

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

<b>PRIORITY DATE</b> August 1941	<b>WATER RIGHT NUMBER</b> 753-D
-------------------------------------	------------------------------------

<b>ADDRESS</b> Whitworth University 300 W. Hawthorne Road Spokane, WA 99251	
--	--

### Total Quantity Authorized for Withdrawal

<b>WITHDRAWAL RATE</b> 550	<b>UNITS</b> GPM	<b>ANNUAL QUANTITY (AF/YR)</b> 150
-------------------------------	---------------------	---------------------------------------

### Purpose

PURPOSE	WITHDRAWAL RATE (GPM)	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE
Municipal	550	150	01/01 - 12/31

### Source

SOURCE	COUNTY	WATERBODY	WATER RESOURCE INVENTORY AREA
Two (2) wells	SPOKANE	GROUNDWATER	55 - LITTLE SPOKANE

### Source Locations

Source Name	Parcel #	Well Tag	Twp	Rng	Sec	QQ	Latitude	Longitude
Well 1 (S01)	36185.9161	ABR783	26 N.	43 E.	18	SW¼NE¼	47.75424°N	-117.41768°W
Well 2 (S02)	36185.9161	ABR784	26 N.	43 E.	18	NW¼NE¼	47.75499°N	-117.41943°W

Datum: WGS84

**Place of Use (See Attached Map)**

Area served by Whitworth University. The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health.

**Proposed Works**

Two (2) wells, pumps, reservoir, distribution system

**Development Schedule**

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	Complete	In use

**Measurement of Water Use**

How often must water use be measured?	Weekly
How often must data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

**Provisions**

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.

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.

**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.

### **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-\*00734S, 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
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 28th day of April, 2015.



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>.

INVESTIGATOR'S REPORT  
 Gene Drury, Department of Ecology  
 Water Right Control Number CG3-\*00734S  
 Ground Water Certificate Number 753-D

**BACKGROUND**

This report serves as the written findings of fact concerning Water Right Change Application Number CG3-\*00734S.

**Application and Proposed Changes**

An application for change/transfer of water right was submitted by Whitworth University to the Department of Ecology, Water Resources Program on May 14, 2013. The applicant proposes to add one existing well, change the purpose and the place of use as granted under Ground Water Certificate No. 753-D. The proposed well is existing Whitworth University well #2 located within the NW¼NE¼ of Sec. 18, T. 26 N., R. 43 E.W.M. The proposed purpose of use is "municipal supply" and the proposed place of use is "Area served by Whitworth University".

**EXISTING Water Right Attributes**

<b>Recorded Name:</b>	Whitworth College
<b>Priority Date:</b>	August 1941
<b>Source</b>	A well (S01)
<b>GPM</b>	550
<b>AF/YR</b>	150
<b>Purpose of use</b>	Domestic supply and irrigation of 20 acres
<b>Place of Use</b>	Whitworth College buildings and grounds at Spokane, Washington
<b>County</b>	Spokane
<b>WRIA</b>	55 – Little Spokane

Source	Parcel #	Well Tag	Twp	Rng	Sec	QQ	Latitude	Longitude
Well 1 (S01)	36185.9161	ABR783	26 N.	43 E.	18	SW¼NE¼	47.75424°N	-117.41768°W

GPM = Gallons per minute; AF/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

**REQUESTED Water Right Attributes**

<b>Applicant Name:</b>	Whitworth University
<b>Date of Application:</b>	May 14, 2013
<b>Source</b>	Two (2) Wells (S01, S02)
<b>GPM</b>	550
<b>AF/YR</b>	150
<b>Purpose of use</b>	Municipal supply
<b>Place of Use</b>	Area served by Whitworth Water District #2 in accordance with the most recently approved Water System Plan

Source	Parcel #	Well Tag	Twp	Rng	Sec	QQ	Latitude	Longitude
Well 1 (S01)	36185.9161	ABR783	26 N.	43 E.	18	SW¼NE¼	47.75424°N	-117.41768°W
Well 2 (S02)	36185.9161	ABR784	26 N.	43 E.	18	NW¼NE¼	47.75499°N	-117.41943°W

GPM = Gallons per minute; AF/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

## **Legal Requirements for Proposed Change**

The following is a list of requirements that must be met prior to authorizing the proposed change.

