE | ANNUAL QUANTITY (AF/YR) | PERIOD OF USE |
|--------|-----------------|-------------------------|---------------|
| WELL | 4 GPM | 2.5 | 4/1 - 10/1 |

Source Location

| COUNTY | WATERBODY | TRIBUTARY TO | WRIA |
|---------|-------------|--------------|-------------------|
| SPOKANE | GROUNDWATER | | 55-LITTLE SPOKANE |

| SOURCE | PARCEL | WELL TAG | TWP | RNG | SEC | QQ | LATITUDE | LONGITUDE |
|--------|------------|----------|-----|-----|-----|--------|------------|-------------|
| WELL | 47202.9127 | BAC779 | 27N | 44E | 20 | SW¼NW¼ | 47.82618°N | 117.28037°W |

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)
47202-9127

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE
Beginning at the NW corner of said SW¼ of the NW¼; thence East parallel with the South line of said Section, 50 rods to the true point of beginning; thence South 500 feet; thence West 300 feet; thence North 500 feet; thence East 300 feet to the true point of beginning; except Greenbluff Road as conveyed to Spokane County by Right-of-way deed recorded May 17, 1932, under Auditor's File No. 114375A; situated in the County of Spokane, State of Washington

Proposed Works

A well, submersible pump, irrigation system

Development Schedule

| BEGIN PROJECT | COMPLETE PROJECT | PUT WATER TO FULL USE |
|---------------|------------------|-----------------------|
| Started | October 1, 2013 | October 1, 2014 |

Measurement of Water Use

| | |
|---------------------------------------------|--------------------------------------------|
| How often must water use be measured? | Monthly |
| How often must data be reported to Ecology? | Upon Request by Ecology |
| What volume should be reported? | Total Annual Volume (gallons or acre-feet) |
| 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.

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.

Family Farm Irrigation

This authorization to use public waters of the state is classified as a Family Farm Permit in accordance with chapter 90.66 RCW. This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the state of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

Proof of Appropriation

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of change 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 of change will reflect the extent of the project perfected within the limitations of the change authorization. Elements of the 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 the change application to Ground Water Certificate G3-26561C, 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 | 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

INVESTIGATOR'S REPORT

WASHINGTON STATE DEPARTMENT OF ECOLOGY
Water Resources Program – Eastern Regional Office
Water Right Control Number CG3-26561C
Ground Water Certificate No. G3-26561C

BACKGROUND

An application for change/transfer was submitted by Murray D. and Kristi M. Giles of Colbert, Washington to the Department of Ecology on February 25, 2008. The Giles propose to change the place of use as granted under Ground Water Certificate No. G3-26561C.

| EXISTING Water Right Attributes | |
|---------------------------------|----------------------------|
| Number: | G3-26561C |
| Recorded Name | Samuel A & Violet H. Davis |
| Priority Date: | May 28, 1980 |
| Points of Withdrawal | Two wells |
| Place of Use | See certificate |

| County | Waterbody | Tributary To | WRIA |
|---------|-------------|--------------|-------------------|
| Spokane | Groundwater | --- | 55-Little Spokane |

| Purpose | Rate | Unit | Acre-feet/yr | Begin Season | End Season |
|-----------------|------|------|--------------|--------------|------------|
| Domestic single | 15 | GPM | 0.5 | 01/01 | 12/31 |
| Irrigation | | | 12 | 04/01 | 10/01 |

| Source Name | Parcel | Well Tag | Twp | Rng | Sec | QQ | Latitude | Longitude |
|-------------|------------|----------|-----|-----|-----|---------|------------|-------------|
| Well | 47202.0103 | --- | 27N | 44E | 20 | SW¼ NW¼ | 47.82726°N | 117.28216°W |
| Well | 47202.9127 | BAC779 | 27N | 44E | 20 | SW¼ NW¼ | 47.82618°N | 117.28037°W |

REQUESTED Water Right Attributes

| | |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant Name: | Murray D. and Kristi M. Giles |
| Date of Application: | February 25, 2008 |
| Place of Use | Beginning at the NW corner of said SW¼ of the NW¼; thence East parallel with the South line of said Section, 50 rods to the true point of beginning; thence South 500 feet; thence West 300 feet; thence North 500 feet; thence East 300 feet to the true point of beginning; except Greenbluff Road as conveyed to Spokane County by Right-of-way deed recorded May 17, 1932, under Auditor's File No. 114375A; situated in the County of Spokane, State of Washington |

| County | Waterbody | Tributary To | WRIA |
|---------|-------------|--------------|-------------------|
| Spokane | Groundwater | --- | 55-Little Spokane |

| Purpose | Rate | Unit | Acre-feet/yr | Begin Season | End Season |
|-------------------------|------|------|--------------|--------------|------------|
| Irrigation of 1.02 acre | 4 | GPM | 2.5 | 04/01 | 10/01 |

| Source | Parcel | Well Tag | Twp | Rng | Sec | QQ | Latitude | Longitude |
|--------|------------|----------|-----|-----|-----|-----------|------------|-------------|
| WELL | 47202.9127 | BAC779 | 27N | 44E | 20 | NW¼SW¼NW¼ | 47.82618°N | 117.28037°W |

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 May 14 and 21, 2008.

