



State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE
May 14, 2015

WATER RIGHT NUMBER
G3-30739

NAME & ADDRESS
City of Newport
200 S. Washington Avenue
Newport, WA 99156

Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY	UNITS
350	GPM	320	AF/YR

Purpose

PURPOSE	WITHDRAWAL RATE	ANNUAL QUANTITY	PERIOD OF USE (mm/dd)
Municipal	350 GPM	320 AF/YR	01/01 - 12/31

Source

SOURCE	COUNTY	WATERBODY	WATER RESOURCE INVENTORY AREA
Eleven (11) wells	PEND OREILLE	GROUNDWATER	62
PUBLIC WATER SYSTEM INFORMATION		WATER SYSTEM ID	APPROVED CONNECTIONS
City of Newport, Washington		59350	1196

Source Locations

Source	Parcel #	Well Tag	Twp	Rng	Sec	QQ	Latitude	Longitude
Well B	N/A	AHC032	31N	45E	24	SE¼NE¼	48.17523°N	117.04845°W
Well C	N/A	AHC026	31N	45E	24	SE¼NE¼	48.17402°N	117.04728°W
Well D	N/A	AHC030	31N	45E	24	NE¼SE¼	48.17333°N	117.05240°W
Well E	N/A	AHC031	31N	45E	24	NE¼SE¼	48.17334°N	117.05237°W
Well F	N/A	AHC027	31N	45E	24	SE¼NE¼	48.17425°N	117.04939°W
Well G	N/A	AHC028	31N	45E	24	SE¼NE¼	48.17436°N	117.04987°W
Well H	N/A	AHC033	31N	45E	24	NW¼NE¼	48.17875°N	117.05763°W
Well I	N/A	AHC029	31N	45E	24	SE¼NE¼	48.17447°N	117.05034°W
Well J	N/A	BAF333	31N	45E	24	SW¼NE¼	48.17649°N	117.05344°W
Well K	N/A	BAF335	31N	45E	24	SW¼NE¼	48.17628°N	117.05415°W
Well M	N/A	N/A	31N	46E	19	SW¼SW¼	48.16962°N	117.04523°W

Datum: WGS84

Place of Use (See Attached Map)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Area served by the City of Newport. The place of use (POU) of this water right is the service area described in the most recent Water System Plan 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

Eleven (11) wells, pumps, reservoirs and distribution system

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
September 1, 2018	September 1, 2020	September 1, 2046

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

Existing water rights for the City of Newport including this authorization total 1,034 gallons per minute and 1,418 acre-feet per year, continuously, for municipal supply (Under G3-30739, Ground Water Certificate Nos. G3-22797C, G3-25887C and G3-26830C).

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 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. An air line and gauge may be installed in addition to the access port.

Measurements, Monitoring, Metering and Reporting

An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

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.

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 of use is beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. G3-30739, 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 27th day of April, 2016.



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

Application for Water Right – City of Newport
 Water Right Control Number G3-30739

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number G3-30739. The City of Newport submitted an application to increase the instantaneous and annual rate of withdrawal for municipal supply use for Newport, Washington.

Applicant Name:	City of Newport
Date of Application:	May 14, 2015
Place of Use:	Area served by City of Newport

County	Water Body	Tributary To	WRIA
Stevens	Groundwater	---	59- Colville

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Municipal	350	GPM	320	01/01	12/31

Source	Parcel #	Well Tag	Twp	Rng	Sec	QQ	Latitude	Longitude
Well B	N/A	AHC032	31N	45E	24	SE¼NE¼	48.17523°N	117.04845°W
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Datum: WGS84

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.

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 *Newport Miner* on October 7 and 14, 2015.

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 September 30, 2015 with Ray King, City of Newport Administrator. The investigation included, but was not limited to, research and review of: (1) appropriate rules and statutes, (2) Ground Water Certificate Nos. G3-22797C, G3-25887C and G3-26830C and other water rights/claims/applications in the vicinity, (3) water well reports for the applicant's wells, (4) USGS topographic maps, (5) City of Newport Water System Plan prepared by Welch-Comer & Associates, January 2016, (6) discussions with Ray King, City of Newport, Ashley Williams of Welch-Comer and Necia Maiani and (7) discussions with Department of Ecology regional program staff.