### **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 August 13 and 20, 2013. 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.

### **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.

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.

RCW 90.03.386(2) states that a municipal water supplier may change its service area through the water system plan approval process. As long as the municipal water supplier is in compliance with the approved plan, the place of use for the water right is the service area of the plan.

## INVESTIGATION

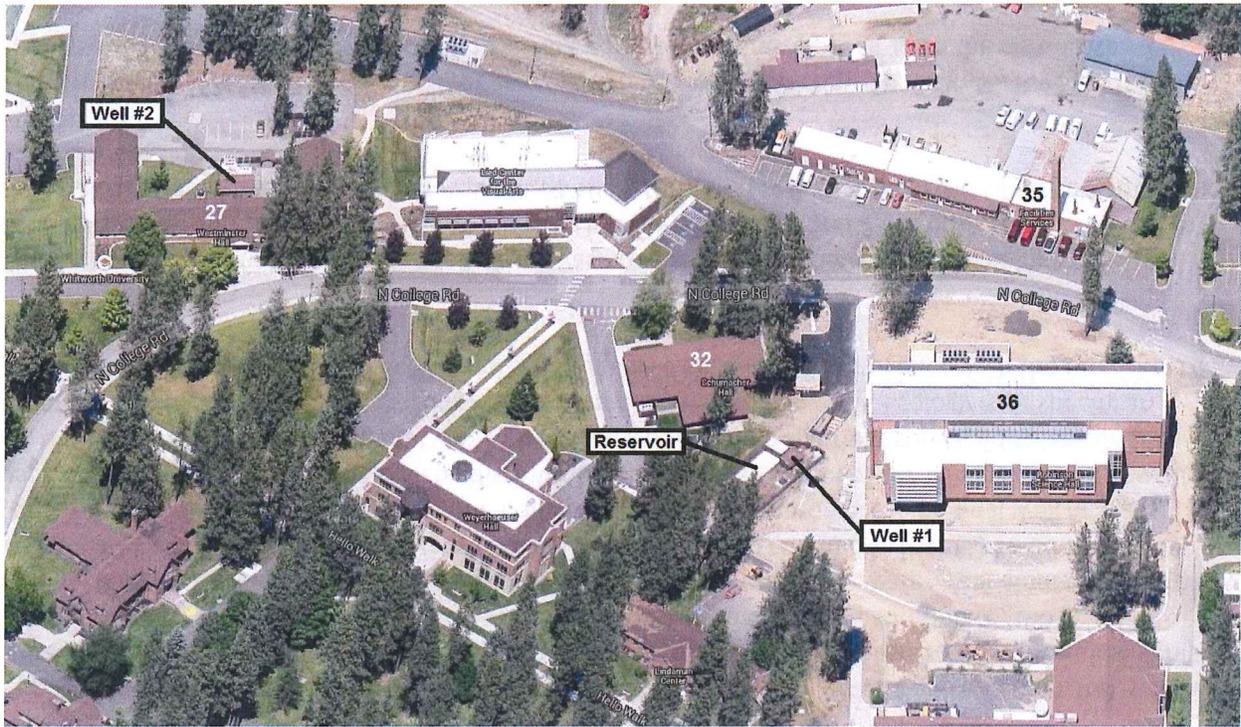
In considering the proposed change, the investigation included, but was not limited to the following:

- Appropriate Washington State RCW's and WAC's
- Ground Water Certificate No. 753-D
- Ground Water Certificate No. G3-28270C
- Ecology's Water Rights Tracking System (WRTS) and Well Log Database
- USGS topographic maps and aerial photography
- Site visit and conversations with Whitworth staff
- Review by Department of Ecology regional program staff

A field investigation was conducted by Gene Drury on March 31, 2015 at Whitworth University with Chris Eichorst (Director of Facilities Services), Jeremiah White (General Trades Carpenter/Well Tech), Travis Curl (Plumber) and Mike Hagen (Plumber).

