STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☐ Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)

☒ Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
November 29, 2009	G3-30604	G3-30604	

NAME
TierPoint, LLC

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
23403 East Mission Ave St 121-W	Liberty Lake	Washington	99019

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
Three (3) wells (three supply wells and three injection wells)

TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE FEET PER YEAR
	2250	---

QUANTITY, TYPE OF USE, PERIOD OF USE
2250 gallons per minute, continuously, each year, for non-consumptive geothermal heating and cooling

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION—WITHDRAWAL

(well field) 700 feet east and 100 feet north from the S¼ corner of Section 10

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
SW¼SE¼	10	25	45 E.	57	SPOKANE

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
5	4	Havermale Addition

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

All of Parcel 2 and the south 245 feet of the east 121.82 feet of Parcel 1 of Spokane County Binding Site Plan No. 33-92 (BSP 33-92) located within the SE¼ of Section 10, T. 25 N., R. 45 E.W.M.

DRAFT

PROVISIONS

"All wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells)."

A completed well report of the well(s) shall be submitted by the driller to the Department of Ecology within 30 days of completing this well. All pump test data for this well shall be submitted to the Department as it is obtained.

In accordance with Chapter 173-160 WAC, wells shall not be located within certain minimum distances of potential sources of contamination. These minimum distances shall comply with local health regulations, as appropriate. In general, wells shall be located at least 100 feet from sources of contamination. Wells shall not be located within 1,000 feet of a solid waste landfill.

Installation and maintenance of an access port as described in Chapter 173-160 is required. An air line and gauge may be installed in addition to the access port.

"The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required."

"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."

"Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations."

"Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities."

Injection wells are required to be in compliance with WAC 173-218.

A certificate of water right will not be issued until a final investigation is made. The applicant is advised that notice of Proof of Appropriation of water (under which the final certificate of water right is issued) should not be filed until the permanent distribution system has been constructed and that quantity of water allocated by the permit to the extent water is required, has been put to full beneficial use.

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", Chapter 173-173 WAC.

Water use data shall be recorded annually and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

FINDINGS OF FACT AND ORDER

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated.

Therefore, I ORDER the approval of Application No. G3-30604 subject to existing rights and the provisions specified above.

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals & Application for Relief Coordinator
PO Box 47608
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals & Application for Relief Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

Keith L. Stoffel
Department of Ecology
Eastern Regional Office
4601 North Monroe Street
Spokane, WA 99205

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://www.leg.wa.gov/CodeReviser

Signed at Spokane, Washington, this day of 2010.

Keith L. Stoffel, Section Manager
Water Resources Program
Eastern Regional Office

DESCRIPTION OF PROPOSED WORKS

Three water wells to supply open-loop geothermal cooling system. Three wells will be used for injection of the circulated water.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE:
August 1, 2011	August 1, 2012	August 1, 2013

REPORT

BACKGROUND

An application to appropriate public ground water was submitted by TierPoint, LLC of Spokane, Washington to the Department of Ecology on November 19, 2009. The application was accepted and assigned Ground Water Application No. G3-30604. The applicant proposes to withdraw water from up to three wells and use the water continuously for non-consumptive geothermal heating and cooling. Three additional wells are proposed for injection of the circulated water. All of the wells are to be located on Parcel 1 and 2 of BSP 33-92 within the SE¼ of Section 10, T. 25 N., R. 45 E.W.M. No water right permit is required for the injection wells. The injection well(s) need to be in compliance with WAC 173-218.

A notice of application was duly published in accordance with RCW 90.03.280 on February 19 and 26, 2010, in the The Spokane Valley News Herald; no protests were received.

This application is categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW.

The applicant has requested expedited processing of this application. This request was reviewed by Keith Stoffel, Section Manager for the Eastern Regional Office and it was determined that the application meets the criteria for priority processing under WAC 173-152-050(2)(b).