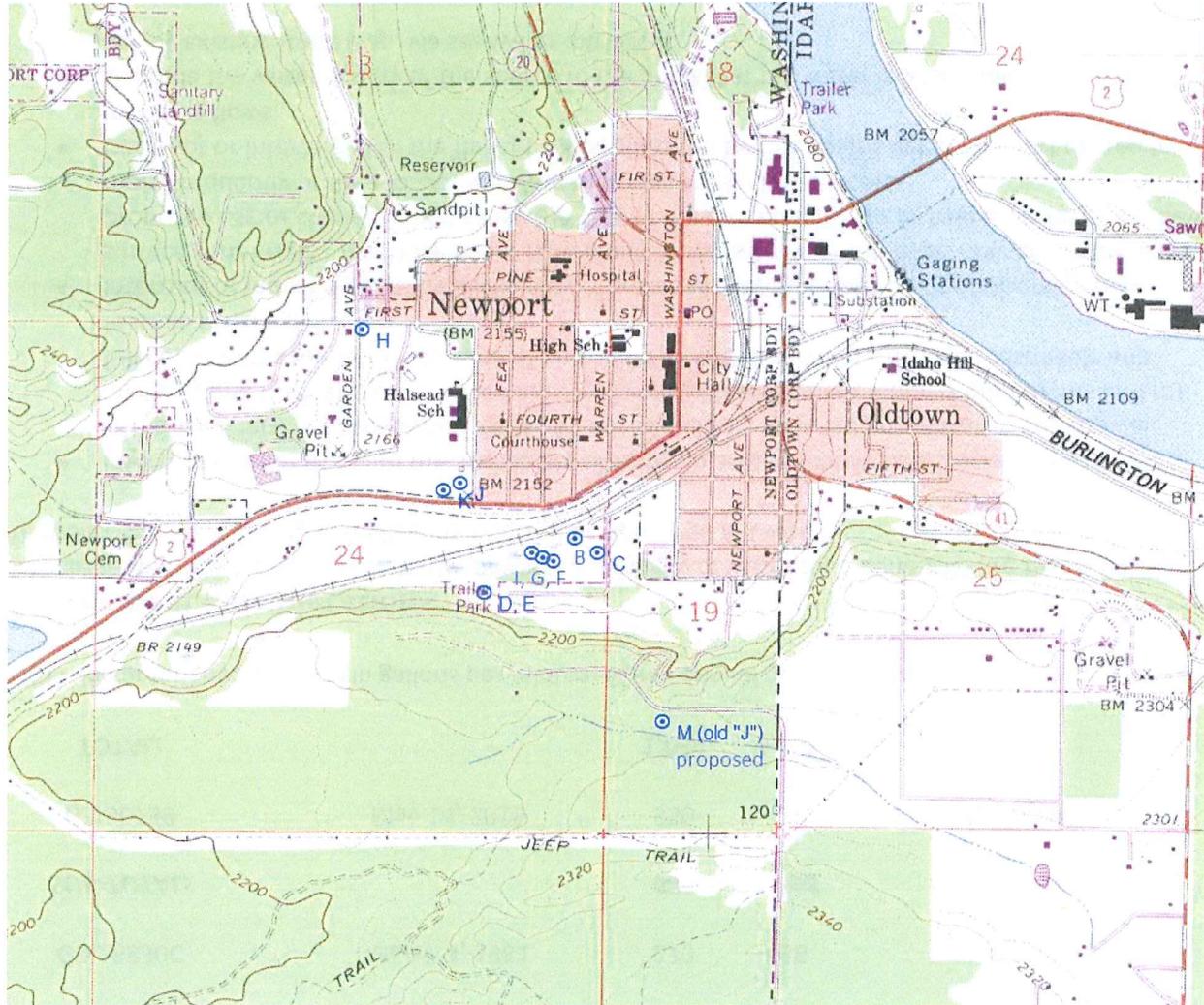
The City has asked for an increase in authorized instantaneous rate of 350 gallons per minute and 320 acre-feet per year. The City proposes to increase the instantaneous and annual pumping rate for the City of Newport Water System. The City currently has enough water for the 20 year forecasted water use as identified its water system plan but needs additional water to meet future build out of the system (beyond the 20 year projection). The water system currently serves 923 connections (723 residential and 200 commercial) and is approved for 1196 total connections. The current population of Newport is 2,140 persons (2013 Census).

