State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

DEPARTMENT OF ECOLOGY
State of Washington

PRIORITY DATE
7/8/2002

WATER RIGHT NUMBER
G3-30394

MAILING ADDRESS
Stevens County PUD No. 1
PO Box 592
Loon Lake, WA 99148-0592

SITE ADDRESS (IF DIFFERENT)
River Park Estates
Nine Mile Falls, WA

Quantity Authorized for Withdrawal

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
100	GPM	0

Purpose

PURPOSE	WITHDRAWAL RATE	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE (mm/dd)
Municipal	100 GPM	0	01/01 - 12/31

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
0	0	07813	15

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Spokane	Groundwater		55-Little Spokane

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well SO1	27324.9038	BHP-084	27 N.	42 E.	32	NW¼SE¼	47.79121°	-117.52686°
Well SO2 (Proposed)	27324.9038		27 N.	42 E.	32	NW¼SE¼		

Datum: WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

The place of use (POU) of this water right is the service area described in the most recent Stevens County PUD No. 1Water System Plan for River Park Estates 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

The current system is made up of one 6-inch well drilled to a depth of 424 feet. It is fitted with a 7.5 hp pump and a 5 hp booster pump that produce 50 gpm. The distribution system contains a 27,600 gallon reservoir.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
December 1, 2015	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)

Provisions

Total withdrawals under this water right and G3-27510C, from all sources, must not exceed 165 gpm and 48 acre-feet per year.

Wells, Well Logs and Well Construction Standards

All wells constructed in the state shall 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 shall be decommissioned.

All wells shall 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 shall 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 shall 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.

WAC 173-173 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.

Property Access
The water source and/or transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.

Proof of Appropriation
The water right holder shall 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 permit. 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, shall 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 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. G3-30394, 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 Road SW Ste 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 23rd day of April, 2013.

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

This report serves as the written findings of fact concerning Water Right Application Number G3-30394. Stevens County PUD No. 1 submitted an application to increase the instantaneous rate of withdrawal from an existing well and add a second well for municipal use by River Park Estates. River Park Estates Public Water System serves 24 parcels; currently, 15 sites have been developed.

Table 1 Summary of Requested Water Right

Applicant Name:	Stevens County PUD No. 1
Date of Application:	7/8/2002
Place of Use	River Park Estates service area within the E½ of Section 32, T. 27 N., R. 42 E.W.M.

County	Water Body	Tributary To	WRIA
Spokane	Groundwater		55-Little Spokane

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Municipal	100	GPM	0	01/01	12/31

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well SO1	27324.9038	BHP-084	27 N	42 E.	32	NW¼SE¼	47.79121°	-117.52686°
Well SO2 (Proposed)	27324.9038		27 N	42 E.	32	NW¼SE¼		

GPM = Gallons Per Minute; 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; Datum: WGS84.

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 Spokesman-Review* on January 29th and February 5th, 2013.

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

Ecology employee Jeff MacLennan met with Mr. Dick Price, the general manager of the Stevens County PUD No. 1 on December 12, 2012 to conduct a site examination. The project site is located east of Highway 291 and north of the Little Spokane River where it passes under Highway 291. River Park Estates contains 24 building sites, each approximately 10 acres. According to Mr. Price, 15 sites have been developed. This development is adjacent to publicly owned forest land on three sides. The fourth side is a steep hill running down to Highway 291. Stevens County PUD No. 1 currently provides water under the authority of groundwater certificate number G3-27510C issued in the amount of 65 gpm and 48 acre-feet per year for municipal use. Tables 2 and 3 below describe River Park Estates' well and water usage.