Whitworth University is located in northern Spokane, Washington just north of Hawthorne Road and west of N. Division Street (US Route 395). As of 2007, "Whitworth College" is now a "University" and has a campus size of approximately 200 acres and an enrollment of 3,000 students. The University operates its own water system and pumps ground water from two (2) existing wells located on the campus. The wells are authorized under existing water rights held by the University. They are recorded under Ground Water Certificate Nos. 753-D and G3-28270C. The University does have an emergency intertie with Whitworth Water District #2 for fireflow purposes.





**Certificate No. 753-D**

Ground Water Certificate 753-D, with a priority of August 1941, was issued to “Whitworth College” on October 15, 1948. The certificate authorized withdrawal of 550 gallons per minute and 150 acre-feet per year, for domestic supply and irrigation of 20 acres from one well (Well S01). The certificate authorized the original Well #1 located within the SW¼NE¼ of Sec. 18, Township 26 N., Range 43 E.W.M. in Spokane County, Washington. Well #1 was constructed in 1941 to a depth of 197 feet. The well has two vertical turbine pumps installed and water use is metered. This well does need some improvements and is primarily used by the University for emergency/backup purposes.

**Certificate No. G3-28270C**

Whitworth University does have one other water right recorded under Ground Water Certificate No. G3-28270C. This right, with a priority date of January 9, 1987, authorizes two (2) wells in the amounts of 1,450 gallons per minute and 760 acre-feet per year, continuously for community domestic supply, fire protection and seasonal non-agricultural irrigation of 100 acres. This right also authorizes the same Well #1 under Certificate 753-D. The total combined withdrawal under G3-28270C and 753-D is limited to 2,000 gallons per minute and 760 acre-feet per year. Well #2 was drilled in 1986 to a total depth of 282 feet. The well contains one 125 horsepower vertical turbine pump and is metered. This is the primary well used by the University. The University will be filing a request to conform this certificate to “municipal supply” as allowed under RCW 90.03.560.

**Beneficial Use/Water Use Data**

Both of the existing two wells are currently used at the University for municipal supply purposes. The University claims that it has maintained its water right under Certificate 753-D by pumping the water from its existing well #2, which is the same body of public ground water as well #1. The full 150 acre-feet

per year has been perfected under Certificate 753-D. Water use from the older well #1 is lower than normal because it is in need of repairs. It is currently serving as the University's emergency/backup well.

The University provides municipal water to over 35 buildings/structures on the campus and irrigates approximately 100 acres of non-agricultural land including, lawns, landscaped areas, ball fields, etc. The University currently pumps about 1600 gallons per minute from the well #2 and 470 gallons per minute from well #1, as needed. 2,000 gallons per minute is authorized from both wells.

**Well #1 - Annual Water Use (AF):**

2009	2010	2011	2012	2013	2014
37.53	25.47	2.56	38.83	14.14	22.92

**Well #2 - Annual Water Use (AF):**

2009	2010	2011	2012	2013	2014
281.00	294.73	334.71	249.49	288.02	213.15

**Whitworth University - Annual Water Use in Acre-feet per year (AF):**

2009	2010	2011	2012	2013	2014
318.53	320.20	337.27	288.32	302.16	236.07

Whitworth University qualifies as a "municipal water supplier" as defined under RCW 90.03.015(3) and has used water for municipal supply purposes under its water rights within the authorized place of use. Because Whitworth is a municipal water supplier, the purpose of use is being changed under Certificate 753-D in accordance with RCW 90.03. 015. The place of use is also being changed to be consistent with RCW 90.03.386(2).

**Hydrogeologic Analysis and Impairment Considerations**

Applications for change of water right permits and certificates are governed by RCW 90.44.100, which states in part that 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. Any amendment shall be issued by the Department of Ecology (Ecology) only under the conditions that (1) an 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) all existing water rights shall not be impaired. Ecology may specify an approved manner of well construction and shall require a showing of compliance with the provisions of the amendment.

The hydrogeologic analysis for this application was provided by John Covert, hydrogeologist for Ecology's Water Resources Program. Whitworth University's Wells 1 and 2 are both completed within the Spokane Valley Rathdrum Prairie Aquifer. As such, they are producing from the same body of public groundwater.