The current water system has ten wells. The system operates an Upper Zone consisting of Wells D & E and a Lower Zone consisting of Wells B, C, F, G, H, I, J and K. Wells B, D, E and F are primarily used for the water system. Wells B and F are seasonal wells. The other wells are used for emergency/back-up supply. Well C is not connected to the system and contains high manganese levels. Wells C and I were originally to be decommissioned and were removed from the water rights in 2009. However, the City wishes to keep these wells as standby sources and so they will be added back to the City's water rights.

The City had originally intended to drill a new Well "L" near the Pend Oreille River in Sec. 18, T. 31 N., R. 46 E.W.M. but has since dropped these plans. The City instead decided to drill new Wells J and K in 2015 under RCW 90.44.100 within the SW¼NE¼ of Sec. 24, T. 31 N., R. 45 E.W.M. An additional new Well M is

scheduled to be constructed soon and was formally identified as Well “J” in previous Ecology change decisions. The location of Well M (Old “J”) was approved in Change Reports of Examination issued by Ecology on June 9, 2009 under existing water rights.

CITY OF NEWPORT – WELL LOCATIONS



USGS 7.5 Minute (Topographic Map) - "Newport"

The City has two storage reservoirs of 1.2 million gallons and 900,000 gallons. A 400,000 gallon tank is also proposed to increase fire flow for the City.

WATER USE – City of Newport

YEAR	ACRE-FEET
2011	533
2012	502
2013	518
2014	471
2015	352

The existing water use is authorized under Ground Water Certificates Nos. G3-22797C, G3-25887C and G3-26830C for a total of 684 gallons per minute and 1098 acre-feet per year. The City integrated these three water rights in 2009. The City is moving away from relying on the spring water from West Bonner. The lower water use totals in recent years are attributed to the City installing new meters on its sources and addressing water main leaks and system losses. Also, 2015 was a drought year and customer use was reduced.

CITY OF NEWPORT WATER RIGHTS

WATER RIGHT	PRIORITY DATE	Q(i)	Q(a)	USE
G3-22797C	March 1, 1974	344	550	Municipal Supply
G3-25887C	March 20, 1978	70	112	Municipal Supply
G3-26830C	March 4, 1981	270	436	Municipal Supply
<i>SUB-TOTAL:</i>		<i>684</i>	<i>1,098</i>	
G3-30739	May 14, 2015	350	320	Municipal Supply
TOTAL:		1,034	1,418	

Q(i) = instantaneous quantity in gallons per minute; Q(a) = annual quantity in acre-feet per year

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).

The existing Newport wells have been in use for quite some time with no reported well interference issues. A review of Ecology records was also conducted for other water rights in the vicinity of the Newport points of withdrawal. The additional quantity is available for withdrawal and proposed use will not impair existing water rights.

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.

Hydrologic/Hydrogeologic Evaluation

The hydrogeologic analysis for this application was provided by John Covert, hydrogeologist for Ecology's Water Resources Program.

The existing City of Newport wells are described as follows:

CITY OF NEWPORT WELLS

Well#	Well ID	Year	Depth	Diameter	Casing	SWL	HP	GPM
B	AHC032	1974	76	8	51	6	7.5	180
C	AHC026	1974	100	8	70	10	7.5	100
D	AHC030	1978	67	8	56	6	20	260
E	AHC031	1990	105	10	90	21	15	150
F	AHC027	1990	80	8	70	19	7.5	120
G	AHC028	1990	90	8	70	22	7.5	120
H	AHC033	1995	160	8	70	21	7.5	70
I	AHC029	1996	70	8	70	10	2	30
J	BAF333	2015	138	8	138	47	2	30
K	BAF335	2015	93	8	88	47	2	20
M	N/A	--	--	--	--	--	--	--

Note: Well J and K were constructed under existing rights per RCW 90.44.100(3) Showing of Compliance