When considering an application for a new water right permit, the Department of Ecology must first determine that the following statutory requirements are met:

1. The proposed use of water will be a beneficial one;
2. There is water available for appropriation;
3. There will be no impairment to existing water rights;
4. The requested water right will not be detrimental to the public interest.

INVESTIGATION

In considering the proposed application, the investigation included, but was not limited to: research and review of (1) appropriate rules and statutes; (2) other water rights/claims/applications in the vicinity; (3) water well reports in the vicinity; (4) USGS topographic maps and; (5) discussions with Department of Ecology regional program staff, including review by Ecology hydrogeologists.

A field investigation was conducted by Kevin Brown with Greg Zemp and Mark Kartchner on April 28, 2010. The proposed project is located in the City of Liberty Lake.

The existing building is currently being remodeled. No well construction has yet occurred.

The applicant has proposed a loop type ground source heat pump system for cooling. The ground water will be withdrawn from three wells. Water will be pumped from the supply wells through an Air Conditioning Unit. After the water is used it will be immediately returned to the ground through three injection wells located to the west of the production wells. All of the wells will be constructed on the property located within the SW¼SE¼ of Sec. 10, T. 25 N., R. 45 E.W.M. No other water use is proposed under this application. All other water, including potable water, is provided by the Liberty Lake Sewer and Water District municipal water supply system.

The applicant has stated that the proposed water use for this project will be totally non-consumptive and that the water will be returned at approximately the same location. Ground water use is considered nonconsumptive when there is no diminishment of the source. In order not to diminish the source, the withdrawn water is injected or infiltrated immediately back to the aquifer. The water must be returned in the same quantity and quality (excluding temperature change) at a point in close proximity to the withdrawal wells. Based on the description of the proposed system and the investigation, it appears that the proposed water use meets these criteria.

"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 (Chapter 173-150 WAC). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

There are no other water rights appurtenant to the applicant's property and a search of recorded water well reports in the area indicated no existing water wells near the well site proposed under this application. Also, the proposed water use is for nonconsumptive geothermal cooling and returned to the source aquifer in close proximity to the source wells. Therefore it will cause no impairment to any existing water rights.

Water Quantities

Three wells are proposed to be constructed to an approximate depth of 150 feet. Each well will be capable of withdrawing 750 gallons per minute, for a total of 2250 gallons per minute. One of the wells will be used as a backup well for redundancy, but the system is designed to operate with two wells. Since the system will re-inject the water back to the aquifer, no annual quantity will be consumed.

CONCLUSIONS

Under RCW 90.03.290, a new appropriation of water may be approved if water is available for appropriation, and the proposed use would be a beneficial use, would not impair existing water rights, and would not be detrimental to the public welfare. This examiner concludes that water is available for continuous non-consumptive geothermal heating and cooling; that geothermal heating and cooling is a beneficial use; the appropriation will not impair existing water rights or be detrimental to the public welfare.

RECOMMENDATIONS

It is recommended that this application for continuous non-consumptive geothermal heating and cooling in the amount of 2250 gallons per minute, be APPROVED, subject to the provisions stated above.