The two wells are located about 500 feet apart within the NE¼ of Section 18, T. 26 N., R.43 E. This change application will add Well 2 to the existing point of withdrawal, Well 1, on the certificate.

Approving this change will not cause impairment to the instream flow adopted for the Spokane River, WAC 173-557. The applicant is adding a well that is located further from the control station and downstream from the original point of withdrawal. This slight shift (as they are only 500' apart) in the pumping stress will not cause an increase in impairment to the Spokane River because it would, if anything, decrease the pumping impact to the River resulting from the wells associated with this change. This change will not result in an enlargement or enhancement of the original right.

A review of Ecology WRTS database was also conducted for existing water rights, permits, and claims within Sec. 18, T. 26 N., R. 43 E.W.M. The search found no other existing water rights in the area.

## **CONCLUSIONS**

There is a water right available for change under Ground Water Certificate No. 753-D.

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:

It is not anticipated that the proposed change/transfer would cause impairment to existing water rights.

### 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 any detrimental impact to the public welfare through issuance of the proposed change/transfer.

### 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:

The ground water to be withdrawn is supplied by the same body of public water.

## **RECOMMENDATIONS**

Based on the above investigation and conclusions, I recommend that this request for a water right change be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

**Authorized Quantities and Purpose of Use**

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:

**Quantities:**

550 gallons per minute and 150 acre-feet per year

The total combined withdrawal under Ground Water Certificate Nos. 753-D and G3-28270C is limited to 2,000 gallons per minute and 760 acre-feet per year.

**Purpose of Use:**

Municipal Supply purposes

**Points of Withdrawal:**

Two (2) wells located as follows:

Source #	Location
Well 1 (S01)	SE¼NE¼ of Sec. 18, T. 26 N., R. 43 E.W.M.
Well 2 (S02)	NW¼NE¼ of Sec. 18, T. 26 N., R. 43 E.W.M.

**Place of Use:**

The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program 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.