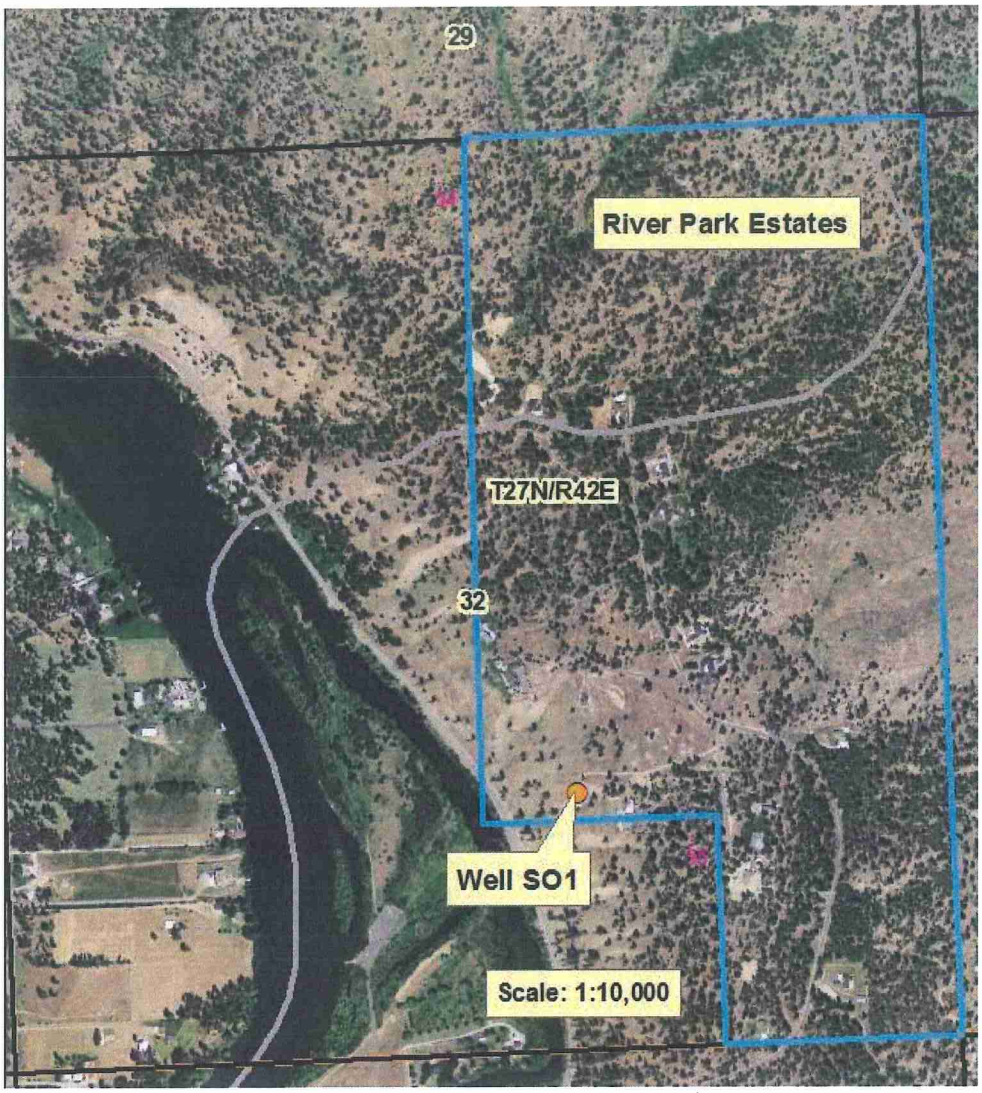
Table 2 River Park Estates Well

Parameter	SO1
Unique Well ID No.	BHP084
Year Drilled	1986
Dia. (in.)/Depth (ft.)	6/424
Casing Length (ft.)	284
Pump Type	Submersible
Horsepower	7.5
Well Capacity (gpm)	Unknown

Table 3 River Park Estates Water Use

Year	Total Acre-Feet
2009	16.1
2010	17.1
2011	19.4

2011 Aerial View River Park Estates Place of Use and Point of Withdrawal



Proposed Use and Basis of Water Demand

RCW 90.03.386(3) requires a municipal water supplier to apply cost-effective water conservation measures as part of its water system planning. The water supplier must also evaluate the effects of delaying the use of inchoate water rights before it may increase use of those inchoate rights. RCW 90.03.320 requires Ecology to consider the public water supplier's use of conserved water when establishing a surface or ground water right construction schedule.

The applicant has asked for an increase in authorized instantaneous rate of 100 gpm with no increase in annual quantity for fire flow support. The current water system has one well that produces 50 gpm and a storage capacity of 27,600 gallons. According to Mr. Price, under normal summer water usage there is not enough system capacity remaining for fire flow.

Other Rights Appurtenant to the Place of Use

Water Right Certificate No. G3-27510C is the only other right appurtenant to the place of use.

Groundwater Certificate No. G3-27510C

Recorded Name:	William Powell and Ken Haff
Priority Date:	April 15, 1983
Instantaneous Quantity:	65 gallons per minute
Annual Quantity:	48 acre-feet per year
Source:	1 well
Purpose of Use:	Community Domestic
Points of Withdrawal:	SO1 in the NW¼SE¼ of Sec. 32, T. 27 N., R. 42 E.W.M.
Place of Use:	Area served by Stevens County Public Utility District No. 1. The place of use of this water right shall be consistent with the River Park Estates service area map contained within the most recently approved water system plan (including amendments).