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

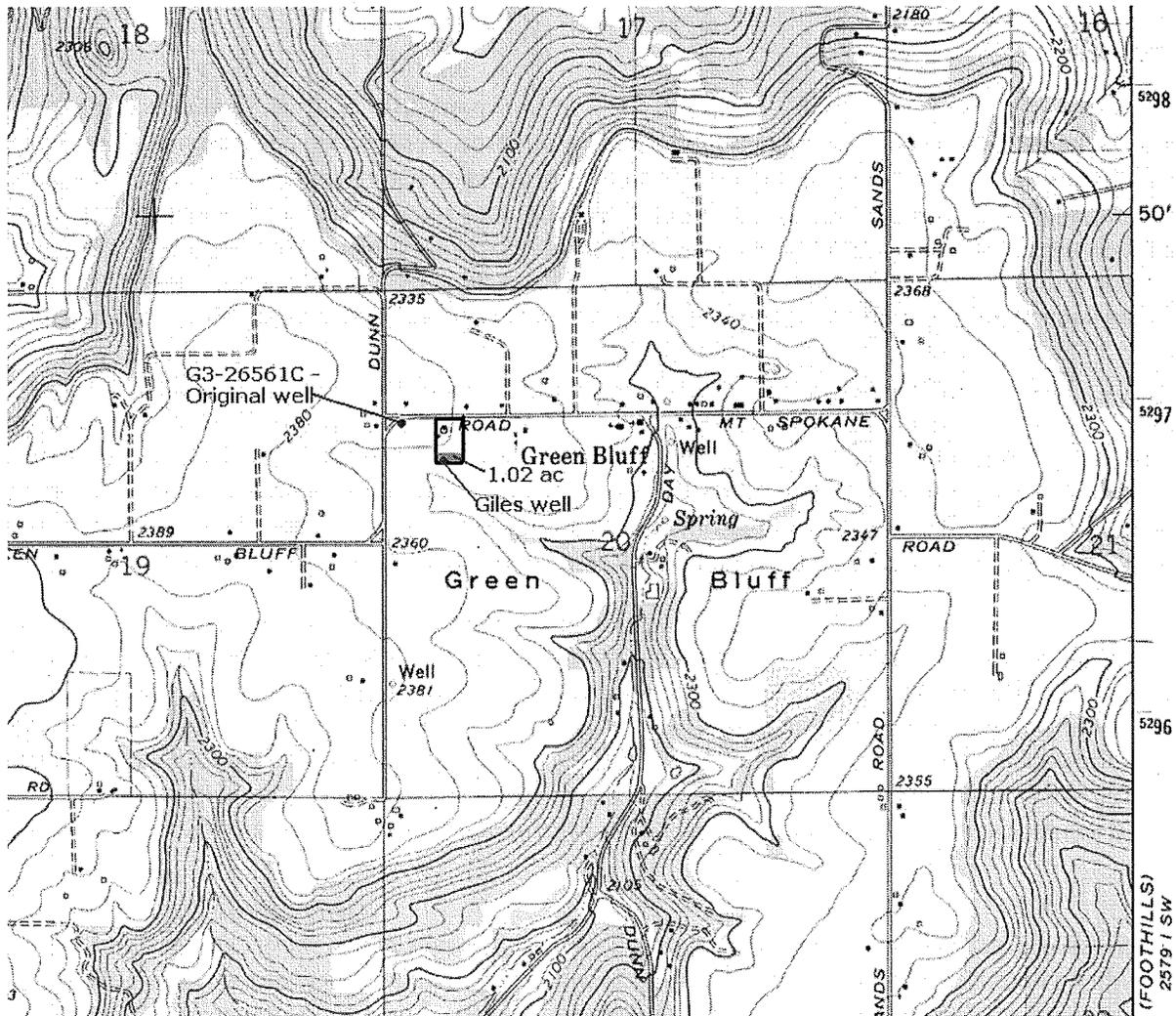
A field investigation was conducted by Gene Drury on January 12, 2012 with Kristi Giles. The Giles propose to change their portion of the place of use authorized under Ground Water Certificate G3-26561C. Certificate G3-26561C was issued to Samuel A. and Violet H. Davis on June 21, 1984. This right authorized withdrawal from one well in the amounts of 15 gallons per minute and 12.5 acre-feet per year (12 acre-feet per year, from April 1 to October 1, each year, for the irrigation of 5 acres; 0.5 acre-foot per year, continuously, for domestic supply). The 5 acres is authorized within the N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 20, T. 27 N., R. 44 E.W.M.

The Giles purchased their property in December of 2004 from Violet H. Davis. The property is located on Green Bluff just east of the intersection of Green Bluff and Dunn roads. The Giles 3.24 acre parcel includes a portion of the 5 acre legal description under Certificate G3-26561C. They have irrigated land under this right since they purchased the property in 2005. The previous landowner (Davis) also irrigated this property under Certificate G3-26561C. The remaining land under G3-26561C is owned by David L. and Sally D. Winfrey. The original Davis well and pump house are located on the Winfrey property. There is no home on the Winfrey property. Mrs. Giles says that there used to be a trailer located on the Winfrey property but it was moved off years ago. On the date of the site visit the Winfrey property was all planted in Christmas trees and there appeared to be no irrigation equipment on the property. Mrs. Giles stated that she has never seen the Winfrey property or trees irrigated in the summer from the original well.