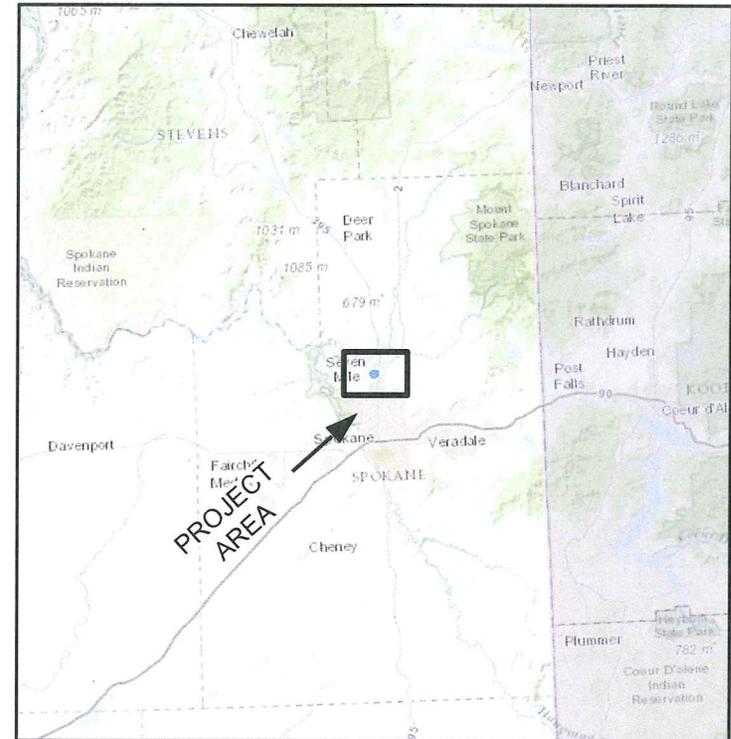
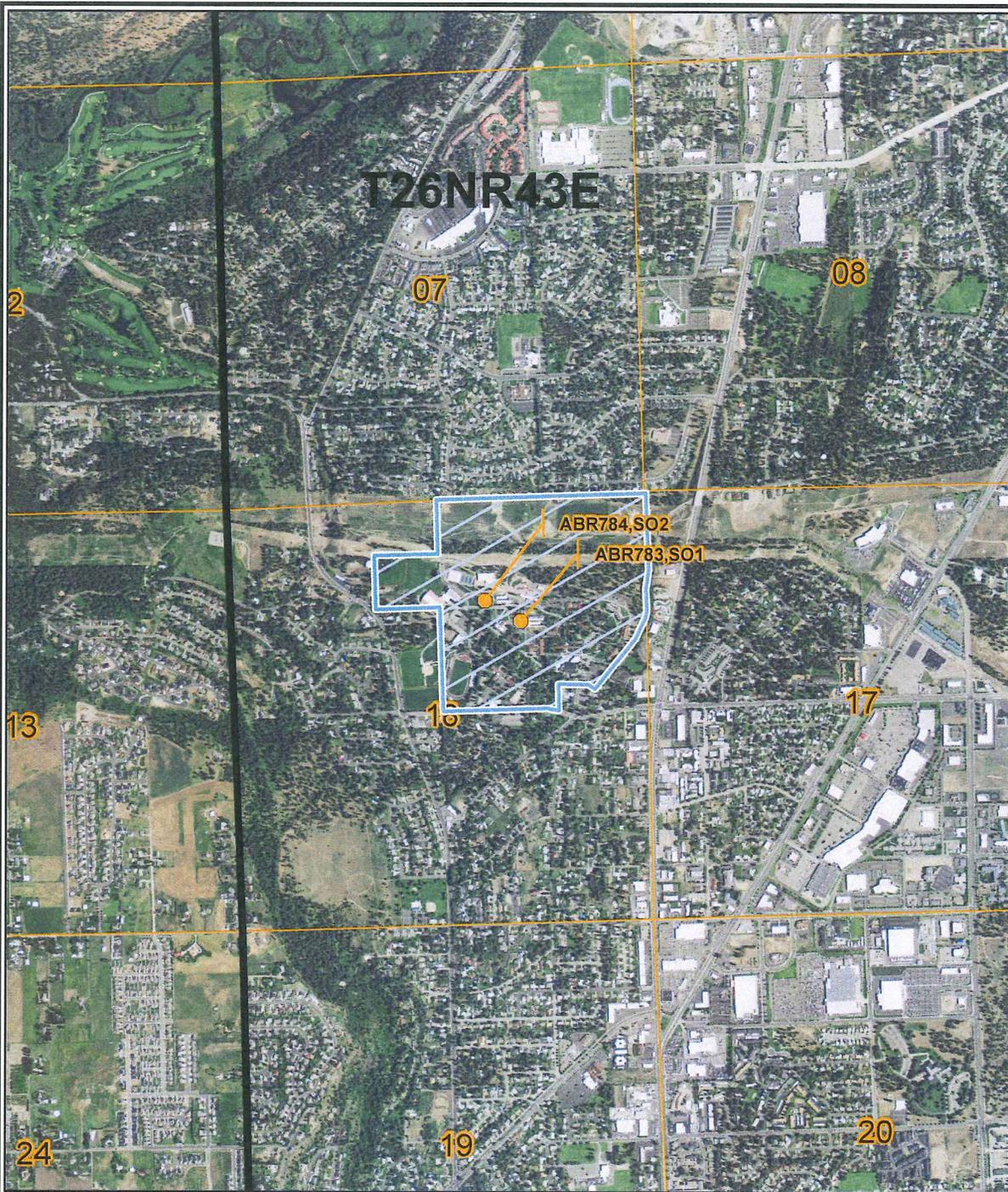
Gene Drury, Report Writer

4-28-2015

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.*

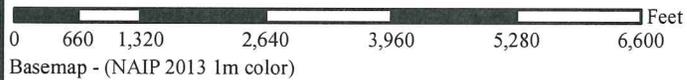
Whitworth University  
753-D  
T26N/R43E



Basemap - (ESRI US Topographic Maps)

**Legend**

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



Basemap - (NAIP 2013 1m color)



Map Date: 4/20/2015



**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.