Impairment Considerations

Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection. A water right application may not be approved if it would:

- Interrupt or interfere with the availability of water to an adequately constructed groundwater withdrawal facility of an existing right. An adequately constructed groundwater withdrawal facility is one that (a) is constructed in compliance with well construction requirements and (b) fully penetrates the saturated zone of an aquifer or withdraws water from a reasonable and feasible pumping lift.
- Interrupt or interfere with the availability of water at the authorized point of diversion of a surface water right. A surface water right conditioned with instream flows may be impaired if a proposed use or change would cause the flow of the stream to fall to or below the instream flow more frequently or for a longer duration than was previously the case.
- Interrupt or interfere with the flow of water allocated by rule, water rights, or court decree to instream flows.
- Degrade the water quality of the source to the point that the water is unsuitable for beneficial use by existing users (e.g., via sea water intrusion).

There will be no impairment to existing water users. The closest well not located near the Spokane River is one associated with groundwater claim G3-081873CL, a short form claim. Although there is no location given for the well, it is likely to be more than a half mile away.

Water Availability

For water to be available for appropriation, it must be both physically and legally available.

Physical availability

For water to be physically available for appropriation there must be ground or surface water present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses. In addition, the following factors are considered:

- Volume of water represented by senior water rights, including federal or tribal reserved rights or claims;
- Water right claims registered under Chapter 90.14 RCW;
- Ground water uses established in accordance with Chapter 90.44 RCW, including those that are exempt from the requirement to obtain a permit; and
- Potential riparian water rights, including non-diversionary stock water.
- Lack of data indicating water usage can also be a consideration in determining water availability, if the department cannot ascertain the extent to which existing rights are consistently utilized and cannot affirmatively find that water is available for further appropriation.

Legal availability

To determine whether water is legally available for appropriation, the following factors are considered:

- Regional water management plans – which may specifically close certain water bodies to further appropriation.
- Existing rights – which may already appropriate physically available water.
- Fisheries and other instream uses (e.g., recreation and navigation). Instream needs, including instream and base flows set by regulation. Water is not available for out of stream uses where further reducing the flow level of surface water would be detrimental to existing fishery resources.
- The Department may deny an application for a new appropriation in a drainage where adjudicated rights exceed the average low flow supply, even if the prior rights are not presently being exercised. Water would not become available for appropriation until existing rights are relinquished for non-use by state proceedings.

The Little Spokane River watershed is closed to further appropriation except for in-house domestic use and stockwater. However, this application requests only an increase in the instantaneous rate over short periods of time from a well completed 200 feet below the surface of the Little Spokane River and located at the confluence of the Little Spokane and Spokane Rivers. Because of the location and depth of the well, there should not be a recognizable impact to the level of the Little Spokane River. Therefore, under these conditions water is available.

Beneficial Use

The proposed municipal use of water is defined in statute as a beneficial use (RCW 90.54.020(1)).

Public Interest Considerations

Consideration of Protests and Comments

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 appropriation.

Conclusions

It is the conclusion of this examiner that: (1) public groundwater is available for appropriation for an instantaneous withdrawal of 100 gpm, continuously, for municipal use purposes; (2) this is a beneficial use; (3) it will not impair existing rights; and (4) it will not 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.

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:

100 gpm
0 acre-feet per year
Municipal

Point of Withdrawal

1,100 feet south and 550 feet east from the center of Section 32, being within the NW¼SE¼ of Section 32, Township 27 North, Range 42 E.W.M.