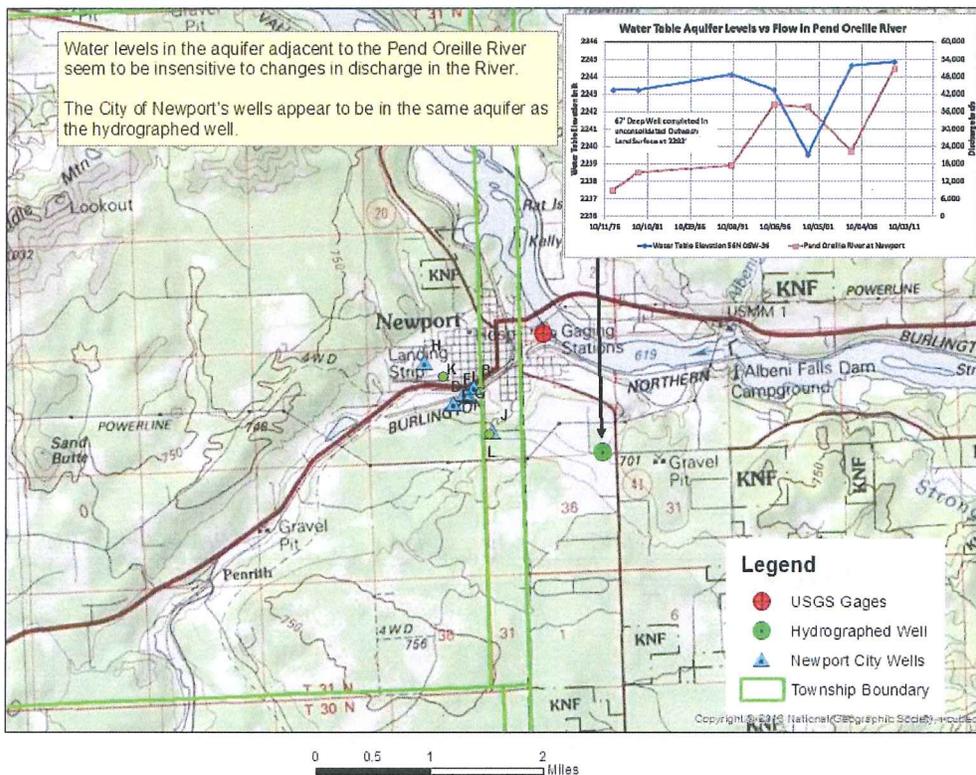
The wells currently being utilized by the City are all producing water from an unconfined sand and gravel aquifer. The unconsolidated sediments overlie a granitic basement complex. Well "F" tagged decomposed granite at a depth of 105'. Well J tagged decomposed granite at 148' (before being completed to a final depth of 138'). These wells are all producing water from the same body of public groundwater. The water table elevation in these wells is typically about 100' higher than the Pend Oreille River's normal river elevation at the nearby gage.

The previously approved, but to date undrilled new well (M) located in the SW¼SW¼ of Sec. 19, T. 31 N., R. 46 E.W.M. will need to be completed within the unconsolidated sediments as that well was integrated with the City's other water rights on a previous change.

Since the mid 1970s the USGS has been periodically measuring the water level in an unconsolidated sand and gravel well in the NE ¼ NE ¼ of Section 36, T. 56 N., R. 06 W. in Bonners County, Idaho. This well is located about a mile SE of Newport's existing wells. The monitored well and the City's existing wells are completed in similar lithologies and are spatially about the same distance from the Pend Oreille River. Overlaying the head in this well with the flow in the Pend Oreille River at the Newport USGS gage demonstrates that the water level in the unconsolidated aquifer is insensitive to changes in the discharge of the adjacent river. Flows in the river change by 30,000 cfs yet the head in the aquifer varies by less than one foot and higher flows don't always correspond to higher heads. While this aquifer is likely tributary to the Pend Oreille River, it is clearly not in bank storage nor is it likely that regulation of groundwater pumping from the unconsolidated aquifer in this area would be beneficial to protecting instream flows during a regulatory event. When bank storage wells are regulated, the effect on the adjacent streamflow is essentially instantaneous and therefore it makes sense to provision such rights to protect an instream flow.

The City's existing and proposed new wells are producing water from an aquifer that is tributary to but not in bank storage with the Pend Oreille River. The heads measured in the City's wells are around 100' higher in elevation than the pool elevation of the river downstream from the dam. These unconsolidated aquifer wells will not need to be provisioned as interruptible to the minimum flows typically applied to groundwater rights located near the Pend Oreille River. Flows would not respond in a timely manner to the cessation of pumping during a regulatory event at these well sites.

Water Table Wells near Newport vs Pend Oreille Flows



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 in the amount of 350 gallons per minute, 320 acre-feet per year, continuously, for municipal supply 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.

