



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

August 30, 2016

Mr. Tom Rockefeller
Mead School District No. 354
2323 East Farwell Road
Mead, Washington 99021

Re: Application for Change under Ground Water Certificate No. 5595-A

Dear Mr. Rockefeller:

Enclosed is the Department of Ecology's *Report of Examination*. This report contains our decision regarding your application for change.

Your application for change has been approved.

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. 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 this document:

- File your appeal and a copy of this document 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 document on Ecology in paper form - by mail or in person. (See addresses below.) Email 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 Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903



Mead School District No. 354

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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> .

If you have any questions, please contact Gene Drury at 509-329-3566.

Sincerely,



Keith L. Stoffel

Section Manager

Water Resources Program

Eastern Regional Office

KLS/GD:md

Enclosures: Report of Examination

Your Right To Be Heard

cc: Jamie Welsh, Garco Construction Inc.

By Certified Mail: 7015 0640 0003 6619 7133



State of Washington
**REPORT OF EXAMINATION
 FOR WATER RIGHT CHANGE**

PRIORITY DATE
 May 21, 1958

WATER RIGHT NUMBER
 5595-A

NAME & ADDRESS
 Mead School District 354
 2323 E. Farwell Road
 Mead, WA 99021

Total Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
390	GPM	54

Purpose

PURPOSE	WITHDRAWAL RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Irrigation of 18 acres	390		GPM	54		4/1-10/31

IRRIGATED ACRES	NON-ADDITIVE	PUBLIC WATER SYSTEM INFORMATION	
		WATER SYSTEM ID	CONNECTIONS
18	--	--	--

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
SPOKANE	Groundwater	---	55 – LITTLE SPOKANE

SOURCE	PARCEL NO.	TWP	RNG	SEC	QQ	LATITUDE	LONGITUDE
A well	36043.0132	26N	43E	4	SE¼SW¼	47.77333°N	117.38030°W

Datum: WGS84

Place of Use (See Attached Map)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Tracts 127 to 130, inclusive; and Tracts 139 to 142, 1st Addition to City Gardens, Spokane County, Washington. (Spokane County Parcel Nos. 36043.0122, 36043.0131, 36043.0132). Within the SE¼SW¼ of Sec. 4, T. 26 N., R. 43 E.W.M.

Description of Works
Well, pump, irrigation system

Development Schedule

BEGIN PROJECT	September 1, 2017
COMPLETE PROJECT	September 1, 2018
PUT WATER TO FULL USE	September 1, 2019

Measurement of Water Use	
How often must water use be measured?	Weekly
How often must 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 Diversion (gpm)

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."

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.

The existing irrigation well shall be decommissioned in accordance with Chapter 173-160-381 WAC.

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 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.

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.

Proof of Appropriation

The water right holder must file the notice of Proof of Appropriation of water (under which the superseding 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 superseding 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.

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-*04868C, 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).

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Mailing Addresses	

Signed at Spokane, Washington, this 30th day of August, 2016.


 Keith L. Stoffel, Section Manager

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INVESTIGATOR'S REPORT

Gene Drury, Department of Ecology
Water Right Control Number CG3-*04868C
GROUND WATER CERTIFICATE NO. 5595-A

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number CG3-*04868C.

An application for change/transfer was submitted by Mead School District 354 on April 20, 2016. The applicant proposes to change the point of withdrawal under Ground Water Certificate No. 5595-A.

Public Notice

A notice of application was duly published in accordance with RCW 90.03.280 in the Spokesman Review on May 7 and 9, 2016 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 feet 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.

Attributes of Ground Water Certificate No. 5595-A

Priority Date:	May 21, 1958
Instantaneous Quantity – Q(i):	390 gallons per minute
Annual Quantity – Q(a):	54 acre-feet per year
Source:	A well
Point of withdrawal:	Tract 139 of 1 st Addition of City Gardens (SE¼SW¼, Sec. 4, T. 26 N., R. 43 E.W.M.)
Purpose of Use:	Irrigation of 18 acres

INVESTIGATION

In considering the proposed application, the investigation included, but was not limited to:

- Appropriate Washington State RCW's and WAC's
- Ground Water Certificate No. 5595-A
- Ecology's Water Rights Tracking System (WRTS) and Well Log Database
- USGS topographic maps and aerial photography
- Conversations with James Welsh, Garco Construction, Inc.
- Review by Department of Ecology regional program staff

The project site is Northwood Middle School located just North of Farwell Road at 13120 North Pittsburg Street in Spokane, Washington.