The Giles currently use domestic water and irrigate from a well located on their property which was added through a Showing of Compliance form on February 21, 2008. They have a home, barn, outbuildings and a garden on the property and up to four horses. There is also a very old hand dug well located approximately 20 feet behind the house, which is not used. Mrs. Giles was informed of the potential dangers of an abandoned well and it was recommended that if the well is never to be used again that it be properly decommissioned in accordance with Chapter 173-160-381 WAC. There are no records for this old well but Mrs. Giles thinks it was constructed around the same time as the home (circa 1903).

The Giles have irrigated just over one acre of land around the house and barn area and in and around several trees on the property. They propose to discontinue irrigating some of this land and moving it to a 1.02 acre parcel located south of the horse corral. They propose to irrigate it as pasture for their horses. Any remaining lawn and garden irrigation would only be allowed under the existing ground water exemption under RCW 90.44.050 (up to $\frac{1}{2}$ acre). Domestic supply for the home and stockwatering would continue to also be allowed under the Giles existing exemption.

The Giles proportionate share of Ground Water Certificate G3-26561C is estimated at 4 gallons per minute, 2.5 acre-feet per year for the 1.02 acre of pasture. The Washington State Irrigation Guide (WA210-VI-WAIG, AMEND.1NOVEMBER1990 at Spokane, Washington) estimates that pasture requires about 40.3 inches or 3.36 acre-feet per acre (70% system efficiency). Therefore, it is possible that in some years there may not be sufficient water to adequately irrigate the one acre pasture with the 2.5 acre-feet. The Giles have proposed to store the 4 gallons per minute and use water as needed so long as the 2.5 acre-feet per year is not exceeded.



USGS 7.5 Minute (Topographic Map) - "Mead"

Other Rights Appurtenant to the Place of Use

A review of Ecology records was conducted for existing ground water rights in the vicinity of the point of withdrawal located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 20, T. 27 N., R. 44 E.W.M. In a half-mile radius, the following rights and claims were found:

- CERTIFICATE 482-D
- CERTIFICATE G3-26187C
- CERTIFICATE G3-26406C
- CERTIFICATE G3-26408C
- CERTIFICATE G3-26561C - DAVIS**
- CERTIFICATE G3-26558C
- CERTIFICATE G3-27355C
- CLAIM 002290
- CLAIM 002639
- CLAIM 003248
- CLAIM 003249
- CLAIM 009267

CLAIM 009410
CLAIM 016019
CLAIM 016020
CLAIM 016021
CLAIM 023705
CLAIM 023706
CLAIM 043800 - DAVIS
CLAIM 044480 - DAVIS
CLAIM 046194
CLAIM 056798
CLAIM 147716

Two of the above claims are appurtenant to the place of use under this application. Samuel A. Davis filed two "short form" claims in 1973 as allowed under RCW 90.14.051. Claim No. 043800 was filed on October 23, 1973, for domestic supply, stockwatering and irrigation (lawn and garden). Mr. Davis then filed Claim No. 044480 on October 24, 1973, for domestic supply and irrigation (lawn and garden). Both are considered short form claims which were intended for only those uses described in the exemption of the permit requirements of RCW 90.44.050 (i.e. domestic, stockwater and less than one-half acre of irrigation).

The above referenced claim(s) were filed under the Claims Registration Act, Chapter 90.14 RCW. The intent of this act 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. The Department does however; recognize that water use may be occurring under these claims.

Hydrologic/Hydrogeologic Evaluation

There are no changes to points of withdrawal or quantities this application. It involves only a minor change in place of use. There are no hydrogeologic concerns with this change.

Impairment Considerations

There has been no documented history of pumping interference between the Giles existing well and any other wells nearby, and it is not anticipated that this change would cause any impairment to existing water rights.

No Enhancement of 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.

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.

Conclusions

It is the conclusion of this examiner that, in accordance with Chapters 90.03 and 90.44 RCW, this application to change the place of use as granted under Ground Water Certificate No. G3-26561C will not enlarge the quantity of water historically authorized, nor will it impair existing rights provided the terms and conditions below are followed.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the request for change to Ground Water Certificate No. G3-26561C be approved in the amounts and within the limitations listed below and subject to the provisions beginning on Page 2, and following.

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:

| | |
|------------------------------|---------------------------------------------------------------------------------------|
| Instantaneous Quantity (Qi): | 4 gallons per minute |
| Annual Quantity (Qa): | 2.5 acre-feet per year |
| Purpose: | Irrigation of 1.02 acre |
| Period of use: | April 1 to October , each year |
| Source: | Well |
| Point of Withdrawal: | NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 20, T. 27 N., R. 44 E.W.M. |
| Place of Use: | As described on Page 1 of this Report of Examination. |

As described on Page 1 of this Report of Examination.

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.