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:

Quantity

350 gallons per minute; 320 acre-feet per year

Purpose of Use

Municipal Supply

Points of Withdrawal

Eleven (11) wells

Place of Use

Area served by the City of Newport. The place of use (POU) of this water right is the service area described in the most recent Water System Plan 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.



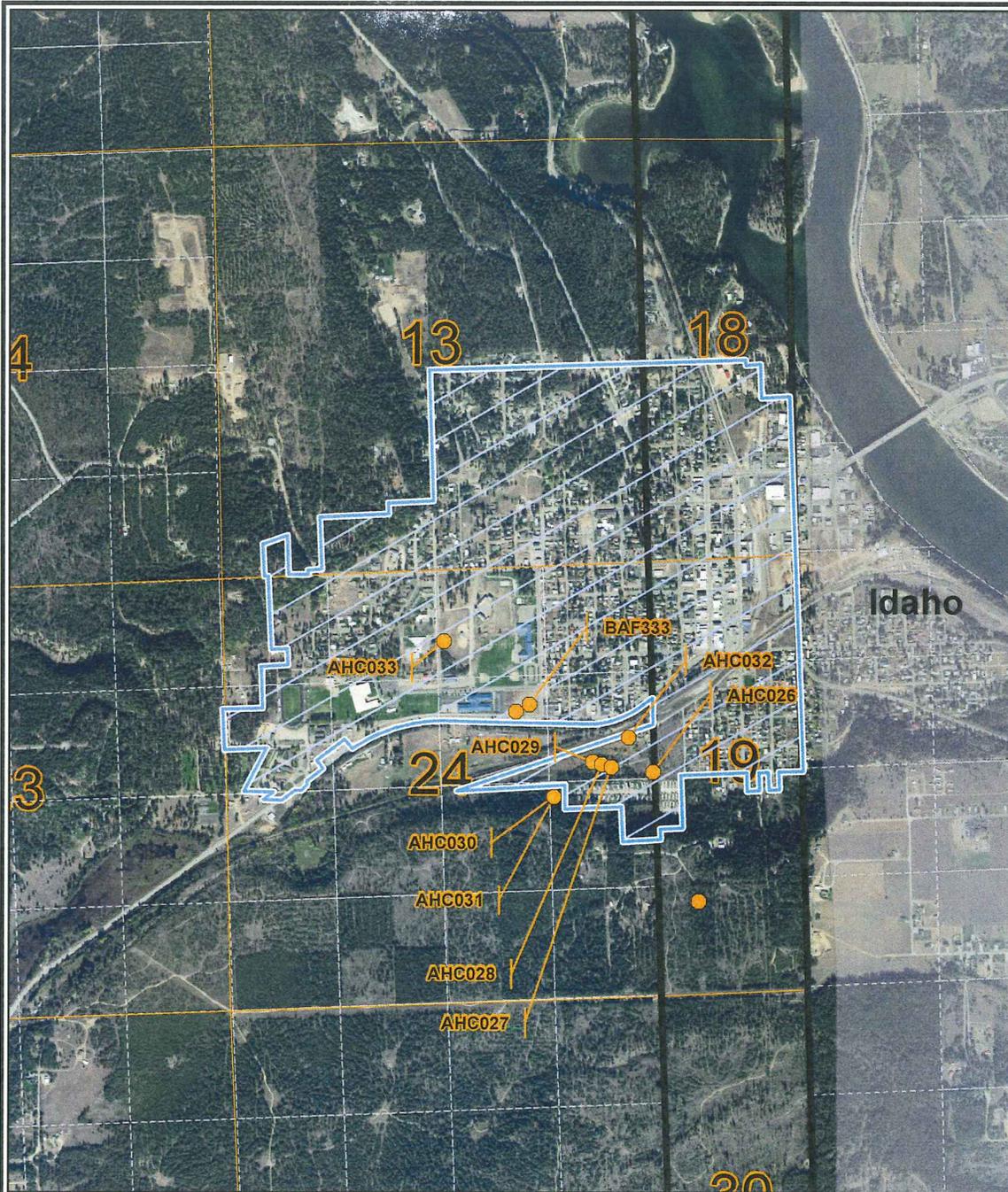
Gene Drury, Report Writer

4-27-2014

Date

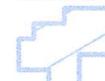
If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

City of Newport
 G3-30739
 T31N/R45E, T31N/R46E



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.)



Basemap - (NAIP 2015 Air Photo)



Map Date: 4/14/2016



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.