Water Resources Statutes and Case Law

RCW 90.03.380(1) states that a water right that has been put to beneficial use may be changed. The point of diversion, place of use, and purpose of use may be changed if it would not result in harm or injury to other water rights.

CHANGE REPORT OF EXAMINATION

The Washington Supreme Court has held that Ecology, when processing an application for change to a water right, is required to make a tentative determination of extent and validity of the claim or right. This is necessary to establish whether the claim or right is eligible for change. *R.D. Merrill v. PCHB* and *Okanogan Wilderness League v. Town of Twisp*.

RCW 90.44.100 allows Ecology to amend a ground water permit to (1) allow the user to construct a replacement or additional well at a new location outside of the location of the original well, or to (2) change the manner or place of use of the water, if:

- (a) The additional or replacement well taps the same body of public ground water as the original well. RCW 90.44.100(2)(a),
- (b) Where a replacement well is approved, the user must discontinue use of the original well and properly decommission the original well. RCW 90.44.100(2)(b),
- (c) Where an additional well is constructed, the user may continue to use the original well, but the combined total withdrawal from all wells shall not enlarge the right conveyed by the original permit or certificate. RCW 90.44.100(2)(c),
- (d) Other existing rights shall not be impaired. RCW 90.44.100(2)(d).

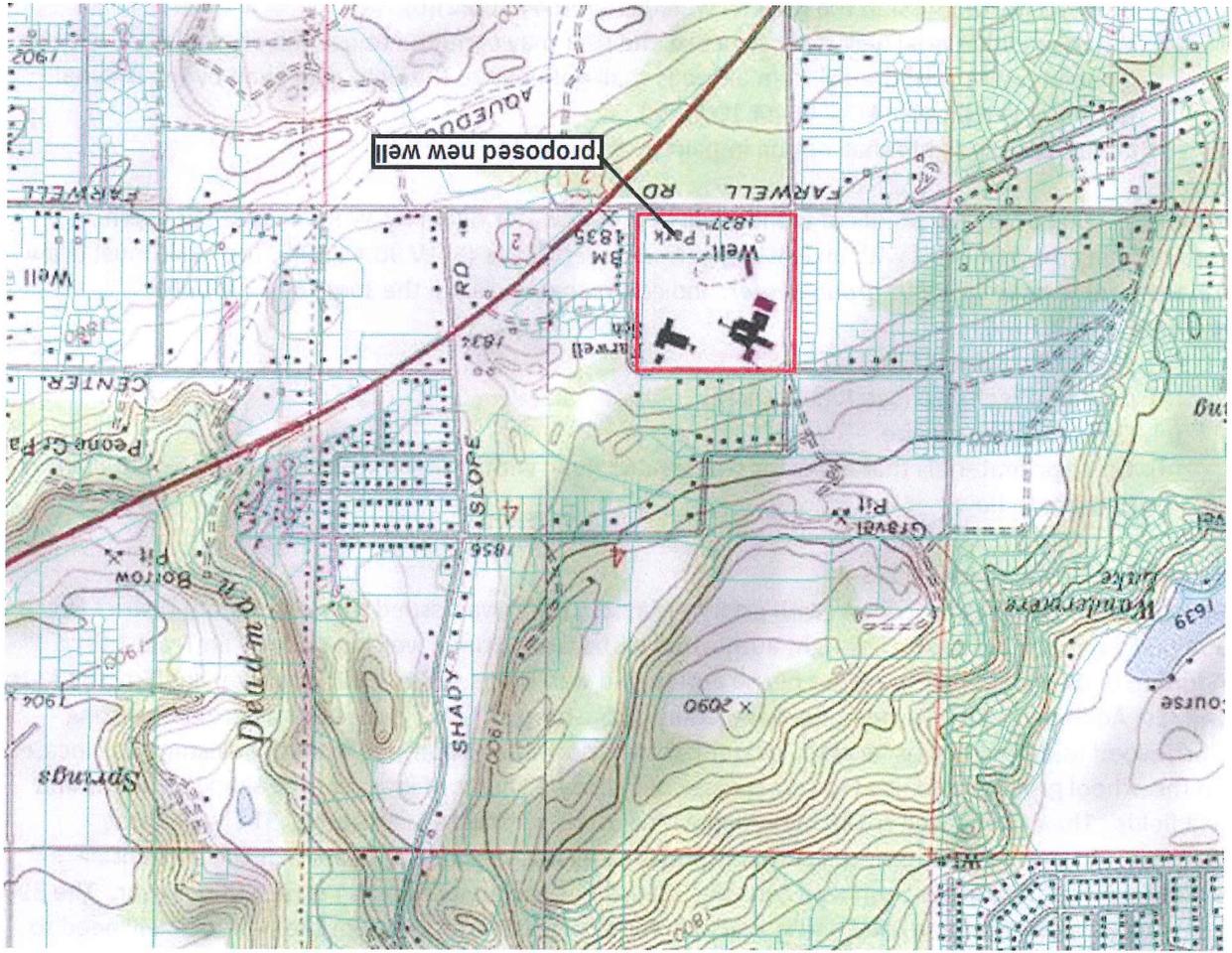
When changing or adding points of withdrawal to groundwater rights (RCW 90.44.100), or when consolidating exempt wells with an existing permit or certificate (RCW 90.44.105), the wells must draw from the *same body of public groundwater*. Indicators that wells tap the *same body of public groundwater* include:

- (a) Hydraulic connectivity.
- (b) Common recharge (catchment) area.
- (c) Common flow regime.
- (d) Geologic materials that allow for storage and flow, with recognizable boundaries or effective barriers to flow.

Ground Water Certificate 5595-A

Ground Water Certificate 5595-A (with priority May 21, 1958) was issued to Mead School District No. 354 on December 23, 1966. The right authorized withdrawal from a well located within Tract 139 of 1st Addition of City Gardens. The place of use authorized was Tracts 127 to 130, inclusive; and Tracts 139 to 142, 1st Addition to City Gardens, Spokane County, Washington. This is the land where the existing Northwood Middle School is located. Water has historically been pumped from the existing well located on the school grounds and used to irrigate approximately 18 acres of grass for the school grounds and ball fields. The existing well is 146 feet deep with a 30 hp vertical turbine pump. The well is not metered. According to water use estimates provided by Mr. Welsh, it appears that the amount withdrawn historically has been well over the 390 gallons per minute and 54 acre-feet per year. The 390 gpm and 54 af/yr has been used and is available for change. Water use from the new well will need to be metered and water use reduced as to not exceed the water right limitations under Ground Water Certificate No. 5595-A.

The original authorization determined a water duty of 36 inches per acre (3 acre feet per acre) for the 18 acres of irrigation (54 acre-feet total). Water is used on all three Spokane County Parcel Nos. 36043.0122, 36043.0131 and 36043.0132 (SE¼SW¼ of Sec. 4, T. 26 N., R. 43 E.W.M.). The total area of these three parcels is 36.25 acres. The irrigated area is slightly over the 18 acres authorized (this will need to be reduced). Typically, the district waters each year from April 1 to October 31 under this water right.



Proposed change/transfer

The existing Northwood Middle School and Farwell Elementary are both located on Parcel No. 36043.0122. Mead School District 354 plans to construct a new Northwood Middle School and leave the existing Farwell Elementary and old Northwood Middle School in place. A new irrigation well is also proposed to be constructed. All other water use by the schools (drinking, etc.) is provided by Spokane County Water District No. 3.