Report by: _____ _____

Kevin Brown — Date

Water Resources Program

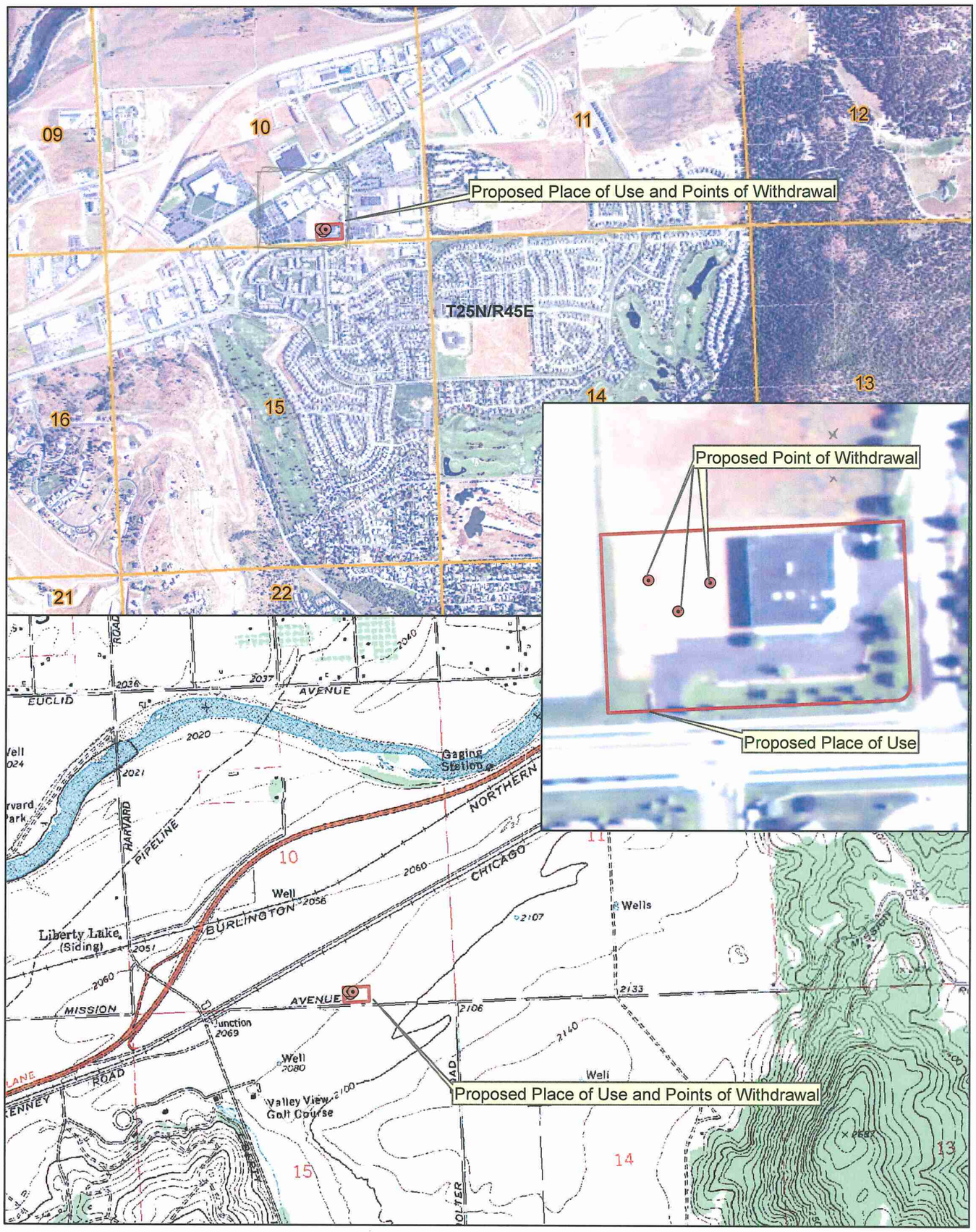
W/Draft ROEs/Brown/2010/G3-30604 Tierpoint

DEPARTMENT OF ECOLOGY
State of Washington

1: 24,000 Scale

Tier Point LLC
Application G3-30604
Sec. 10, T 25 N., R. 45 E.W.M.
WRIA 57 / Spokane County

Map based on Application for a Water Right received 11/23/2009



County Parcel
County
WRIA
Township / Range
Section
qtrqtr lines
Major Roads
Roads

Existing Point of Diversion
Proposed Point of Diverison
Existing Point of Withdrawal
Proposed Point of Withdrawal
Existing Place of Use
Proposed Place of Use

0 1,320 2,640 5,280 Feet

Comments: Place of use feature was generated from parcel identification. Copy of plat was not available during map production.

Source locations are based on an general description within parcel.

2009 Aerial Photo Mapped 1/8/2010