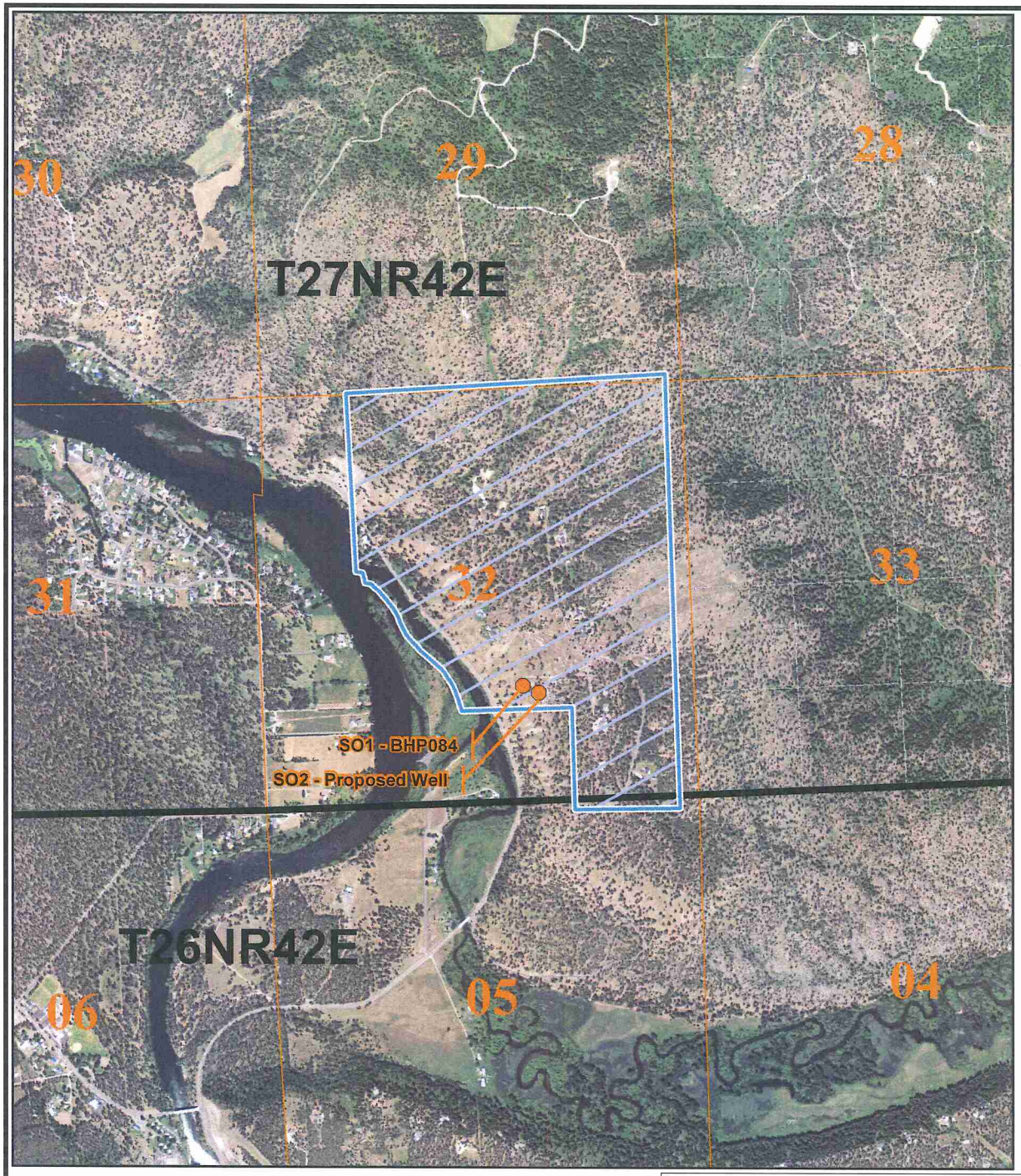
Place of Use
The service area described in the most recent Stevens County PUD No. 1Water System Plan for River Park Estates approved by the Washington State Department of Health.

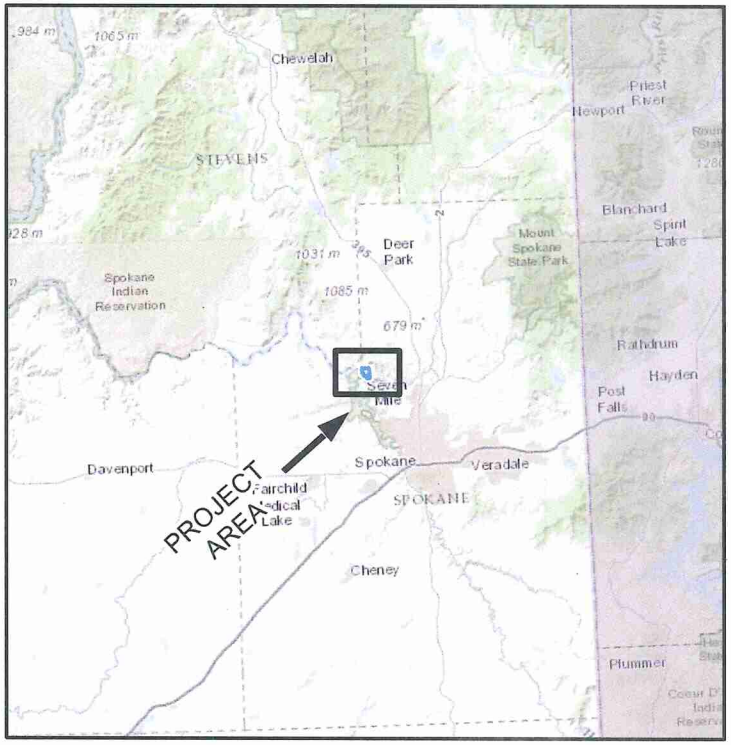
Jeff MacLennan 4-16-2013

Jeff MacLennan, 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.

Stevens County PUD No. 1 (River Park Estates)
G3-30394
T27N/R42E





Basemap - (ESRI US Topographic Maps)

Legend

Authorized Place of Use

Townships

Sections

Authorized Point of Withdrawl

0 660 1,320 2,640 3,960 5,280 6,600 Feet

Basemap - (NAIP 2011 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 4/1/2013

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