The new irrigation production well will be constructed east of the existing well within the SE¼SW¼, Sec. 4, T. 26 N., R. 43 E.W.M. The existing irrigation well will need to be decommissioned. A preliminary permit to drill a test well was issued by Ecology to the Mead School District on May 10, 2016. The 6 inch test well was constructed on June 7, 2016 to a completed depth of 178 feet. A well test was performed with a 15 hp pump and the well was pumped at 105 gpm (the maximum rate the 15 hp pump could produce). Based on the test, it was concluded that a new 12 inch well at this location could easily produce the 390 gpm that is authorized under this right.

Hydrogeologic Analysis

John Covert, hydrogeologist for Ecology's Water Resources Program reviewed the proposed Mead School District change in point of withdrawal for Groundwater Certificate 5595-A.

The existing and proposed point of withdrawal are both located within the SE¼SW¼ of Section 4 T. 26 N. R. 43 E. The school district constructed a test well (well tag BJG-551) at the proposed location. Both the existing point of withdrawal and the test well are completed within the Spokane Valley Rathdrum Prairie Aquifer. Both wells produce from the same body of public groundwater. No well interference issues are anticipated at the new location. The school district will be constructing a production well at the test well site.

Impairment Considerations

A review of Ecology records was conducted for existing water rights in the vicinity of the proposed new point of withdrawal in Sec. 4, T. 26 N., 43 E.W.M. No other rights were found that would be impaired by this change.

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.

Same Source of Water

The proposed new well will withdraw from the same body of public ground water as the original well under Ground Water Certificate No. 5595-A.

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, a valid right exists. This application to change the point of withdrawal will not enlarge the quantity of water identified, nor will it impair existing rights provided the terms and conditions are followed.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the request for change to Ground Water Certificate 5595-A 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:

- 390 gallons per minute
- 54 acre-feet per year
- Irrigation of 18 acres
- April 1 to October 31, each year

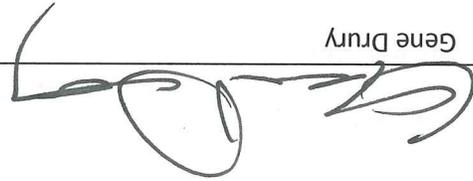
Point of Withdrawal

A well located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 26 N., R. 43 E.W.M. (Spokane County Parcel No. 36043.0132)

Place of Use

Tracts 127 to 130, inclusive; and Tracts 139 to 142, 1st Addition to City Gardens, Spokane County, Washington. (Spokane County Parcel Nos. 36043.0122, 36043.0131, 36043.0132)

Report by:



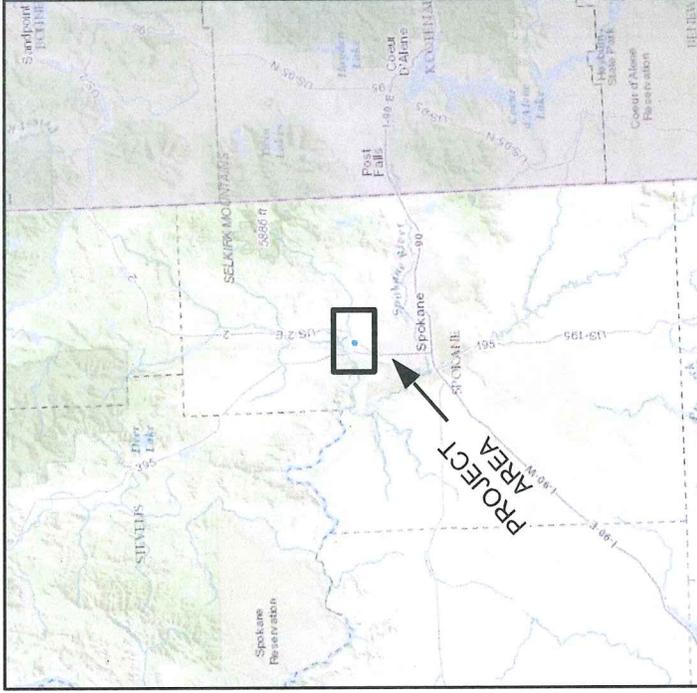
Gene Drury

8-30-2014

August 30, 2016

ATTACHMENT 1

Mead School District 354
5595-A
T26N/R43E



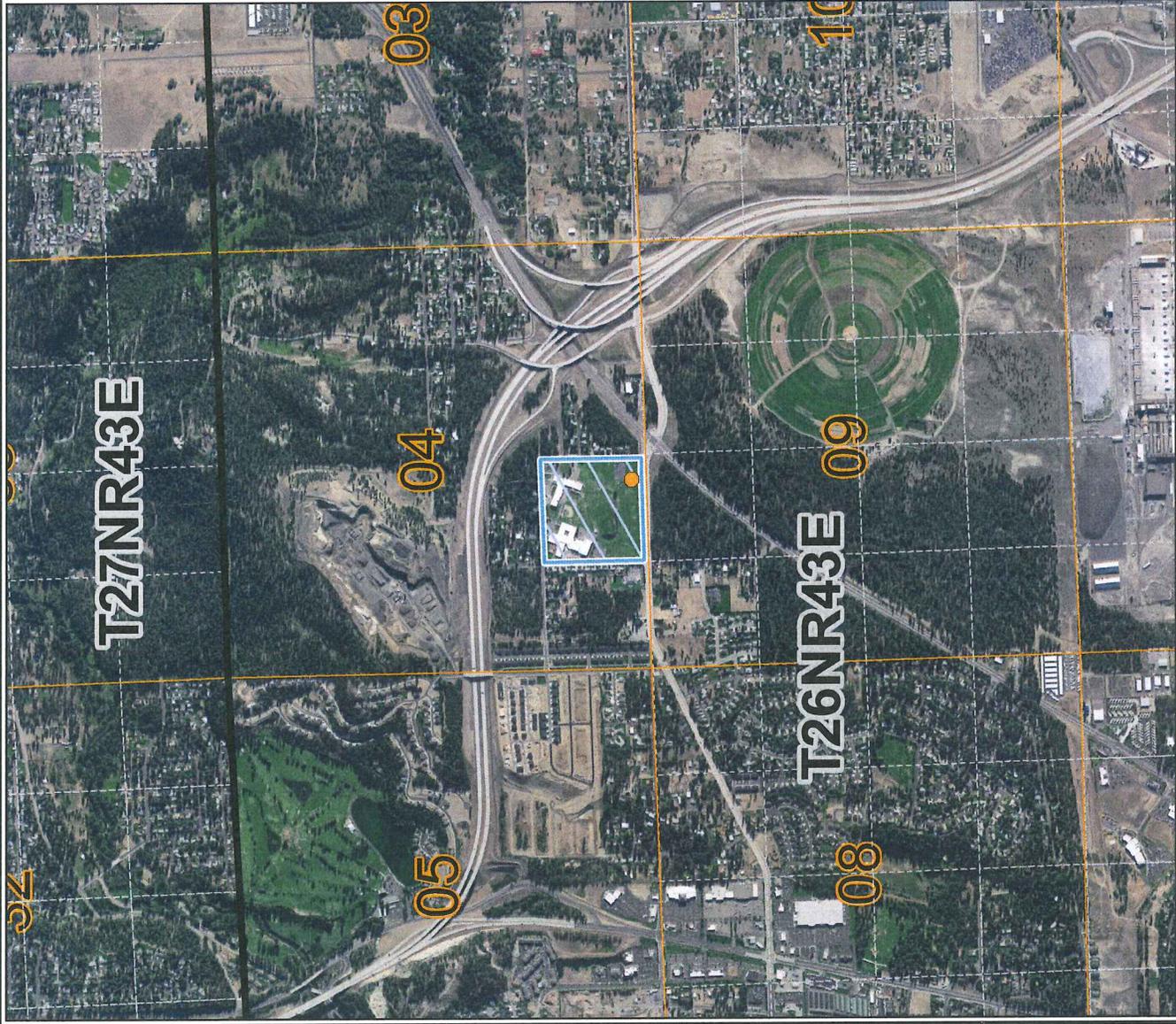
Basemap - (ESRI US Topographic Maps)

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.)



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.



Map Date: 8/16/2016

